

Information sheet

Environmental Protection Regulation 2019

Environmentally relevant activities devolved to local government

This information sheet lists the environmentally relevant activities that are devolved by the State to local governments and explains the circumstances under which devolution does not occur.

Local governments without devolved environmentally relevant activities

Administration of some environmentally relevant activities (ERAs) is devolved to certain local governments. The local governments that do not have a devolution for ERAs are listed in schedule 13 of the Environmental Protection Regulation 2019 (the regulation) and are listed below.

Local governments without a devolution for ERAs		
Balonne Shire Council	Charters Towers Regional Council	Longreach Regional Council
Banana Shire Council	Cook Shire Council	Mareeba Shire Council
Barcaldine Regional Council	Croydon Shire Council	Murweh Shire Council
Barcoo Shire Council	Diamantina Shire Council	Scenic Rim Regional Council
Bulloo Shire Council	Gympie Regional Council	Southern Downs Regional Council
Carpentaria Shire Council	Hinchinbrook Shire Council	Tablelands Regional Council
Central Highlands Regional Council	Lockyer Valley Regional Council	Winton Shire Council

Environmentally relevant activities devolved to local governments

Section 133 of the regulation lists the ERAs that are devolved to local governments. A full description of these ERAs appears in schedule 2 of the regulation.

ERA no.	Short description
6	Asphalt manufacturing
12	Plastic product manufacturing
19	Metal forming
38(1)(a)	Surface coating
49	Boat maintenance or repair carried out at a boat maintenance or repair facility

Which local government will be responsible for the application?

The local government where the activity is to be sited will be responsible for receiving, processing, assessing and deciding applications for an environmental authority for an ERA if they have a devolution for ERAs. This makes the local government the administering authority under the *Environmental Protection Act 1994*. Where the local government does not have a devolution for ERAs, the environmental authority application must be made to the Department of Environment and Science as the administering authority.

Is a development permit also required?

All the ERAs devolved to local governments will be assessed for the ERA under the *Planning Act 2016* where there is a material change of use. This process starts with a development permit application made using the integrated development assessment system (IDAS) forms. This application will be treated as an environmental authority application.

Can these ERAs be administered by another administering authority?

Where a development permit application is made for activities that are solely on this list, the local government will be the administering authority if it has a devolution for ERAs. The local government will assess the ERA component of the application, which is taken to be an environmental authority application. A separate environmental authority application is not required.

Where the local government does not have a devolution for ERAs, the Department of Environment and Science is the administering authority. The department will assess the ERA component of the development application as if it was an environmental authority application.

If the application is for one of these ERAs in conjunction with another ERA at the same place that is not on this list, then the relevant Queensland Government department will be the administering authority and will assess the ERA component of the application as if it was an environmental authority application (see s. 142 of the regulation).

If the applicant for any of these ERAs is a local government or a Queensland Government agency, then the administering authority is the relevant State Government department — usually the Department of Environment and Science (see s. 140 of the regulation).

In addition, if the activity is carried out as a mobile and temporary activity across more than one local government area (whether or not any of the local governments have a devolution for ERAs), then the Department of Environment and Science will be administering authority (see s. 141 of the regulation). A development approval is not required for mobile and temporary activities.

What are the costs involved in applying for and maintaining an environmental authority?

Different local governments have different application and annual fees for these ERAs. Contact the local government where the activity is to be sited for the application and annual fees that will apply. The information sheet 'Summary of fees for environmentally relevant activities (ERAs)' (EM389)¹ lists the fees that apply when the Department of Environment and Science is the administering authority.

¹ 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.qld.gov.au.

How will local governments decide environmental authority applications?

In making a decision the administering authority must consider the following:

- the regulatory requirements in the Environmental Protection Regulation 2019
- the application
- any responses to an information request
- the standard criteria in the *Environmental Protection Act 1994*

Each local government may have specific assessment criteria relevant to local environmental values. It is therefore important to contact the local government in question to better understand the local environmental aspects of the application.

What are the ongoing management activities for environmental authorities?

In addition to having to pay annual fees, once issued, an environmental authority can be transferred, amended, amalgamated, surrendered, suspended or cancelled. Holders of environmental authorities can also change the anniversary day of the authority.

Each local government will have application forms and business processes to manage each of these environmental authority management activities.

Version history

Version	Date	Version details
4.01	24 November 2015	Updated corporate style.
4.02	15 August 2016	Added publication number ESR/2015/1662 and version history.
4.03	03 July 2017	Replaced <i>Sustainable Planning Act 2009</i> with <i>Planning Act 2016</i> .
4.04	15 June 2018	Document rebranded to align with machinery of government changes
5.00	12 April 2019	Removed Mareeba Shire Council from list of local governments without a devolution for ERAs
6.00	01 July 2019	Updated for the Environmental Protection (Waste ERA Framework) Amendment Regulation 2018
6.01	08 October 2019	Updated for the Environmental Protection Regulation 2019
7.00	05 July 2021	Banana Shire Council added to the table of Local governments without a devolution for ERAs