

Queensland

REEF WATER QUALITY

Program



Reef protection regulations
Farming in Reef catchments

Applying for an environmental authority to undertake commercial cropping and horticulture

(Environmentally relevant activity 13A)

Prepared by: Department of Environment, Science and Innovation

© State of Queensland, 2021

The Queensland Government supports and encourages the dissemination and exchange of its information. The copyright in this publication is licensed under a Creative Commons Attribution 4.0 Australia (CC BY) licence.



Under this licence you are free, without having to seek our permission, to use this publication in accordance with the licence terms.

You must keep intact the copyright notice and attribute the State of Queensland as the source of the publication.

For more information on this licence, visit <http://creativecommons.org/licenses/by/4.0/au/deed.en>

Disclaimer

This document has been prepared with all due diligence and care, based on the best available information at the time of publication. The department holds no responsibility for any errors or omissions within this document. Any decisions made by other parties based on this document are solely the responsibility of those parties. Information contained in this document is from a number of sources and, as such, does not necessarily represent government or departmental policy.

If you need to access this document in a language other than English, please call the Translating and Interpreting Service (TIS National) on 131 450 and ask them to telephone Library Services on +61 7 3170 5470.

This publication can be made available in an alternative format (e.g. large print or audiotape) on request for people with vision impairment; phone +61 7 3170 5470 or email <library@des.qld.gov.au>.

May 2021

Contents

Glossary	4
1. Purpose of this guide.....	5
2. When a permit is required	7
2.1 Checklist.....	7
2.2 Examples.....	8
3. Applying for a permit	9
3.1 Who needs to apply.....	9
3.2 Ensuring you are a registered suitable operator	9
3.3 Application types	9
3.4 Discussing your application with the department	12
3.5 Obtaining and submitting an application form	12
3.6 Paying the application fee	13
4. Standard applications.....	13
4.1 Preparing a standard application	13
4.2 After you have submitted your standard application	13
5. Variation applications	14
5.1 Preparing a variation application.....	14
5.2 After you have submitted your variation application	14
6. Site-specific applications.....	15
6.1 Preparing a site-specific application.....	15
6.2 After you have submitted your site-specific application	15
7. Amendment applications.....	16
7.1 Preparing an amendment application	16
7.2 After you have submitted your amendment application	16
8. Minimum information requirements for variation, site-specific and amendment applications.....	17
9. Complying with a permit.....	21
10. Dealing with your permit after approval.....	22
10.1 Combining (i.e. amalgamating) two permits.....	22
10.2 Transferring a permit	22
10.3 Surrendering or suspending your permit.....	22
Application-led surrenders and suspensions	22
Department-led surrenders and suspensions.....	22
Appendix A: How to use Queensland Globe to obtain area, watercourse and wetland data	24
Getting started.....	24
How to obtain area data	25
How to obtain watercourse and wetland data	26

Glossary

Activity: Means **commercial cropping and horticulture** as defined in schedule 2, part 2A, section 13A of the Environmental Protection Regulation 2019.

Activity area: Means the area(s) of land where the **activity** is being carried out.

Great Barrier Reef catchment: As defined in Chapter 4A of the *Environmental Protection Act 1994* 'The Great Barrier Reef catchment is the area shown on a map prescribed by regulation as the Great Barrier Reef catchment.' The area is shown on the Great Barrier Reef catchment and **river basins** map, accessible from www.qld.gov.au/ReefRegulations.

Measures: Means an action or procedure planned and implemented to minimise the risk to the environment of releases of fine sediment or dissolved inorganic nitrogen into the environment as a result of the **activity**.

Natural waterway: Means all or any part of a natural waterway (including bed and bank), including a creek, river, stream, lake, lagoon, swamp, wetland, spring, non-tidal or tidal waters (including the sea) that drain to the **Great Barrier Reef catchment**.

Preparatory works: Means work, other than building work, plumbing work or drainage work, carried out to prepare land for the activity, including, for example:

- (a) excavating or filling the land, or
- (b) clearing or destroying vegetation on the land, or
- (c) ploughing the land, or otherwise preparing soil on the land for planting, or
- (d) other work in, on, over or under the land that materially affects the land or its use.

See section 13A, Schedule 2 of the Environmental Protection Regulation 2019.

Receiving waters: Means any *waters* into which the **activity area** drains. *Waters* has the meaning as in the *Environmental Protection Act 1994* 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 waterways, bed and bank of any waters, non-tidal or tidal waters (including the sea), and underground water.

For the purposes of this commercial cropping and horticulture guideline, receiving waters also includes structures or features which may reasonably be expected to drain to *waters* including a stormwater channel, stormwater drain, or roadside gutter.

River basin: Means each part of the **Great Barrier Reef catchment** shown as a river basin on the **Great Barrier Reef catchment** and river basins map. See section 75 of the *Environmental Protection Act 1994* and [section 2.6](#) of this guide.

1. Purpose of this guide

This guide helps growers to determine if they need a permit (i.e. an environmental authority) to undertake commercial cropping and horticulture in the **Great Barrier Reef catchment** ([Figure 1](#)) and, if so, what type of application to make and how to apply.

If your permit is approved, you will be required to prevent impacts to water quality from the cropping or horticulture **activity** by designing, implementing and maintaining **measures** and structures to minimise fine sediment and dissolved inorganic nitrogen entering **receiving waters**. These requirements are part of the Reef protection regulations that aim to protect the health of the Great Barrier Reef by reducing pollutant run-off reaching waterways that flow to the Reef.

The information in this guide:

- helps you determine if you need a permit before starting an activity ([section 2](#))
- helps you identify what type of application you need ([section 3](#))
- describes what you need to do to complete a
 - standard application ([section 4](#))
 - variation application ([section 5](#)) or
 - site-specific application ([section 6](#))
- explains what you need to do to amend your permit if your situation or **activity** changes ([section 7](#))
- sets out the minimum information you need to provide with a variation, site-specific or amendment application ([section 8](#))
- outlines what you must do when you have a permit ([section 9](#))
- describes the permit management options you have when circumstances change ([section 10](#)).

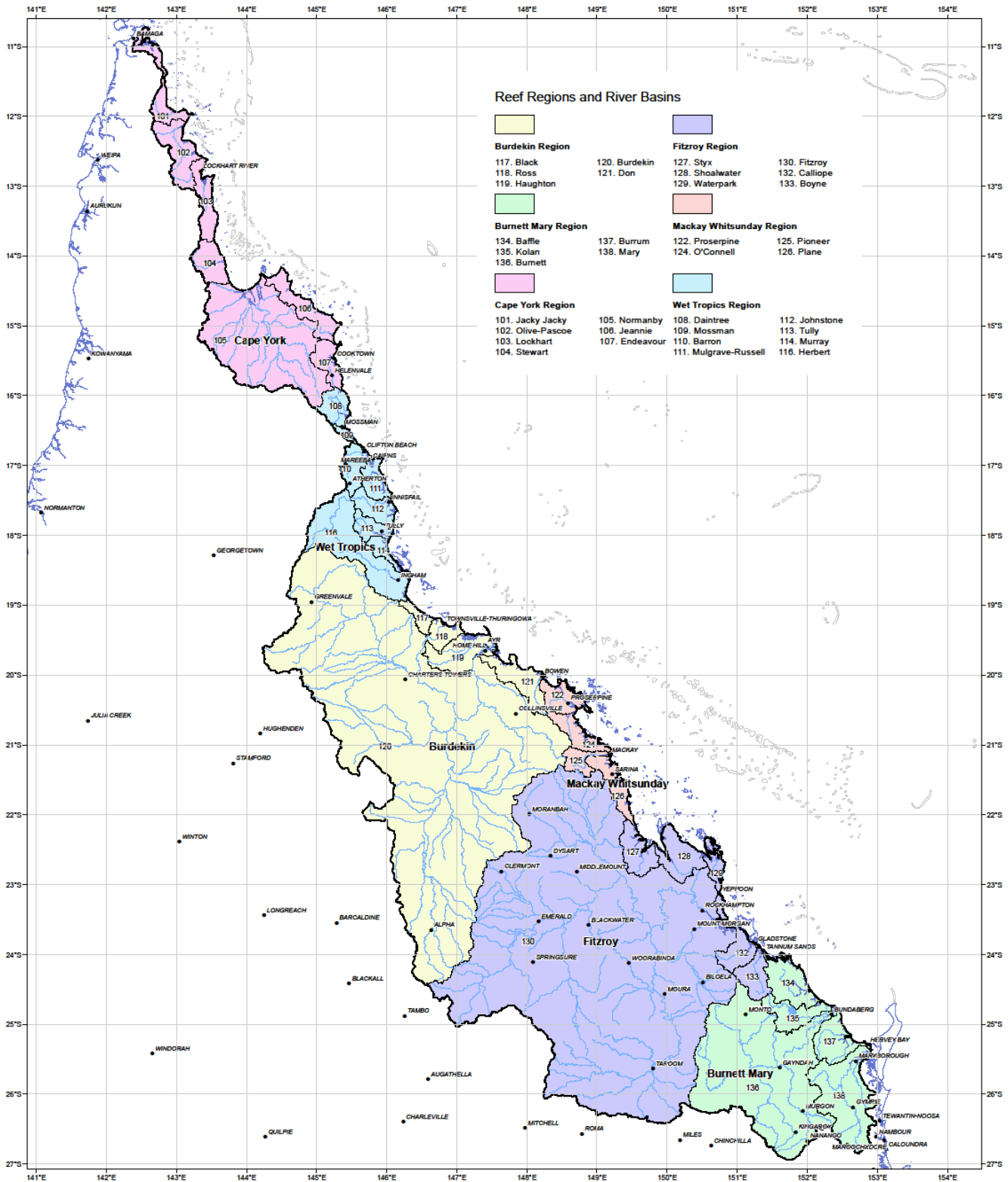
In addition to your permit, you must also comply with any agricultural environmentally relevant activity (ERA) standard that applies to the **activity**. For example, if you are carrying out:

- sugarcane cultivation, you must also comply with the agricultural ERA standard for sugarcane cultivation (see www.qld.gov.au/environment/agriculture/sustainable-farming/reef/reef-regulations/producers/sugarcane)
- banana cultivation, you must also comply with the agricultural ERA standard for banana cultivation (see www.qld.gov.au/environment/agriculture/sustainable-farming/reef/reef-regulations/producers/bananas).

This permit does not exempt you from other legislative requirements, including managing acid sulfate soils and requirements under the *Water Act 2000* and the *Vegetation Management Act 1999*.

Terms that are defined in the [glossary](#) are **bold** when they are used in the main body of this guide.

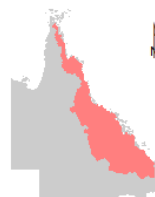
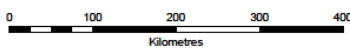
This guide explains a range of legislative requirements in plain English. If there is any inconsistency between this guide and the legislation, you must comply with the legislation.



The map shows legislative boundaries defined by the river basin boundaries shown in the Queensland Drainage Basins mapping 1998, DNRM. The boundaries and names of the Queensland drainage basins are as defined by the Australian Water Resources Management Committee (WRMC). Information includes the name and number of each drainage basin.

Whilst every care has been taken to ensure the accuracy of this product, the Department of Environment and Science makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you may incur as a result of the product being inaccurate or incomplete in any way and for any reason.

- Towns
- Great Barrier Reef catchment boundary
- Coastline
- Drainage
- River basins



© The State of Queensland 2018
Date: 23/08/2018

Figure 1: Great Barrier Reef catchment, regions and river basins.

2. When a permit is required

From the 1 June 2021, you must obtain a permit before you begin the **activity**, including any **preparatory works**.

2.1 Checklist

You will need a permit if you tick all the following:

The cropping or horticulture will:

- not** be a closed system¹
- not** be for the cultivation of trees in a state forest, timber reserve, forest consent area or forest entitlement area, or a forest practice²
- not** be on land where a development approval is in effect for high value agriculture clearing or irrigated high value agricultural clearing
- be for **commercial** purposes i.e. carried out for a fee or reward
- be on at least **five hectares** of land **within the same river basin** within the **Great Barrier Reef catchment**
Use the online form at www.qld.gov.au/environment/agriculture/sustainable-farming/reef/reef-regulations/regions/reef-regulations-map to find out if your land is in the **Great Barrier Reef catchment**, and which **river basin** it is in.
- be on land that:
 - **does not have a cropping history** i.e. the land was used for cropping or horticulture, either commercially or non-commercially, in less than three of the last ten years before the **activity** is due to start**OR**
was not cropped, either commercially or non-commercially and including **preparatory work**, at least once during **1 June 2018 to 31 May 2021**³.

¹ A closed system is where fine sediment or dissolved inorganic nitrogen is never released to land, or into water, in the Great Barrier Reef catchment e.g. hydroponics grown in a greenhouse where all the water is recycled on site.

² See the *Forestry Act 1959* for the meaning of State forest, timber reserve or forest consent area. See the *Land Act 1994* for the meaning of a forest entitlement area. See the *Vegetation Management Act 1999* for the meaning of a forest practice.

³ From the 1 June 2026, a permit will be required if the land does not have a cropping history.

2.2 Examples

Example 1 – permit is required

A grazier wants to plant sorghum to sell on 55 hectares of land in the Endeavour **river basin** in the Cape York region. The land has never been used for any type of cropping in the past. A permit will be required.

Example 2 – permit not required in 2022

In 2022, a grower wants to plant an opportunity crop of wheat, oats and barley in a grazing paddock that is eighty hectares within the Burdekin **river basin** in the Burdekin region. They previously used this land for cropping in 2013, 2014 and 2015. As the land has a cropping history, it does not require a permit in 2022.

Example 3 – permit not required in 2023

In 2023, a grower has harvested fodder from 10 hectares within the Fitzroy **river basin** in the Fitzroy region. While they normally use the fodder to feed their own cattle, this year they have excess fodder that they want to sell. They previously used the land in 2016, 2017, 2018, 2019, 2020 and 2021 for growing fodder crops. As the land has a cropping history, a permit is not needed in 2023.

Example 4 – permit not required

A grazier wants to grow improved pastures, legumes or forage crops (including tree forage crops) on 25 hectares to feed their own cattle. A permit is not required as the cropping is not a commercial activity.

However, if the grazier plans to commercialise the fodder crop, i.e. by selling it to another grazier, then it becomes a commercial activity and a permit would be required if the land does *not* have a cropping history or was *not* cropped at least once during 1 June 2018 to 31 May 2021.

Example 5 – permit not required in 2022

A grower undertakes **preparatory work** (e.g. vegetation clearing and stick raking, or ploughing) before 1 June 2021 and wants to establish the first crop in 2022 on 120 hectares of land that does not have a cropping history in the Herbert **river basin** in the Wet Tropics region.. As the grower started the **preparatory work** before 1 June 2021, they do not need a permit in 2022.

Example 6 – permit is required in 2027

In 2027, the grower in example 5 is looking to plant another crop on the land. They only cropped the land again in 2024. As it is after 1 June 2026, and the land does not have a cropping history, they will need a permit before commencing any work.

Example 7 – permit is required

A grower is planning on undertaking broadacre irrigated cropping on 245 hectares of land that has never been cropped before. While they will capture and reuse irrigation water, as well as rainfall, it is not possible to capture all run-off and prevent it from being released, including to groundwater, during large rainfall events. As such, it is not a closed system and a permit is required.

3. Applying for a permit

3.1 Who needs to apply

The person or organisation who carries out the **activity** must have a permit before starting the **activity**. This will generally be who has long-term responsibility for the **activity** (e.g. the person or organisation who manages the farm or land). The permit can be in two or more names, for example if two people have joint responsibility.

3.2 Ensuring you are a registered suitable operator

The person or organisation who applies for the permit must be a registered suitable operator before the department can issue them a permit. A registered suitable operator is a person or organisation who the department has registered as being suitable to carry out an ERA. The department will consider whether the applicant has:

- been convicted of an environmental offence
- had an environmental authority (or any permit similar to an environmental authority) cancelled or suspended
- had a suitable operator registration (or similar registration) cancelled or suspended
- ever been issued a compliance notice under the *Environmental Protection Act 1994*.

If you think you may already be a registered suitable operator, you can search the suitable operator register, available at www.qld.gov.au by searching for 'registered suitable operator' or calling 1300 130 372 (and select option 4).

If you are not a registered suitable operator, you can apply to become one by completing an application online at Online Services at www.des.qld.gov.au/online-services. Otherwise, you can request the form *Application to be a registered suitable operator* (reference ESR/2015/1771) by emailing palm@des.qld.gov.au or calling 1300 130 372 (and selecting option 4) and sending it to the department using the postal details on the form.

You can submit this application with your permit application or separately.

Once you are registered as a suitable operator, your name, suburb and reference number will be included on the register of suitable operators, which is publicly available at www.environment.des.qld.gov.au/licences-permits/suitable-operators.

3.3 Application types

There are three different application types for a new permit. The type of application determines how much information you must include in your application, how the department will assess your application, and the conditions the department will apply to your permit.

You need to make a:

- standard application if your **activity** can meet the eligibility criteria and comply with the standard conditions
- variation application if your **activity** can meet the eligibility criteria, but you want to vary one or more of the standard conditions
- site-specific application if your **activity** does not meet the eligibility criteria.

The eligibility criteria and standard conditions for the activity are set out in the document *Environmentally relevant activity standard – Commercial cropping and horticulture in the **Great Barrier Reef catchment** (prescribed ERA 13A)*. You can obtain a copy by searching for ESR/2020/5270 at www.qld.gov.au or by calling 1300 130 372 (and select option 4) to request a copy.

The eligibility criteria are:

- the commercial cropping and horticulture will be undertaken on no more than 100 hectares of land in a particular **river basin** or
- the commercial cropping and horticulture will be banana cultivation that is being relocated due to the presence of Panama disease tropical race 4 on other land for which a Notice has been given under the *Biosecurity Act 2014* (Qld).

If a person is undertaking the **activity** on more than one lot or parcel of land, they will usually be required to have all of the land under the one permit, as a ‘single integrated operation’, regardless of whether the land is adjoining. This means the 100 hectare threshold is per applicant. A business may have different farms across different regions which are not ‘single integrated operations’, for example are not managed by the same person. In this instance the size threshold, and permit requirement will be per ‘operation’.

The standard conditions include farm set-up requirements you will need to meet to minimise fine sediment (e.g. soil), dissolved inorganic nitrogen and irrigation water from the **activity** being released to **receiving waters**. They include requirements about setbacks from **natural waterways**, nutrient and sediment control, irrigation and record keeping.

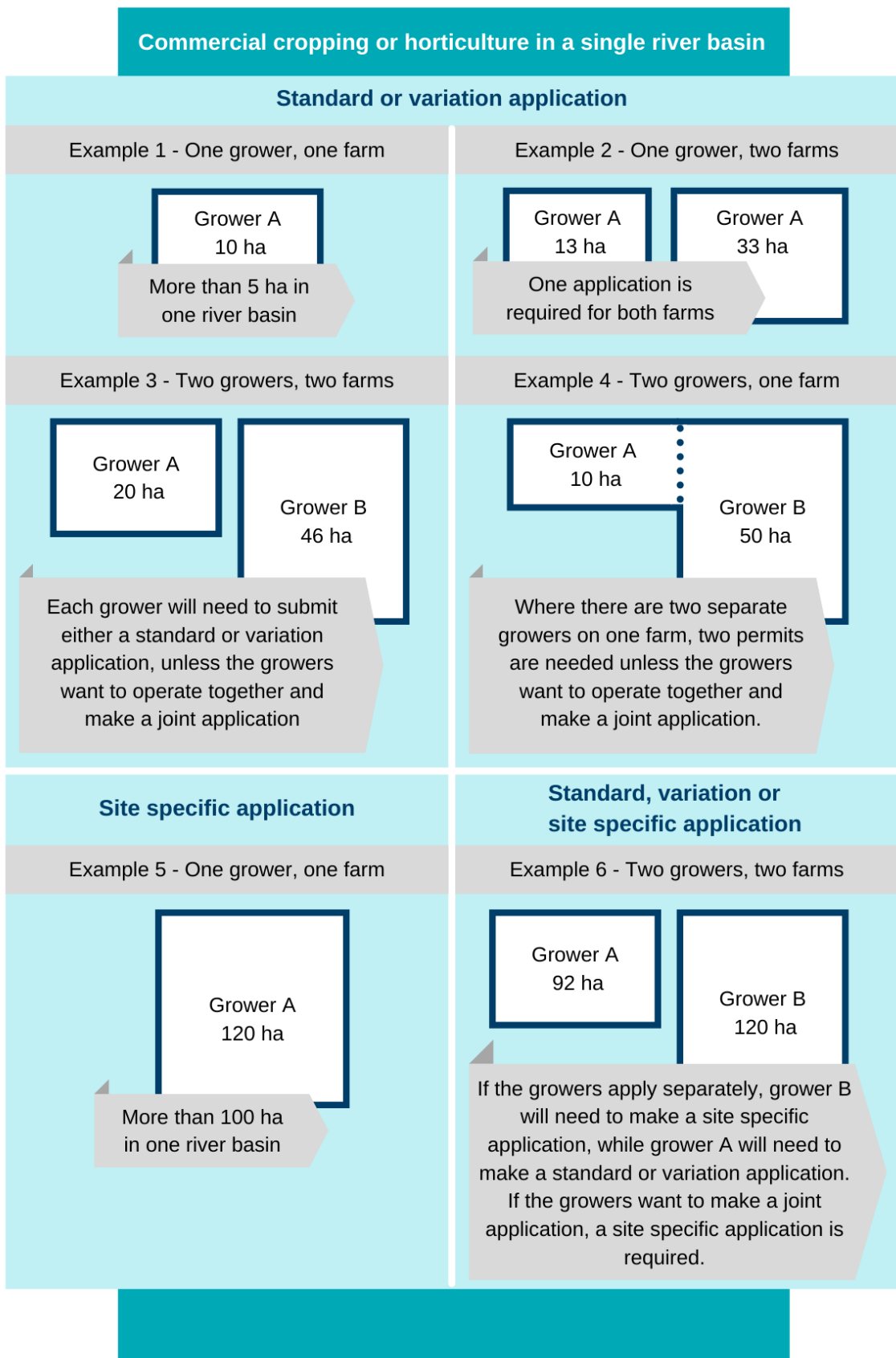
The Standard conditions guide (5-100 hectares) contains practical information on the measures and structures that you can use to meet the standard conditions for the activity. This document is available on the Queensland Government website at www.qld.gov.au/environment/agriculture/sustainable-farming/reef/reefregulations/producers/cropping or by calling 1300 130 372 (and select option 4) to request a copy. Once you have a permit, you can apply to amend your permit (section 7) for a range of reasons, such as, if you are no longer able to meet the conditions of your permit or want to add additional lots to your permit.

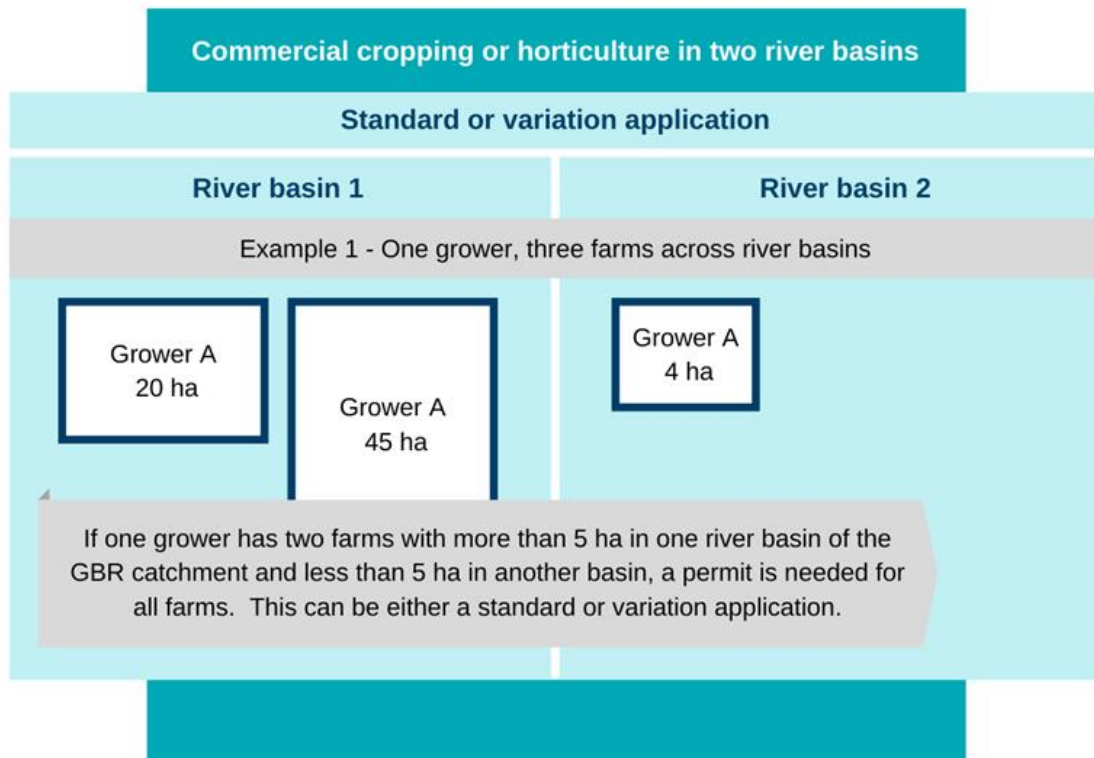
Sections [4](#), [5](#), [6](#) and [7](#) provide further information on the application and assessment processes for standard, variation, site-specific and amendment applications, with [section 8](#) setting out the minimum information you need to provide with a variation, site-specific or amendment application.

If you are planning on undertaking other ERAs, such as chemical storage (ERA 8) or extractive and screening activities (ERA 16), in conjunction with the activity, you should contact the department ([section 3.3](#)) to determine how to prepare an application for a single permit for all relevant activities.

Examples showing what type of application is required are set out in **Figure 1**. In each scenario, the person ticked all the boxes in the checklist in [section 2.1](#).

Figure 1: Examples showing what type of application is required





3.4 Discussing your application with the department

Before you lodge your application, you can meet with the department ('pre-lodgement meeting') to discuss your application requirements or matters such as:

- submitting one application for multiple parcels of land within different river basins
- submitting an application for multiple ERAs
- adding commercial cropping or horticulture to a permit you already have for other ERAs.

To organise a pre-lodgement meeting you can email palm@des.qld.gov.au, call 1300 130 372 (and select option 4), or download the form *Application for pre-lodgement services*, available at www.qld.gov.au by searching for ESR/2015/1664.

3.5 Obtaining and submitting an application form

The application forms for ERA 13A are available online at www.qld.gov.au by searching for:

- ESR/2020/5273 – for the standard application form
- ESR/2020/5272 – for the variation application form
- ESR/2020/5274 – for the site-specific application form
- ESR/2021/5615 – for the amendment application form

Otherwise, you can request the application forms from the department by emailing palm@des.qld.gov.au or phoning 1300 130 372 (and selecting option 4).

You can post, deliver or email your completed application to the department using the address on the form.

3.6 Paying the application fee

You must pay the application fee when you submit your application. As the fees are indexed annually, the information sheet *Fees for permits for environmentally relevant activities (ERAs)* sets out the fees and is available at www.qld.gov.au by searching for ESR/2015/1721 at www.qld.gov.au or calling 1300 130 372 (and select option 4) to request a copy. The details of how to pay are specified on the application form.

4. Standard applications

The application and assessment process for standard applications is straight-forward as these activities are considered a lower risk to water quality.

4.1 Preparing a standard application

For a standard application, you need to complete the required questions on the application form, including the section where you declare that you can comply with the eligibility criteria and the standard conditions. It is an offence under the *Environmental Protection Act 1994* to give information that you know is false or misleading. You must also pay the application fee.

4.2 After you have submitted your standard application

After receiving your standard application, the department will check that the application is 'properly made' by ensuring you:

- are a registered suitable operator
- completed each question on the application form, including stating that you can meet the eligibility criteria and can comply with the standard conditions
- paid the application fee.

If parts of your application are missing, the department will provide you with a notice (within 10 business days after receiving your application) outlining what you need to do to complete the application correctly. The notice will outline how long you have, which will be at least 20 business days. Your application will lapse if you do not respond within this time.

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. The permit will require you to comply with the standard conditions.

The details of the permit will be included on the register of environmental authorities⁴, which can be viewed online at www.apps.des.qld.gov.au/env-authorities/. This register includes details such as the permit number, who is the holder of the permit, the address of the **activity**, and a copy of the permit.

The permit will list each lot on plan that you are permitted to undertake cropping or horticulture activities on. While the total area of the lots may be greater than 100 hectares, the area you use for the activity must be less than 100 hectares. You are only licensed to carry out the activity on the nominated lots and if you would like to change this, you must apply to amend your permit ([section 7](#)).

⁴ Section 540 of the *Environmental Protection Act 1994*.

5. Variation applications

5.1 Preparing a variation application

For a variation application, you need to complete the required questions on the application form. This requires you to declare that you can meet the eligibility criteria and state which standard condition/s you want to vary.

For each condition that you want varied, you must include the minimum information outlined in [section 8](#). You only need to provide this information for the condition(s) that you are applying to vary. You must also pay the application fee.

5.2 After you have submitted your variation application

After receiving your variation application, the department will check that it is 'properly made' by checking that you:

- are a registered suitable operator
- completed each question on the application form, including stating that your **activity** meets the eligibility criteria
- paid the application fee
- provided the minimum information ([section 8](#)) for the condition(s) that you are applying to vary.

If parts of your application are missing, the department will provide you with a notice (within 10 business days after receiving your application) outlining what you need to do to complete the application correctly. The notice will outline how long you have, which will be at least 20 business days. Your application will lapse if you do not respond within this time.

Once your application is properly made, the department will assess the proposed variation. This includes an assessment of whether the **measures** and structures will sufficiently minimise water quality impacts caused by any release of fine sediment or dissolved inorganic nitrogen associated with the variation.

During assessment, the department may request further information by sending you an 'information request notice'. This will be within 10 business days from when the department determined your application was properly made. The information request notice will state how long you have to provide the information, which will be at least six months. If you do not respond to this notice, or do not request an extension of the timeframe at least 10 business days before the due date, your application will lapse.

Once you have provided sufficient information, the department will assess the information to make a decision on whether to approve your application, including what conditions to vary on the permit. The department will make a decision within 40 business days of having received a properly made application or, where further information was requested, within 20 business days of having received the further information⁵. The department will advise you of the decision in writing (via email or post) within five business days of the decision, and include a copy of the permit. If the department has included a condition on your permit that you have not agreed to, details of your right to a review of the decision will be included.

The permit will be issued but may be subject to either:

⁵ The department can extend the timeframes through written notice.

- the standard conditions you declared you could meet and one or more conditions that are different to the standard conditions; or
- all of the standard conditions.

Before making a decision about your application, the department will endeavour to provide you with an opportunity to review a draft of any proposed conditions that are different to the standard conditions.

The details of the permit will be included on the register of environmental authorities⁶, which can be viewed online at www.apps.des.qld.gov.au/env-authorities/. This register includes details such as the permit number, who is the holder of the permit, the address of the **activity**, and a copy of the permit.

6. Site-specific applications

6.1 Preparing a site-specific application

For a site-specific application, you need to complete each question on the site-specific application form and include the minimum information outlined in [section 8](#). You must also pay the application fee.

6.2 After you have submitted your site-specific application

After receiving your site-specific application, the department will check that it is 'properly made' by checking that you:

- are a registered suitable operator ([section 3.4](#))
- completed each question on the application form
- paid the application fee
- provided the minimum information ([section 8](#)).

If parts of your application are missing, the department will provide you with a notice (within 10 business days after receiving your application) outlining what action you need to take to complete the application correctly. The notice will outline how long you have to take the action stated, which will be at least 20 business days. Your application will lapse if you do not take the action within this time.

If your application is properly made, the department will check if you have provided sufficient information for the department to make a decision on your application. This includes enough information to assess whether the **measures** and structures will sufficiently minimise water quality impacts caused by any release of fine sediment or dissolved inorganic nitrogen from the **activity**.

If you did not provide sufficient information, the department will request further information from you (an 'information request notice'). This will be within 20 business days of when the department determined your application was properly made. The information request notice will state how long you have to provide the information, which will be at least six months. If you do not respond to this notice, or do not request an extension of the timeframe at least 10 business days before the due date, your application will lapse.

Once you have provided sufficient information, the department will assess the information to make a decision on whether to approve your application, including what conditions to put on the permit. The conditions may require you to implement and maintain **measures** and structures to minimise water quality impacts. Additionally, if you are proposing to only use a portion of a lot(s), the department may

⁶ See section 540 of the *Environmental Protection Act 1994*.

include a condition that describes (for example by using a map or latitude and longitudes) specifically where the **activity** is to be carried out within the lot(s).

Before making a decision on your application, the department will endeavour to provide you with an opportunity to review a draft of any proposed conditions.

The department will make a decision within 40 business days of having received a properly made application or, where further information was requested, within 20 business days of having received the further information⁷. The department will advise you of the decision in writing (via email or post) within five business days of the decision.

If the decision is to approve the application, a copy of the permit will be included. If the department has included conditions on the permit that you have not agreed to, details of your right to a review of the decision will be included.

The details of the permit will be included on the register of environmental authorities⁸, which is publicly available at www.apps.des.qld.gov.au/env-authorities/. This register includes details such as the permit number, who is the holder of the permit, the address of the **activity**, and a copy of the permit.

If the decision is to refuse the application, details of your right to seek a review of the decision will be included. There is a subsequent right to appeal a decision if you are dissatisfied with the review decision. The department may refuse an application if you cannot demonstrate how you will undertake the **activity** to minimise water quality impacts caused by any release of fine sediment or dissolved inorganic nitrogen.

For detailed information on the legislative processes that the department must follow when checking and assessing your application, refer to *Approval processes for environmental authorities*, available at www.qld.gov.au by searching for ESR/2015/1743 or calling 1300 130 372 (and select option 4) to request a copy.

7. Amendment applications

You may make an application at any time to amend your permit. For example, if you want to add additional lot(s) on plan.

You do not need to amend your permit if you change crop types and you can continue to meet the conditions of your permit. This is because your permit is for the **activity** of commercial cropping and horticulture – it is not for a specific crop type.

7.1 Preparing an amendment application

For an amendment application, you need to complete each question on the amendment application form, including stating whether or not you can comply with the eligibility criteria and whether you are seeking to amend a standard condition. You must also provide the minimum information required for the amendment you are applying for ([section 8](#)) and pay the application fee.

7.2 After you have submitted your amendment application

After receiving your amendment application, the department will check that it is ‘properly made’ by checking that you:

⁷ The department can extend the timeframes through written notice.

⁸ See section 540 of the *Environmental Protection Act 1994*.

- completed each question on the application form
- paid the application fee
- provided the minimum information ([section 8](#)).

If parts of your application are missing, the department will provide you with a notice (within 10 business days after receiving your application) outlining what action you need to take to complete the application correctly. The notice will outline how long you have to take the action stated, which will be at least 20 business days. Your application will lapse if you do not take the action within this time.

The department will also decide whether the proposed amendment is ‘minor’ or ‘major’ within 10 business days after receiving the application. An example of a minor amendment is applying to add additional lot(s) on plan, but the total **activity area** will remain 100 hectares or less, and you can continue to meet the conditions of your existing permit. An example of a major amendment is changing a standard condition in a way that may have an environmental impact.

If the amendment is minor, the department will decide your application within 10 business days of when the department decided it was a minor amendment. If approved, the amended permit is issued to the applicant within five business days after the decision is made. If refused, a notice of refusal is issued within five business days after the decision is made.

If the amendment is major, you must pay an assessment fee (which is in addition to the application fee) before the department can start this process. The fee is set out in the information sheet *Fees for permits for environmentally relevant activities (ERAs)*. You can obtain a copy by searching for ESR/2015/1721 at www.qld.gov.au or calling 1300 130 372 (and select option 4) to request a copy.

Once you have paid the assessment fee, the department will check if you have provided sufficient information for the department to make a decision on your application. If you did not provide sufficient information, the department will request further information from you (an ‘information request notice’). The information request notice will state how long you have to provide the information, which will be at least six months. If you do not respond to this notice, or do not request an extension of the timeframe at least 10 business days before the due date, your application will lapse.

Once you have provided sufficient information, the department will undertake a detailed assessment of your application. If the department approves your amendment application, you will be issued with a decision notice and an amended permit.

More information on the process for amending applications is set out in the *Guideline – Major and minor amendments*. You can obtain a copy by searching for ESR/2015/1684 at www.qld.gov.au or calling 1300 130 372 (and select option 4) to request a copy.

For detailed information on the legislative processes and timeframes that the department must follow when checking and assessing your amendment application, refer to *Approval processes for environmental authorities*, available at www.qld.gov.au by searching for ESR/2015/1743, or calling 1300 130 372 (and select option 4) to request a copy.

8. Minimum information requirements for variation, site-specific and amendment applications

The minimum information that you need to include with your variation, site-specific or amendment application for the department to have sufficient information to assess your application is:

- for a variation application – limited to the condition(s) you are applying to vary
- for an amendment application – limited to the change you wish to make to your permit
- for a site-specific application – for all the land where the **activity** will be carried out. If areas within a lot will not be used for the **activity** (e.g. existing cropped areas, wetlands, areas of acid sulfate soils), you should show those areas on a map and state that they will not be cropped.

You should include all information that you want the department to consider. If you do not provide sufficient information for the department to assess your application, the department will request further information from you (an ‘information request notice’).

It is up to you how you provide the information. Many growers already use a farm plan as a planning and management tool. A farm plan may be accepted attached to the application, as long as it includes the minimum information required. If you are applying for a permit for **activity areas** located in different parts of a river basin, you will need to provide separate information for each area.

The minimum information required includes:

1) A description of the land where the activity will occur, for example the:

- lot and plan property boundaries
- amount of land, in hectares, that will be used for cropping or horticulture
- proposed farm layout, for example, the location of:
 - **activity areas** (cropping areas)
 - any associated infrastructure, such as sheds, farm equipment storage areas and vehicle parking areas
 - any tracks, roads or headland areas.

You can obtain existing data for free from a number of sources, including:

- Queensland Globe, available at <https://qldglobe.information.qld.gov.au/>, is an online interactive tool that describes physical, geographical and spatial data about a particular location in map format. It includes data such as:
 - lot and plan property boundaries (‘land parcel’ layer)
 - river basin boundaries (‘Great Barrier Reef catchment boundaries’ layer)
 - waterways (‘watercourse’ layer)
 - wetlands (‘Queensland wetlands mapping’ layer),
 - detailed soil (‘soil mapping’ layer)
 - and other land resource information.
- QSpatial, available at <https://qldspatial.information.qld.gov.au/>, provides geospatial data and information for download.
- Queensland soils website, available at www.qld.gov.au/environment/land/management/soil/soil-data/mapping, provides information about accessing soil and land resource information held by the Queensland Government. You should use the finest scale soil mapping that is available for the area.

2) A description of the environmental values that may be impacted by any release of fine sediment and dissolved inorganic nitrogen into the water, or catchment waters, of the Great Barrier Reef as a result of your activity.

Table 1 provides examples of environmental values for water that may be impacted and that are declared as an environmental value under the Environmental Protection (Water and Wetland Biodiversity) Policy 2019. This table is provided for guidance only. Other environmental values (e.g. local wetlands) may be relevant depending on your land and the natural waterways in the surrounding area. Appendix A

describes how you can use the Queensland Globe as a starting point for identifying natural waterways and wetlands.

Your application only needs to identify environmental values that may be impacted by fine sediment and dissolved inorganic nitrogen entering receiving waters and does not need to address other environmental values, such as air quality, noise and habitat.

Table 1: Examples of environmental values that may be impacted by new cropping or horticulture

Environmental value	Potential impact	When it applies
Aquatic ecosystem	Fine sediment or dissolved inorganic nitrogen may directly impact the biological integrity of waterways and waters of the Great Barrier Reef.	This environmental value applies to all Queensland waters, so you need to identify where all the waterways on, and downstream of, your site are located.
Wetland	Fine sediment or dissolved inorganic nitrogen may impact the biological integrity of the wetland.	If the activity involves (or may involve) release of water to a wetland under the Environmental Protection Regulation 2019 for treatment, you need to identify the location of the wetland. You can request a map for your property at: https://environment.des.qld.gov.au/wildlife/wetlands/map-referrable-wetlands/request-form .

3) An assessment of the risks, and likely impacts, of fine sediment and dissolved inorganic nitrogen from the **activity** to the environmental values.

This may involve, for example, assessing the likely loss of soil, surface water run-off and irrigation water from the **activity area** by identifying and considering factors that could impact loss of dissolved inorganic nitrogen and fine sediment, such as:

- soil types, characteristics and attributes
- slope
- location and proximity of natural waterways and receiving waters
- any natural feature or modification that affects how water flows over the land
- climate and rainfall patterns and intensity
- the types of crops that will be grown
- irrigation type.

Publications that provide guidance on how to assess such risks include:

- Soil Conservation Guidelines for Queensland, available at www.publications.qld.gov.au, provide information on soil degradation and practical tools for its prevention from water based erosion. For example, chapter 2 provides advice on preparing a soil conservation plan and chapter 12 provides information on controlling erosion in horticultural crops.
- Guidelines for agricultural land evaluation in Queensland, available at www.publications.qld.gov.au/dataset/qld-agricultural-land-evaluation-guidelines, outlines how to assess the suitability of land for agricultural use. While assessing land suitability is not a requirement to obtain a permit for the activity, one of the key principles of controlling erosion is to use land according to its capability. Undertaking such an assessment can be valuable to help plan a successful farming enterprise, and would help a grower to identify the potential for erosion and nutrient leaching from their activity.

- Queensland Soil and Land Resource Survey Information Guideline, available at www.resources.qld.gov.au/?a=109113:policy_registry/guideline-soil-land-resource-survey.pdf&ver=2.00, outlines procedures for the collection of soil and land resource information to assess the suitability of land for agricultural use. Also includes guidance on how to prepare an erosion and sediment control plan and outlines sources of existing soil and land resource information.

The department is finalising an optional 'Land Assessment' tool that will help applicants assess the land for the potential for soil erosion and nutrient leaching, which are limitations that pose a direct risk to water quality. This tool is in user acceptance testing stage, and applicants are strongly encouraged to meet with the department to be part of the testing process (see [section 3.4](#)).

4) Details of how you will minimise the impacts, for example:

- the location and design of the **measures** and structures to be used to minimise likely impacts, including any temporary **measures** and structures that will be used during the **preparatory works**
- how the **measures** and structures will be implemented/constructed and maintained

The *Standard conditions guide (5-100 hectares)*, available at www.qld.gov.au/environment/agriculture/sustainable-farming/reef/reef-regulations/producers/cropping, provides practical information to help growers plan, design and maintain **measures** and structures that will minimise nutrient and sediment releases and loss of irrigation water.

You may need to consider whether the **measures** and structures have been designed to ensure that they will not have a negative impact on nearby land. Inappropriately designed or placed **measures** and structures may divert water, sediment or nutrients onto neighbouring properties and this may impact water quality.

You should also include with your information:

- a description of the data, processes and calculations used
- who prepared the information, including the qualification and experience of any persons who prepared or assisted.

If you do not believe that you have sufficient experience to provide the minimum information, it is strongly recommended that you seek professional advice from an appropriate person (see box 1). Alternatively, if you are not sure, you can contact the department to discuss your application (see [section 3.4](#)).

Box 1 – Appropriate person

This term refers to a person who has professional qualifications, training or skills or experience relevant to the nominated subject matters and can give authoritative assessment, advice and analysis relevant to the subject matters using relevant protocols, conditions, methods or literature.

An appropriate person could include someone with:

- demonstrated and current background of experience in providing professional advice or consultancy services in relation to farming systems, for example soil survey, and/or land resource management services
- tertiary qualifications appropriate to providing relevant advice
- over five years' experience in the field of soil assessment and agricultural land suitability analysis and have experience and / or knowledge of the proposed crops.

It would also be worth considering if the person:

- holds a membership with the Australian Institute of Agricultural Science and Technology or with Soil Science Australia
- is a Certified Professional Soil Scientist (CPSS)
- is a Certified Practicing Agriculturalist (CPAg).

9. Complying with a permit

You can commence your **activity** from the 'take effect' date stated on your permit. There is no requirement to commence your activity within a certain period of time of obtaining the permit but, once you have a permit, you must comply with the conditions, as well as the requirements of any other relevant legislation. It is an offence not to comply with the conditions of your permit and penalties may apply.

While operating the **activity**, you must ensure that all contractors and staff acting under the permit comply with the conditions of the permit. For example, a farm owner is the holder of a permit and is managing planting of a crop through external contractors. The farm owner will specify the planting requirements to the contractor in accordance with their permit condition.

In addition to complying with the conditions of your permit, you must meet the minimum practice agricultural standards (i.e. agricultural ERA standards prescribed under the Environmental Protection Regulation 2019) where these apply to the crop(s) being grown. Commodity specific agricultural ERA standards currently apply for sugarcane and bananas, and are available at www.qld.gov.au/ReefRegulations or you can phone 1300 130 372 (and select option 4) to request a copy. You must comply with these standards as soon as the permit commences, regardless of when the minimum practice agricultural standards commence in your region. This includes in the Cape York region.

For permits issued for new cropping or horticulture **activity** only, there is no requirement to pay an annual fee or provide an annual return to the department.

A permit for new cropping or horticulture **activity** does not have an expiry or end date. You can voluntarily surrender or suspend a permit if you are no longer carrying out the **activity**, or the department can suspend or cancel the permit in certain circumstances ([section 10.3](#)).

The department may visit the site, and ask questions or for documents, to ensure you are complying with the conditions of the permit. There is a range of tools the department can use to ensure permit holders comply with their permit. You can find more information in the guideline *Environmentally Relevant Activities Compliance and Enforcement*, available at www.qld.gov.au by searching for ESR/2016/2514 or calling 1300 130 372 (and select option 4) to request a copy.

10. Dealing with your permit after approval

10.1 Combining (i.e. amalgamating) two permits

If you have more than one permit, you may apply for one ‘amalgamated environmental authority’ (permit) that covers all of the activities. You can find more information on www.qld.gov.au by searching for ‘amalgamate environmental authorities’.

10.2 Transferring a permit

You may need to transfer a permit if:

- you sell your land and the new owner will continue cropping on the land
- your lease on the land ends but the landowner or another person will continue cropping on the land.

If the new person does not wish to continue the **activity**, you can surrender your permit ([section 10.3](#)).

If you buy land that already has a permit for a cropping or horticulture **activity** and you want to continue the activity on the land, you need to have the permit transferred to you.

You can find more information on applying to transfer a permit at www.qld.gov.au by searching for ‘transfer an environmental authority’.

10.3 Surrendering or suspending your permit

Application-led surrenders and suspensions

You can voluntarily surrender or suspend your permit if you are no longer carrying out commercial cropping and horticulture either temporarily or permanently. Once your permit is surrendered or suspended, you cannot legally carry out the **activity**.

There is no benefit to suspending your permit for ERA 13A as there is no annual fee for this activity. For other ERAs, permit holders normally suspend their permit so the annual fee does not have to be paid.

If you are stopping your **activity** permanently and you do not need to transfer the permit, you should surrender the permit. If you later want to restart commercial cropping and horticulture on the land, you will need to apply for a new permit.

Department-led surrenders and suspensions

The department may cancel or suspend a permit in certain circumstances. The three most relevant circumstances are if the:

- permit was issued under materially false or misleading information
- permit holder is convicted of an environmental offence, or
- permit holder ceases to be a suitable operator.

The department must give the permit holder a notice of the action it proposes to take and the grounds for the proposed action. The department will consider representations from the holder and issue a decision notice.

If your permit is suspended or cancelled, you cannot legally carry out the **activity**.

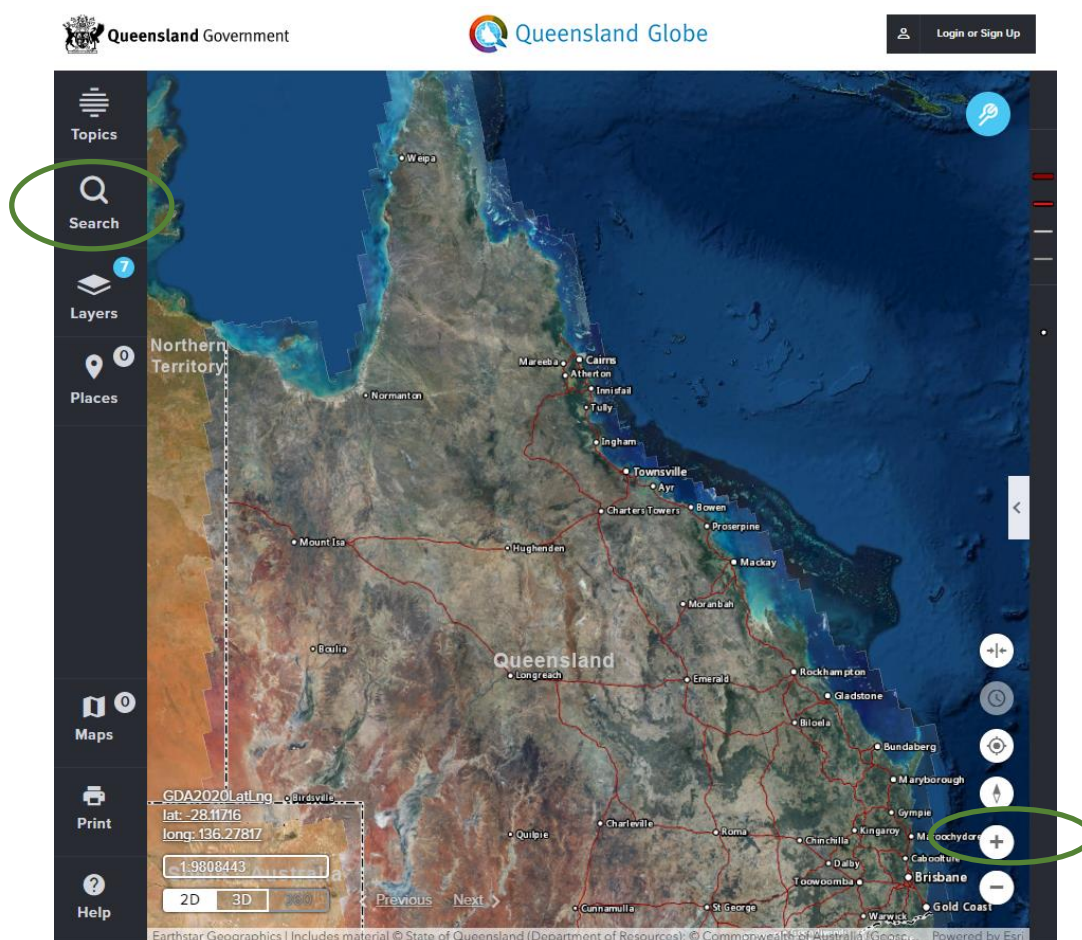
Appendix A: How to use Queensland Globe to obtain area, watercourse and wetland data

Getting started



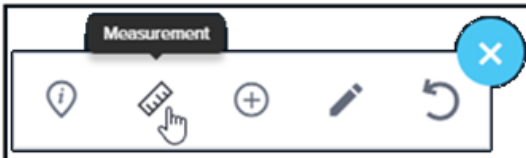
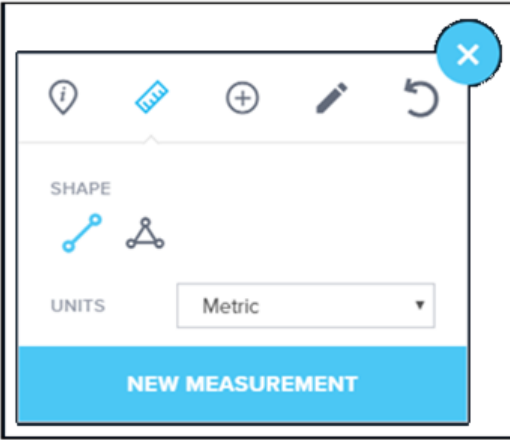
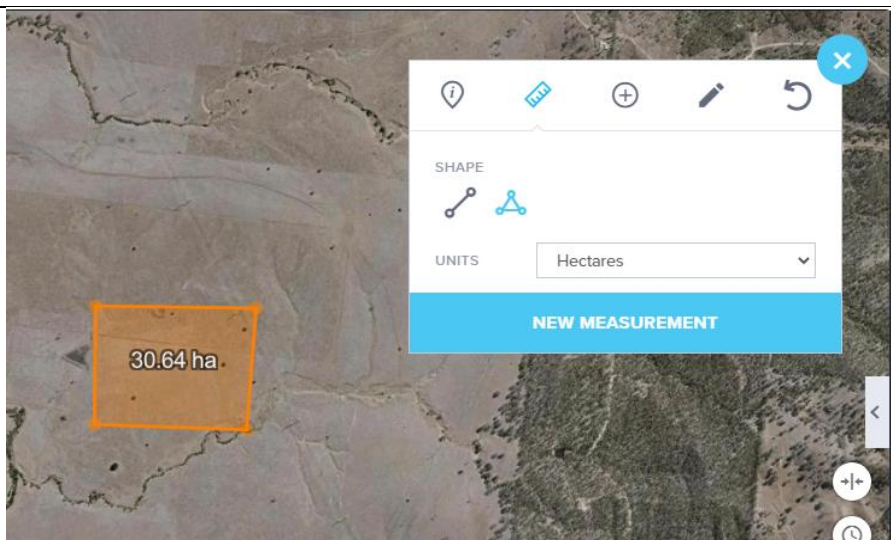
The following provides basic instructions on how to use the Queensland Globe for the purpose of obtaining area, watercourse and wetland data. There are a series of tutorial videos by Land Queensland at www.youtube.com/channel/UCiFOLjSE0-Wzup7xLW55p8A that provide further guidance on how to use the Queensland Globe, including how to view imagery, save, share and print, and query data and places.

STEPS

1. Open Queensland Globe at <https://qldglobe.information.qld.gov.au/>
2. Tick the acknowledgement box, then click the blue 'Get Started' button.
3. If you'd like to save and share maps, you have to sign in, which can be done by clicking on the 'Login or Sign Up' button in the top right and following the instructions.
4. Zoom into your area e.g. my locating it on the map and clicking on the plus symbol in the bottom right of the screen, or you can enter the address or lot and plan using the search function on the left hand side of the screen.



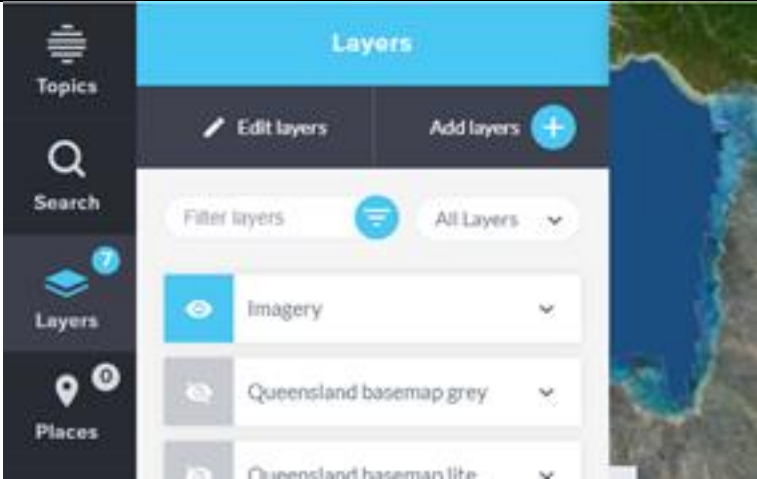
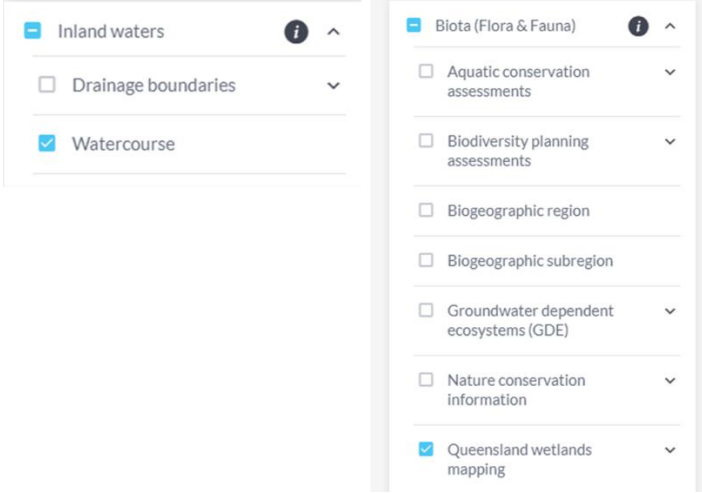

How to obtain area data

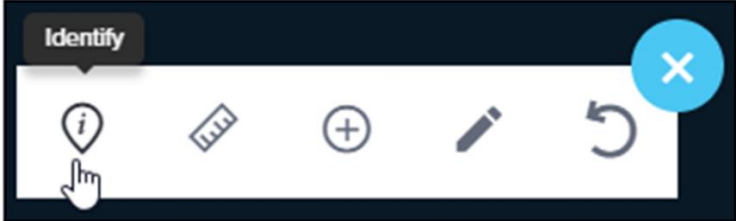

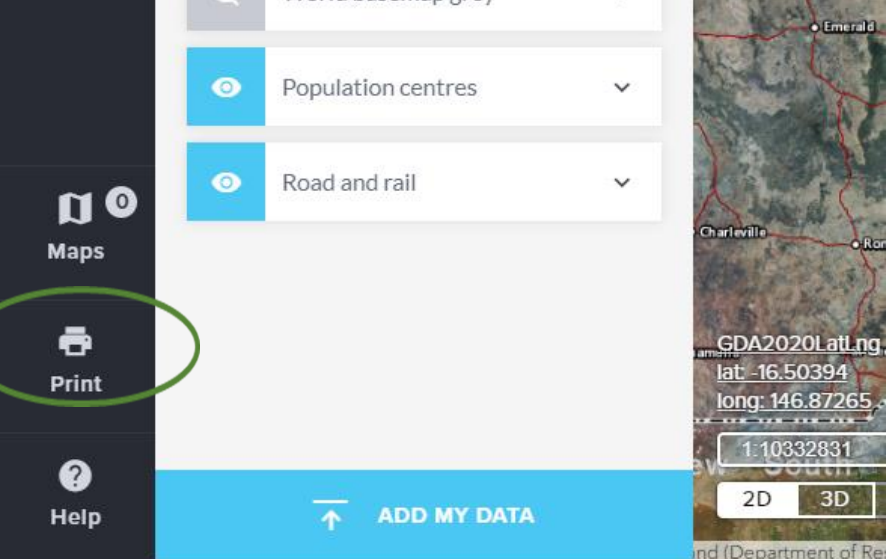
<p>Ensure you are zoomed into your area.</p>	
<p>Click on the tool symbol in the top right of the map.</p>	
<p>Then click the measurement icon.</p>	
<p>Choose measure area (the triangle symbol) and select hectares from the 'drop-down units' menu.</p>	
<p>Use the mouse to click around the boundary that you want to measure.</p> <p>The area will be displayed on screen.</p>	

How to obtain watercourse and wetland data

You can use the watercourse and wetlands data on the [Queensland Globe](#) as a starting point for identifying **natural waterways** on your property, using the instructions below. Because you will know your land best, it is important to ground truth the mapping when making a decision on what you consider to be a **natural waterway**.

Note, the “Watercourse” layer on the Queensland Globe identifies natural and some artificial watercourses, such as farm drains. The 5 metre setback requirement in the standard conditions for a standard or variation application only applies to natural waterways and does not apply to artificial waterways.

<p>Zoom into your area.</p> <p>Click on Layers on the left hand side of the screen, then click Add layers.</p>	
<p>Scroll down and expand the Inland waters section.</p> <p>Click the box next to Watercourse to turn on this information, which identifies natural waterways (e.g. creeks, rivers, lakes) as well as farm drains.</p> <p>In the same way, expand the Biota (Flora & Fauna) section and click the box next to Queensland wetlands mapping.</p>	
<p>To find out about the watercourses and wetlands, click on the tool symbol.</p>	

<p>Click on the identify icon.</p> <p>Clicking on a feature on the map will show information about that feature.</p>	
<p>To view the legend, click on the arrow on the right hand side of the screen to expand it.</p>	
<p>To print the map, click on the print icon on the bottom left of the screen.</p>	

This will open a new window. You can change the scale of your map, add a title/subtitle or change the size of your map (either A3 or A4) using the buttons at the top of the screen.

You can also view the legend for the map, by clicking on additional data on the bottom left of the screen. Once you are happy with your map, you can print it as either pdf or png (image file) by clicking on the blue "print to" button on the bottom right of the screen.

