

Information sheet

Environmental Protection Regulation 2008

Fees for permits for environmentally relevant activities (ERAs)

This information sheet provides details on the processes and fees involved in applying for, or making a change to, a permit for undertaking an environmentally relevant activity (ERA) in accordance with the provisions of the Sustainable Planning Act 2009 and Environmental Protection Act 1994.

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1 Background

An application can be made for a permit¹ or for amending or transferring a permit. The fees are set in the Environmental Protection Regulation 2008 (EP Reg). The annual fee must accompany an application for a permit. The annual fee can be calculated from information in the EP Reg. The fees are summarised in the information sheet Summary of Annual Fees for Environmentally Relevant Activities (EM389²).

All fees prescribed in legislation are GST exempt (except where a fee for service is prescribed).

2 Application for a permit

2.1 Development permit

Applications for a development permit are made through the *Sustainable Planning Act 2009* (SPA).

The fee for a development permit is \$533.00 plus the highest annual fee for the ERAs in the application.

Applications are made with the SPA integrated development assessment system (IDAS) forms 1 and 8. The guides for the relevant parts of the IDAS forms 1 and 8 have information to assist in completing the form.

The information sheet Information to be Provided with an Application for an Environmentally Relevant Activity (ERA) (EM2150) gives guidance on the information to accompany an application for a development approval for an ERA.

2.2 Registration certificate

The fee for a registration certificate is \$533.00 plus the highest annual fee unless the application is made:

- before starting to carry out the chapter 4 activity;
- after the development permit takes effect;
- no later than 30 business days after the development permit takes effect.

If the development permit and registration certificate are for the same activities at the same site and these criteria are met, no additional fee is payable. Otherwise (such as when an application is made for a registration certificate after commencing the activity; before the development permit takes effect or more than 30 business days after the development permit has taken effect), application fees are payable for both the registration certificate and development permit applications.

Where these criteria are met, but the registration certificate application includes one or more activities to be carried out under a code of environmental compliance (the code activities), no fee is payable unless the annual fee for the code activity is greater than the highest annual fee for the activities on the development permit. Where the code activity has the highest annual fee, the fee payable is the difference in the annual fee for the code activity and the highest annual fee for the activities on the development permit.

Applications can be for single or multiple ERAs or sites. For multiple ERAs or sites, all the ERAs must operate as part of a single integrated operation meeting the requirements of ss. 73F(3) and 73F(4) of the *Environmental Protection Act 1994* (EP Act). If a number of registration certificates are issued instead of a single registration

¹ Permit includes environmental authorities, and registration certificates for managing environmental relevant activities (ERAs).

² This is the publication number. The publication number can be used as a search term to find the latest version of a publication at <www.derm.qld.gov.au>.

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certificate, the fees for the additional registration certificates must be paid before the registration certificates can take effect.

Applications are made with the form Application for a Registration Certificate for an Environmentally Relevant Activity (EM2438). The form Attachment 1 - to Accompany Your Application for a Registration Certificate for Multiple ERAs (EM2434) must be included where there will be a number of activities or sites carried out as a single integrated operation.

Where a person buys a business operating under an existing development approval and registration certificate the buyer can apply for a registration certificate for continuing chapter 4 activities. The application fee is \$106.70. The application forms are the same as are used for a new ERA in this section. Both buyer and seller will need to complete the form.

2.3 Environmental authority (chapter 5A activity) or (mining activity)

An application for an environmental authority (chapter 5A activity) or environmental authority (mining activity) must be accompanied by the application fee of \$533.00 plus the highest annual fee for the ERAs on the environmental authority, other than:

- an environmental authority (prospecting) or environmental authority (mining claim), where no fee is payable; or
- a level 2 environmental authority (mining activity), where the annual fee is not payable with the application. The annual fee is payable on the first, and each subsequent, anniversary day after the tenure is granted.

Applications for an environmental authority (chapter 5A activity) are made with the form Application for an Environmental Authority for a Level 1 Chapter 5A Activity (EM2665), or Application for an Environmental Authority for a Level 2 Chapter 5A Activity (EM2666).

Applications for an environmental authority (mining activity) are made with whichever of the following forms is relevant:

- Application for an Environmental Authority (Exploration and Mineral Development) for a Level 2 Mining Project (EM1947);
- Application for an Environmental Authority (Mining Activities) for a Level 1 Mining Project (EM574);
- Application for an Environmental Authority (Mining Lease) for a Level 1 Mining Project (EM576);
- Application for Environmental Authority (Prospecting) (EM2075);
- Application for an Environmental Authority (Mining Claim) for a Level 2 Mining Project (EM573);
- Application for an Environmental Authority (Mining Lease) for a Level 2 Mining Project (EM1949).

Refer to the following documents for further information:

- Information sheet Application for an Environmental Authority (Chapter 5A Activities) (EM2766);
- Information sheet Application for an Environmental Authority (Mining Activities) (EM592);
- Guideline Environmental Requirements for Level 2 Mining Projects (EM1272).

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3 Amendments

3.1 Changing the anniversary day

The fee payable for an anniversary changeover application for a registration certificate or environmental authority for an ERA is set in r. 138 of the EP Reg. The fee is calculated using the following formula —

$\text{Fee for the anniversary changeover application} = \$266.70 + \frac{A \times N}{365}$

where —

“A” is the amount of the annual fee for the registration certificate or environmental authority.

“N” is the number of days in the interim year.

Section 318B(1)(a) of the *Environmental Protection Act 1994* (EP Act) defines the interim year for a registration certificate or environmental authority as “the period from its last anniversary day before the change to its first anniversary day after the change”.

For further details refer to the information sheet The Fee for Changing the Anniversary Day (EM2273).

Applications are made with the form Application for Change of Anniversary Day (EM1891).

3.2 Amending a development permit

Amendment of development permit conditions is through SPA. A request can be made to make the following changes to a development permit:

- to extend a period mentioned in s. 341 of SPA (the currency period) under s. 383(3)(c)(ii) of SPA; and
- to change a development permit under s. 370(2)(a)(ii) of SPA.

The fee for any of these requests is set by the EP Reg at \$266.70.

Applications are made with the SPA form Request to Change an Existing Approval Template.

3.3 Amending the ERAs on a registration certificate

The conditions for chapter 4 activities are in the development permit or code of environmental compliance. As such, there are no provisions for an application to amend the conditions of a registration certificate.

An existing registration certificate, whether for single or multiple ERAs or sites, may be amended to include the details of a new ERA (whether a totally new activity or an existing activity covered by a registration certificate where the business is bought — a continuing chapter 4 activity). All the ERAs must operate as part of a single integrated operation for this to occur.

An amendment is sought when applying for a registration certificate for a new ERA by indicating on the application form that the ERAs in the application are to be added to an existing registration certificate. The application would have to show that the ERAs (both new and existing) will be operated as a single integrated operation meeting the requirements of ss. 73F(3) and 73F(4) of the EP Act. If approved, the amended registration certificate becomes a registration certificate for multiple ERAs with the same anniversary day as the original registration certificate.

For new ERAs the fee payable is \$533.00 plus the highest annual fee for the new ERAs. For one or more continuing chapter 4 activities the fee payable is \$106.70.

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Applications are made with the form Application for a Registration Certificate for an Environmentally Relevant Activity (EM2438). The form Attachment 1 - to Accompany Your Application for a Registration Certificate for Multiple ERAs (EM2434) must be included where there will be a number of activities or sites carried out as a single integrated operation.

There are three ways for existing activities to be combined on a single registration certificate.

Firstly there is the circumstance where the activities are for the same site and the activities are not on the same registration certificate because of an oversight. For example extraction and screening on the same site. In this instance the administering authority may amend the registration certificate if the registered operator has agreed to the amendment in writing (s. 73HA of the EP Act).

Secondly, all the existing activities can be applied for with the fee and forms the same as for new ERAs. In this case the anniversary day will be the date the registration certificate is issued.

Thirdly, all but one of the existing activities can be applied for with the fee and forms the same as for new ERAs. On the form the registered operator indicates that the activities are to be added to an existing registration certificate. In this case the nominated registration certificate is amended to add the other activities and the anniversary day remains the same.

In all these cases, other than amending the registration certificate by agreement, a number of registration certificates may be issued instead of the single registration certificate requested. Where additional registration certificates are issued the fees for the additional registration certificates must be paid before the registration certificates can take effect.

3.4 Amending an environmental authority for chapter 5A or mining activities

An application to amend conditions on an environmental authority can be made under s. 120 of the EP Act for chapter 5A activities or under s. 240 of the EP Act for mining projects. The application fee is \$266.70 plus the supplementary annual fee, where applicable. The supplementary annual fee is only payable where the annual fee payable because of the amendment is higher than the annual fee from the last annual notice for the authority.

Where there is no change in annual fee because of the proposed amendment, the fee payable is \$266.70.

Example 1

An application is made to amend the condition of an environmental authority (mining activities) to add details of a new tailings dam. The supplementary annual fee is not payable and the application fee of \$266.70 applies.

Example 2

An amendment application is made for an environmental authority for a level 1 mining project to add mining gold ore (item 8 in table 1) to the existing mining of lead and zinc (item 10 in table 1). The amended environmental authority has an aggregate environmental score (AES) of 216. This is higher than the AES of 185 for the existing environmental authority. Therefore the supplementary annual fee is payable.

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The annual fee is the AES multiplied by \$213.40. The annual fees are shown in table 1. The supplementary annual fee is the annual fee for the amended environmental authority minus the annual fee from the last annual notice for the environmental authority. Thus the supplementary annual fee is:

$$\$46\,094.40 - \$39\,479.00 = \$6\,615.40$$

The fee that must accompany the application is \$266.70 plus the supplementary annual fee, which is:

$$\$266.70 + \$6\,615.40 = \$6\,882.10$$

Table 1 — Annual fees for mining projects

Mining project	AES	Annual fee
Level 1 mining project (Schedule 6)		
1 Drilling, costeaning, pitting or carrying out geological surveys causing significant disturbance	8	\$1 707.20
2 Investigating the potential development of a mineral resource by large bulk sampling or constructing an exploratory shaft, adit or open pit	17	\$3 627.80
3 Mining bauxite	97	\$20 699.80
4 Mining mineral sand	120	\$25 608.00
5 Mining black coal	128	\$27 315.20
6 Mining iron ore	128	\$27 315.20
7 Mining nickel ore	160	\$34 144.00
8 Mining gold ore	216	\$46 094.40
9 Mining copper ore	217	\$46 307.80
10 Mining lead, silver or zinc separately or in any combination	185	\$39 479.00
11 Mining metal ore, other than a metal ore mentioned in Item 3, 4, 6, 7, 8, 9 or 10	158	\$33 717.20
12 A level 1 mining project, other than a level 1 mining project mentioned in Items 1 to 11	136	\$29 022.40
Level 2 mining project (Schedule 10, Part 3, Item 15)		
A level 2 mining project, other than an environmental authority (prospecting) or environmental authority (mining claim)	0	\$533.00

Under r. 135 of the EP Reg, the portion of the supplementary annual fee for the period from the previous anniversary day to the day the amendment takes effect will be credited to the next annual fee for the environmental authority.

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Regulation 135 of the EP Reg applies if:

- the fee of \$266.70 plus the supplementary annual fee is paid for the amendment application;
- the application is granted;
- the amendment takes effect.

The administering authority³ must credit the holder of the environmental authority for the payment of the next annual fee in an amount worked out by using the following formula:

$$C = \frac{(S \times N)}{365}$$

where:

“**C**” is the amount of the credit.

“**S**” is the supplementary annual fee that accompanied the application.

“**N**” is the number of days from the previous anniversary day for the environmental authority to the day the amendment takes effect.

Applications are made with the form Application for Amendment of an Environmental Authority (Chapter 5A Activities) (EM2786) or Application for Amendment of an Environmental Authority (Mining Activities) (EM774).

4 Transfers

4.1 Registration certificate

There is no specific provision for transferring a registration certificate for an ERA. Instead of applying for a transfer, the new operator must apply for a registration certificate under s. 73D of the EP Act for a continuing chapter 4 activity. The fee for this application is \$106.70.

Where an application is made for a continuing chapter 4 activity that would operate as part of a single integrated operation (ss. 73F(3) and 73F(4) of the EP Act have the criteria for a single integrated operation), it may be included on the registration certificate for multiple ERAs. The continuing chapter 4 activity is added by amending the registration certificate for multiple ERAs.

An amendment is sought when applying for a registration certificate for a continuing chapter 4 activity by indicating on the application form that the applicant wishes to add the ERA to an existing registration certificate and showing that the criteria of ss. 73F(3) and (4) of the EP Act for a single integrated operation are met. If approved, the amended registration certificate becomes a registration certificate for multiple ERAs with the same anniversary day as the original registration certificate. The only fee payable is the appropriate application fee for the new ERA.

Applications are made with the form Application for a Registration Certificate for an Environmentally Relevant Activity (EM2438). The form Attachment 1 - to Accompany Your Application for a Registration Certificate for Multiple ERAs (EM2434) must be included where there will be a number of activities or sites carried out as a single integrated operation.

³ The Department of Environment and Resource Management is the administering authority under the *Environmental Protection Act 1994*.

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4.2 Development permits

Transfers are not valid for development permits as the development permit attaches to the land and applies to the landowner and anyone operating the ERA.

4.3 Chapter 5A activities and mining projects

An application for a transfer of an environmental authority for chapter 5A activities may be made under s. 130 of the EP Act. An application for a transfer of an environmental authority for mining projects may be made under s. 260 of the EP Act. Under Schedule 10 of the EP Reg the application fee is \$106.70.

Applications are made with the form Application for Transfer of an Environmental Authority (Chapter 5A Activities) (EM2667) or Application to Transfer an Environmental Authority (Mining Activities) (EM568).

Refer to the information sheet Transfer of an Environmental Authority (Chapter 5A Activities) (EM2762) or Transfer of an Environmental Authority (Mining Activities) (EM600) for further information.

Further information

All documents mentioned above are available from the administering authority website at <www.derm.qld.gov.au>. SPA forms are available from the Department of Local Government and Planning website at <www.dlgp.qld.gov.au>.

Additional advice and support is also available: through a statewide network of regional offices of the administering authority and the Department of Employment, Economic Development and Innovation (for mining activities).

Alternatively, contact the Permit and Licence Management (within the administering authority) on 13 QGOV (13 74 68).

The latest version of this publication can be found at <www.derm.qld.gov.au>. Note: where available, the publication number (e.g. EM33 for this document) can be used as a search term.

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