

Notice

Concurrence Agency Response

This notice is issued by the chief executive pursuant to section 287 (concurrence agency response), section 290 (amended concurrence agency response), section 292 (advice agency response) of the Sustainable Planning Act 2009.

Rockhampton Regional Council
PO Box 1860
Rockhampton QLD 4700
File No: D/648/12 Doc No: _____
Links: _____
Action Officer: _____

11 SEP 2013
Task to: at Town Planning
3. _____ 4. _____
QDAN: _____ v: _____ Ref: _____
Box No: _____ Yrs: file

cc. JPJRT Pty Ltd
C/- Adam & Sparkes Town Planning &
Development
PO Box 455
Rockhampton QLD 4700

Our reference: 222535

Re: Concurrence Agency Response

1. Application details

Applicant: JPJRT Pty Ltd

Assessment Manager ref: D/648-2012

Date application referred to the concurrence agency: 26 February 2013

Development approval applied for: development permit

Aspect(s) of development:

Assessable development		Referral agency reference
Material change of use – Environmentally relevant activities		EHP Permit No. SPCE05258013

Development description(s): ERA 60 **Waste disposal**, threshold 1 (a) operating a facility for disposing of, in a year less than 50,000 tonnes of waste

Property/Location description(s): Lot 1 on RP604651

231 Lucas Street, Gracemere QLD 4702

2. Concurrence jurisdiction

The concurrence agency response for the aspect of development involved with the application the subject of this Notice is to tell the assessment manager as follows:

Notice
Concurrence Agency Response

- a. Conditions must attach to any development approval, and those conditions are attached to this notice as:
- i) EHP Permit number: SPCE05258013

3. **General advice to assessment manager**

Pursuant to section 334 and section 363 of the *Sustainable Planning Act 2009*, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to the referral agency for the relevant application. Please send a copy of the relevant notice to EHP Rockhampton, PO Box 413, Rockhampton QLD 4700 and an electronic copy to ERA_Rockhampton@ehp.qld.gov.au

The state's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager.

4. **Important additional information for applicants**

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which a development approval is issued is a restatement of the ERA as defined by legislation at the time the approval is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by a development approval as to the scale, intensity or manner of carrying out an ERA, then the conditions prevail to the extent of the inconsistency.

A development permit authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the permit specifically authorises environmental harm.

Since the introduction of the *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012* (Greentape Reduction Act), significant changes have occurred to the way environmental licences are administered and managed in Queensland. Prior to the introduction of the Greentape Reduction Act, the holder of a development approval was required to apply for a registration certificate to operate under the requirements of the *Environmental Protection Act 1994*. Since the introduction of the Greentape Act, registration certificates no longer exist. The holder of an environmental authority may now apply to be a registered suitable operator to carry out an environmentally relevant activity. Since the licence administered in this case is a development approval, the holder is required [*is this a requirement?*] to apply to convert existing conditions of a development approval into an environmental authority. The relevant application form can be found at the following website:

<http://www.business.qld.gov.au/business/running/environment/licences-permits/forms-fees-environmental-authority>

The Greentape Reduction amendments to the *Environmental Protection Act 1994* came into effect on 31 March 2013 and introduced significant changes to the way environmental approvals are administered and managed in Queensland.

Prior to the changes, a registration certificate was required in order to carry out an environmentally relevant activity under chapter 4 of the *Environmental Protection Act 1994*, once a development permit was obtained. Since the introduction of the Greentape changes registration certificates no longer exist and a person applies for a development application which is also taken to be environmental authority application at the same time, effectively streamlining the two processes into one. All holders of an environmental authority must now also be a registered suitable operator, however if an entity was the holder of a registration certificate prior to 31 March 2013, then that entity was automatically placed on the register of suitable operators. This register can be viewed on the departmental website www.ehp.qld.gov.au.

MBA

Notice
Concurrence Agency Response

As you lodged your development application prior to these changes coming into effect, and given registration certificates no longer exist, you will be required to convert the conditions of your development approval into an environmental authority in order to operate. This is an easy process which has no fee.

The application form to convert existing conditions of a development approval into an environmental authority can be found on the Queensland Government's *Business and Industry Portal* website at the link below:

<http://www.business.qld.gov.au/business/running/environment/licences-permits/forms-fees-environmental-authority>

This application form has also been attached to this Notice for your convenience. Attachment 2 is the application form to be a registered suitable operator should you require it.

Contaminated land

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined in Schedule 3 and Schedule 4 of the *Environmental Protection Act 1994*) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the chief executive.



Delegate
Michael Allen
Delegate, Chief Executive administering the *Environmental Protection Act 1994*
Department of Environment and Heritage Protection
30 August 2013

Enquiries
Glenn Druery
Department of Environment and Heritage Protection
Level 2, 209 Bolsover Street
Rockhampton QLD 4700
Phone: 4837 3509
Fax: 4837 3418
Email: glenn.druery@ehp.qld.gov.au

Attachment(s)

Attachment 1 – SPCE05258013 (Ecotrack # 222535)

Attachment 2 – Application Form – Convert existing conditions of a development approval/permit into an environmental authority

Sustainable Planning Act 2009**EHP Permit¹ number: SPCE05258013**

Assessment manager reference (if any):	D/648-2012
Date application received:	26 February 2013
Permit type:	Development Permit
Date of decision:	30 August 2013
Decision:	For a concurrence agency response conditions that must attach to any development approval
Relevant laws and policies:	<i>Environmental Protection Act 1994</i> and any related statutory instruments and subordinate legislation
Jurisdiction(s):	Material change of use of premises – for an environmentally relevant activity <i>Sustainable Planning Regulation 2009</i> – Schedule 3, Part 1, Table 2, item 1.

Development Description(s)

Property/Location		Development
231 Lucas Street, GRACEMERE QLD 4702	Lot 1 on RP604651	ERA 60 Waste disposal , threshold 1(a) – operating a facility for disposing of, in a year, less than 50,000t of waste.

Additional information for applicants*Environmentally relevant activities*

The description of any environmentally relevant activity (ERA) for which a development approval is issued is a restatement of the ERA as defined by legislation at the time the approval is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by a development approval as to the scale, intensity or manner of carrying out an ERA, then the conditions prevail to the extent of the inconsistency.

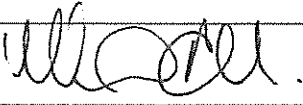
A development permit authorising the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the permit specifically authorises environmental harm.

A person carrying out an ERA must hold a registration certificate issued under the *Environmental Protection Act 1994*, or must be acting under a registration certificate, for the ERA.

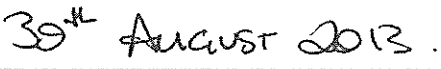
¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Heritage Protection.

Contaminated land

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined in Schedule 3 and Schedule 4 of the *Environmental Protection Act 1994*) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the Department of Environment and Heritage Protection.



Signature



Date

Delegate

Michael Allen

Department of Environment and Heritage Protection

Delegate of the administering authority

Environmental Protection Act 1994

CONDITIONS

GENERAL	
Condition number	Condition
G1	Activities conducted under this development approval must not be conducted contrary to any of the following: <ul style="list-style-type: none"> a) Disposing of waste other than non-putrescible waste, inert construction and demolition waste. b) Disposing of waste that does not result in the generation of leachate. c) Recovering recyclable materials on site upon receipt and transferring to a facility that can lawfully accept those materials. d) Recovering waste received on site upon receipt that is not listed in the waste acceptance criteria in this development approval, and transferring that waste to a facility that can lawfully accept it.
G2	All reasonable and practicable measures must be taken to minimise the likelihood of environmental harm being caused.
G3	Any breach of a condition of this development approval must be reported to the administering authority within 24 hours of becoming aware of the breach and record full details of the breach and any subsequent actions.
G4	All information and records that are required by the conditions of this development approval must be kept for a period of at least 5 years.
G5	All complaints received relating to operations at the approved place must be recorded with the following details: <ul style="list-style-type: none"> a) time, date and nature of complaint; b) type of communication (telephone, letter, in person etc.); c) name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then "Not identified" is to be recorded); d) response and investigation undertaken as a result of the complaint; e) name of person responsible for investigating complaint; and f) action taken as a result of the complaint investigation.
AIR	
Condition number	Condition
Odour Nuisance	
A1	The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any sensitive place.
A2	The release of dust and/or particulate matter resulting from the approved activity must not cause an environmental nuisance at any sensitive place beyond the boundaries of the approved place.

Dust and Particulate Emissions	
A3	All reasonable and practicable measures must be implemented to minimise wind-borne dust and particulate emissions.
A4	The release of dust and/or particulate matter resulting from the approved activity must not cause an environmental nuisance at any sensitive place beyond the boundaries of the approved place .
Dust Deposition Monitoring	
A5	When requested by the administering authority , the registered operator must undertake monitoring to investigate a non-vexatious complaint of environmental nuisance caused by dust or other particulate matter resulting from the approved activity beyond the boundaries of the approved place .
A6	Monitoring in accordance with condition A5 must be: <ul style="list-style-type: none"> a) carried out at places relevant to the potentially affected sensitive place; b) undertaken for a minimum period of 3 consecutive months, unless the administering authority reasonably requests a longer monitoring period; and monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or the latest edition) 'Determination of particulate matter – Deposited matter – Gravimetric method'.
A7	When required to undertake monitoring in accordance with condition A5 and A6, the registered operator of this development approval must ensure that dust deposition resulting from the approved activity does not exceed 120 milligrams per square metre per day over a thirty (30) day averaging period when measured at a sensitive place .
A8	When required to undertake monitoring in accordance with condition A5, the registered operator of this development approval must provide the monitoring results to the administering authority in writing within 14 days after completion of monitoring and analysis.

WATER	
Condition number	Condition
WT1	Other than as permitted within this development approval, contaminants must not be released from the site to any waters or the bed and banks of any waters.
WT2	Contaminants must not be released to groundwater.
WT3	Stormwater from hardstand areas must be directed in such a way so that it does not enter the waste disposal pit, and diverted to the lawful point of discharge.
WT4	Water removed from on-site sediment basins must not contain contaminants that will impact or are likely to impact the environment.
Erosion Protection Measures and Sediment Controls	
WT5	Erosion protection and sediment control measures must be installed and maintained, to effectively minimise any likelihood of erosion and release of sediments from the approved place.
WT6	All areas of soil disturbed and exposed must be managed to minimise the loss of sediment through revegetation and/or use of other stabilisation techniques.
Sediment Basin(s)	
WT7	Sediment basin(s) must be installed, and maintained to collect stormwater runoff from all disturbed areas of the approved place and areas in which any earthen material is stored.

NOISE	
Condition number	Condition
N1	Noise from the activity must not occur from blasting or include substantial low frequency noise components and must not exceed the levels identified in Table 1 – Noise limits, at any noise sensitive place or commercial place .

Table 1 – Noise limits

Noise level measured in dB(A)	Monday to Saturday			Sunday and Public Holidays		
	7am-6pm	6pm-10pm	10pm-7am	9am-6pm	6pm-10pm	10pm-9am
	Noise measured at a nuisance sensitive place					
$L_{Aeq\ adj,T}$	Background +5	Background +3	Background +0	Background +5	Background + 3	Background + 0
$MaxL_{pA,T}$	Background +10	Background +8	Background +5	Background +10	Background +8	Background +5
$L_{Aeq\ adj,T}$	Noise measured at a commercial place					
	Background +10	Background +8	Background +5	Background +10	Background +8	Background +5
	$MaxL_{pA,T}$	Background +15	Background +13	Background +10	Background +15	Background +13

Noise Monitoring	
N2	When requested by the administering authority , noise monitoring must be undertaken to investigate any non-vexatious complaint of noise nuisance, and the results notified within 14 days to the administering authority . Monitoring must include: <ul style="list-style-type: none"> - $L_{Aeq, adj, 1\ hour}$ - the level and frequency of occurrence of impulsive or tonal noise; - atmospheric conditions including wind speed and direction; - effects due to extraneous factors such as traffic noise; and - location, date and time of recording.
N3	The method of measurement and reporting of noise levels must comply with the latest edition of the administering authority's Noise Measurement Manual.
WASTE	
Condition number	Condition
Waste Acceptance Criteria	
WS1	Waste disposed at the approved place must be free of contaminants and restricted to the following: <ul style="list-style-type: none"> a) concrete; b) bricks; c) asphalt; d) Metals (steel, brass, copper, aluminium); e) Clean fill; f) Mixed waste as any combination of the above.

WS2	Entry signage must be erected and clearly display the types of waste the approved place is permitted to accept under this development approval.
Waste records	
WS3	<p>The registered operator of the development approval must record at least the following information with regard to waste received:</p> <ul style="list-style-type: none"> a) Date of receipt; b) Name of supplier; c) Origin of waste; d) Description of waste; e) Vehicle registration; and f) Load tonnage.
Solid Waste Management	
WS4	Waste removed from the approved place must only be removed by a person lawfully able to transport the waste.
WS5	Waste must not be burnt at the approved place .
Notification of Improper Disposal of Regulated Waste	
WS6	If the registered operator of this development approval becomes aware that a person has removed regulated waste from the approved place (or approved vehicles) and disposed of the regulated waste in a manner that is not authorised by this development approval or is improper or unlawful, then the registered operator of this development approval must, as soon as practicable, notify the administering authority of all relevant facts, matters and circumstances known concerning the disposal.
WS7	<p>In the event of the registered operator of this development approval becoming aware of the prohibited wastes being commingled in the waste stream, the registered operator of this development approval must take all practicable measures to:</p> <ul style="list-style-type: none"> a) prevent the waste being deposited on site; b) cease the depositing of such waste if depositing of such waste is occurring; c) remove the prohibited waste and store in a proper and efficient manner; d) notify the person who sent the prohibited waste to the approved place of the detection of prohibited waste in the waste received; e) promptly arrange for a person who can lawfully transport such waste to collect such waste; f) produce the following records (if such information can be reasonably identified): <ul style="list-style-type: none"> i. type of prohibited waste; ii. quantity of prohibited waste; iii. date of arrival at the approved place; iv. name and address of the person(s) transporting the prohibited waste to the approved place; v. name and address of the person(s) who generated the prohibited waste (if such person(s) can be reasonably identified).

WS8	For the purpose of condition WS7, "prohibited waste" means a waste that is not permitted to be accepted at the approved place by a condition of this development approval.
WS9	Every lift of waste deposited within the approved place must be evenly compacted by mechanical plant to the greatest extent practicable.
Closure and Post-Closure Care	
WS10	The registered operator of this development approval must begin closure activities no later than twenty-eight (28) days after the date on which the approved place receives the known final receipt of wastes.
WS11	The registered operator must inform the administering authority within 28 days of having received the final receipt of wastes.
WS12	When the deposition of waste to the waste disposal facility ceases, the registered operator of this development approval must install a final cover system to the landfill which effectively minimises: <ul style="list-style-type: none"> a) infiltration of water into the landfill; and b) the likelihood of any erosion occurring to either the final cover system or the landfilled materials, however, a final cover system is not required where the deposition of waste to a the landfill ceases temporarily for the purpose of using an alternative working face.
WS13	The final cover system must include at least: <ul style="list-style-type: none"> a) a layer of material of sufficiently low permeability to minimise infiltration; and b) an upper layer of earthen material that is capable of sustaining native plant growth.
WS14	The final cover system must be terraced and/or graded to a sufficiently gradual slope and revegetated as soon as practicable with suitable species so as to prevent erosion from this source.
WS15	The final cover system must be graded to such an extent that water does not pond on the final cover system.
WS16	The administering authority must be notified within 14 days of the registered operator having completed the installation of the final cover system.

DEFINITIONS

Activity means the environmentally relevant activities, whether resource activities or prescribed activities, to which the development approval relates.

Administering authority means the Department of Environment and Heritage Protection or its successor.

Approved place means the place authorised under this development permit for the carrying out of the specified environmentally relevant activities.

Commercial place means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

Dust sensitive place means a dwelling, mobile home or caravan park, residential marina or other residential place; or a motel, hotel or hostel; a kindergarten, school, university or other educational institution; a medical centre or hospital; a protected area; or a park or gardens; a place used as an office or for business or commercial purposes and includes the curtilage of any such place.

Dwelling as stated in Schedule 2 of the *Environmental Protection (Noise) Policy 2008* means a building or part of a building used or capable of being used as a residence.

General waste means generally, waste other than regulated waste.

L_{Aeq adj, 1hour} means the A-weighted equivalent continuous sound pressure level measures on fast response, adjusted for tonality and impulsiveness, during the time period of 1 hour, when the activity is causing a steady state noise.

Leachate means a liquid that has passed through or emerged from, or is likely to have passed through or emerged from, a material stored, processed or disposed of at the approved place that contains soluble, suspended or miscible contaminants likely to have been derived from the said material.

Measures has the broadest interpretation and includes plant, equipment, physical objects, monitoring, procedures, actions, directions and competency.

Noxious means harmful or injurious to health or physical well-being.

Noise sensitive place means a dwelling, mobile home or caravan park, residential marina or other residential premises; or a motel, hotel or hostel; or a kindergarten, school, university or other educational institution; or a medical centre or hospital; or a protection area; or a park or gardens; and includes the curtilage of any such place.

Offensive means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive.

Putrescible waste means waste food or waste animal matter (including dead animals and animal parts), and includes any mixtures of such waste.

Regulated waste means non-domestic waste mentioned in Schedule 7 of the *Environmental Protection Regulation 1998* whether or not it has been treated or immobilised and includes:

- for an element - any chemical containing the element; and
- anything that has contained a regulated waste.

Sensitive place includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

- a) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- b) a motel, hotel or hostel; or
- c) a kindergarten, school, university or other educational institution; or
- d) a medical centre or hospital; or
- e) a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
- f) a public thoroughfare, park or gardens; or

for noise, a place defined as a sensitive receptor for the purposes of the *Environmental Protection (Noise) Policy 2008*.

Substantial low frequency noise means a noise emission that has an unbalanced frequency spectrum

M. B. A.

Waste disposal facility means land and structures at the approved place used for the disposal of solid waste.

END OF CONDITIONS

NBA.

Application form

Environmental Protection Act 1994

Convert existing conditions of a development approval/permit into an environmental authority

This form is to be used when applying to convert particular existing conditions of a development permit or development approval into an environmental authority under section 678A of the Environmental Protection Act 1994 (EP Act) for an environmentally relevant activity (ERA).

All applicants must be a registered suitable operator to carry out an ERA. If you are not already registered as a suitable operator, fill in the application form in Attachment 2 and submit it with this application.

Checklist for making this application

You must complete this checklist before you continue with the application form.

If none of the checklist questions apply to your activity, you are not eligible to make this application. You can only complete this application if you have ticked 'yes' to one of the checklist questions below.

Checklist questions	
Do any of the following apply to your activity? <i>Tick the appropriate check boxes.</i>	
Development permits	
Prior to 31 March 2013, did you hold a development permit for a chapter 4 activity but no registration certificate, under the EP Act?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Do you have a development permit for a chapter 4 activity (under the EP Act) that came into effect on or after 31 March 2013?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Urban Development Area (UDA) approvals	
Prior to 31 March 2013, did all three of the below criteria apply? 1. A UDA development approval for a chapter 4 activity was in effect. 2. The UDA development conditions of the UDA development approval nominate the administering authority to be the nominated assessing authority for the conditions under section 58(a) of the <i>Urban Land Development Authority Act 2007</i> . 3. There was no registration certificate issued for the activity under the EP Act.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Priority Development Area (PDA) approvals	
For activities relating to a PDA, do all three of the below criteria apply? 1. A PDA development approval for a chapter 4 activity, applied for prior to 31 March 2013, has come into effect? 2. The PDA development conditions of the UDA development approval nominate the	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

Application form

Convert existing conditions of a development approval/permit into an environmental authority

administering authority to be the nominated assessing authority for the conditions under the section 88(a) of the <i>Economic Development Act 2012</i> .	
3. There was no registration certificate issued for the activity under the EP Act.	

Application form

Convert existing conditions of a development approval/permit into an environmental authority

GUIDE

Application details

Take particular care in filling out the applicant details as these are legally required for the issuing of any environmental authority. Applicant details, including the name and the address should reflect the details of the person or registered legal entity.

If more space is required for any responses, please attach additional information as a separate page.

A sole applicant is an applicant where there is only 1 person or business applying to obtain an environmental authority.

A principal applicant is the individual or business nominated to act on behalf of joint applicants for the environmental authority application only.

It is particularly important to enter the correct Australian business number (ABN); Australian company number (ACN) of the incorporated company; association number (AN) of the incorporated association; or the title and section of the legislation that gives the statutory corporation its legal status.

If there is an agent acting on behalf of the sole or principal applicant provide details in this section. An agent could be a consultant or a contact for the environmental authority holder.

As statutory documents need to be sent to all applicants, this section can also be used when there are multiple environmental authority holders to nominate an address for statutory documentation to be sent 'care of' to.

1. Applicant details

SOLE OR PRINCIPAL APPLICANT DETAILS	
INDIVIDUAL OR BUSINESS NAME (INCLUDE TRADING NAME IF RELEVANT)	
ABN/ACN/AN (IF RELEVANT)	
RESIDENTIAL ADDRESS OR REGISTERED BUSINESS ADDRESS (NOT A POST OFFICE BOX ADDRESS)	
POSTAL ADDRESS (IF DIFFERENT FROM ABOVE)	
CONTACT PERSON	
PHONE	FACSIMILE
EMAIL	
SUITABLE OPERATOR REGISTRATION NUMBER (IF ALREADY A REGISTERED SUITABLE OPERATOR)	

When there is more than 1 applicant complete Attachment 1—Appointment of principal applicant by all joint applicants.

Agent for principal applicant/address for service

The address supplied here will also be used as a service address for sending statutory documents. If this section is left blank, statutory documents will be sent to the sole or principal applicant.

INDIVIDUAL OR BUSINESS NAME (INCLUDE TRADING NAME IF RELEVANT)
RESIDENTIAL ADDRESS OR REGISTERED BUSINESS ADDRESS (NOT A POST OFFICE BOX ADDRESS)

Application form

Convert existing conditions of a development approval/permit into an environmental authority

POSTAL ADDRESS (IF DIFFERENT FROM ABOVE)	
CONTACT PERSON	
PHONE	FACSIMILE
EMAIL	

- 2. What is the permit reference number of the development approval or development permit you are applying to convert?**

PERMIT REFERENCE NUMBER

All applicants, including joint applicants must be registered suitable operators to be issued an environmental authority.

Once a person or corporation has been registered as a suitable operator for carrying out an ERA, no further suitable operator applications need to be made as long as the applicant for the environmental authority matches the name (including ABN/ACN etc, if applicable) recorded on the suitable operator register.

If you have previously been approved as a registered suitable operator, you can find the suitable operator registration number on the decision notice advising you of your approved application.

- 3. Are all applicants (including principal and joint applicants) been registered as a suitable operator?**

- ☐ Yes → All applicants are registered suitable operators and the respective suitable operator registration numbers have been provided (either in question 1 or attachment 1).
- ☐ No → ☐ All/some applicants have previously lodged their applications to become registered suitable operators and are waiting for a decision.
- ☐ All/some applicants have not previously lodged applications to become registered suitable operators. These applicants must each complete the suitable operator application form in attachment 2 and submit it with this application. Attachment 2 must be completed in full, otherwise this application may be rejected as incomplete.

Application form

Convert existing conditions of a development approval/permit into an environmental authority

4. Location where the ERA will be carried out

For an ERA that will be carried out at a fixed location, complete the table below.

STREET NUMBER	STREET NAME	SUBURB/TOWN
POSTCODE	LOT/PLAN(S)	
PORT		

For a mobile and temporary prescribed ERA, provide details of the area of operation in the table below.

AREA OF OPERATION E.G. PARTICULAR LOCAL GOVERNMENTS OR ACROSS THE STATE OF QUEENSLAND

5. ERA details

LIST ALL THE ERAS FORMING PART OF THIS APPLICATION		
ERA NUMBER	NAME OF ERA	THRESHOLD

You may choose to nominate a date or event for when the environmental authority will take effect. An event can include a phase of your project you know will occur before you commence operation (for example commissioning of equipment). This take-effect date or event will be the date or event from which your annual fees will commence to be charged (your anniversary date).

Where you have nominated a take-effect date, you must not commence any activities approved under the environmental authority until the

6. Take effect date

Do you want the environmental authority to take effect on a nominated date or event?

☐ Yes → Nominate the date or event below.

NOMINATED TAKE-EFFECT DATE OR EVENT

☐ No → The take-effect date will be the date of decision or as nominated by the administering authority.

Application form

Convert existing conditions of a development approval/permit into an environmental authority

take-effect date stated on the environmental authority occurs. If you nominated an event, you will need to give written notice to the administering authority that the stated event has occurred before you commence your operation.

Where there is more than 1 applicant, this declaration is to be signed by all applicants, unless a principal applicant has been nominated in Attachment 1, in which case the principal applicant can sign on behalf of all the joint applicants.

Where the sole or principal applicant is a company, this form is to be signed by an authorised person for that company.

Privacy statement

The Department of Environment and Heritage Protection is collecting the information on this form to process your application to convert particular existing conditions into an environmental authority. This collection is authorised under sections 678A and 678B of the *Environmental Protection Act 1994*. Your personal information will only be accessed by authorised employees within these departments and will not be disclosed to any other parties unless authorised or required by law.

For queries about privacy matters please email privacy@ehp.qld.gov.au or telephone: (07) 3330 5436.

Declaration

I declare that:

- I am the applicant or an authorised signatory for the applicant
- The information provided is true and correct to the best of my knowledge. I understand that it is an offence under section 480 of the *Environmental Protection Act 1994* to give to the administering authority or an authorised person a document containing information that I know is false, misleading or incomplete in a material particular.
- I understand that failure to provide sufficient information may result in the application being refused.
- I understand that all information supplied on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.
- I understand that I am responsible for managing the environmental impacts of these activities, and that approval of this application is not an endorsement by the administering authority of the effectiveness of management practices proposed or implemented.

APPLICANT'S NAME	
SIGNATURE	
POSITION OF SIGNATORY	DATE
JOINT APPLICANT'S NAME (IF APPLICABLE)	JOINT APPLICANT'S SIGNATURE (IF APPLICABLE)
JOINT APPLICANT'S NAME (IF APPLICABLE)	JOINT APPLICANT'S SIGNATURE (IF APPLICABLE)

Applicant checklist

- ☐ Application form has been signed and completed.

Application form

**Convert existing conditions of a development approval/permit into an
environmental authority**

- ☐ Attachment 1: Appointment of principal applicant by all joint applicants has been signed and completed (if applicable).
- ☐ Attachment 2: Application to be registered as a suitable operator signed and completed (if applicable).
- ☐ Question 4: Additional details have been attached with a description of land where ERA will be carried out (if applicable).
- ☐ Question 5: Additional supporting information details for the prescribed ERA have been attached (if applicable).

Further information

The latest version of this publication and other publications referenced in this document can be found at www.qld.gov.au.

Please submit your completed application kit to:

Post:

Department of Environment and
Heritage Protection
GPO Box 2454
BRISBANE QLD 4001

Courier or hand delivery:

Permit and Licence Management
Department of Environment and
Heritage Protection
Level 3, 400 George Street
BRISBANE QLD 4000
Business hours: 8:30am–4:30pm
business days

Enquiries:

Permit and Licence Management
Phone: 13 QGOV (13 74 68)
Fax: (07) 3330 5875
Email: palm@ehp.qld.gov.au

Application form

**Convert existing conditions of a development approval/permit into an
environmental authority**

Attachment 1

Appointment of principal applicant by all joint applicants

We, being joint applicants for this environmental authority, hereby nominate the following as principal applicant:

Printed name of principal applicant

Name/Company		ABN/ACN/AN
Signatory name and position	Signature	Date
Suitable Operator Registration Number (if already a registered suitable operator)		

Name/Company		ABN/ACN/AN
Signatory name and position	Signature	Date
Suitable Operator Registration Number (if already a registered suitable operator)		

Name/Company		ABN/ACN/AN
Signatory name and position	Signature	Date
Suitable Operator Registration Number (if already a registered suitable operator)		

Application form

**Convert existing conditions of a development approval/permit into an
environmental authority**

Name/Company		ABN/ACN/AN
Signatory name and position	Signature	Date
Suitable Operator Registration Number (if already a registered suitable operator)		

Name/Company		ABN/ACN/AN
Signatory name and position	Signature	Date
Suitable Operator Registration Number (if already a registered suitable operator)		

Name/Company		ABN/ACN/AN
Signatory name and position	Signature	Date
Suitable Operator Registration Number (if already a registered suitable operator)		

Name/Company		ABN/ACN/AN
Signatory name and position	Signature	Date
Suitable Operator Registration Number (if already a registered suitable operator)		

Application form

**Convert existing conditions of a development approval/permit into an
environmental authority**

Attachment 2

Application form—application to be a registered suitable operator

Application form

Convert existing conditions of a development approval/permit into an
environmental authority

THIS PAGE IS INTENTIONALLY LEFT BLANK

Application Form

Environmental Protection Act 1994

Application to be a registered suitable operator

This approved form is to be used to apply to become a suitable operator under section 318F of the Environmental Protection Act 1994 (EP Act) for the carrying out of an environmentally relevant activity (ERA).

To obtain an environmental authority for an ERA you must first apply to be a registered suitable operator. To obtain registration you will need to apply either:

- At the same time as applying for an environmental authority, or
- In advance, at any time before applying for an environmental authority.

Applicant details

INDIVIDUAL OR BUSINESS NAME (INCLUDE TRADING NAME IF RELEVANT)	
ABN/ACN/AN (IF RELEVANT)	
RESIDENTIAL ADDRESS OR REGISTERED BUSINESS ADDRESS (NOT A POST OFFICE BOX ADDRESS)	
POSTAL ADDRESS (IF DIFFERENT FROM ABOVE)	
PHONE	FACSIMILE
EMAIL	
CONTACT PERSON FOR APPLICANT (IF APPLICANT IS A BUSINESS)	

Applicant suitability criteria

Applicants must complete Table 1.

When completing Part A of Table 1:

- If the applicant is a corporation, the questions must be answered for all of the corporation's executive officers and any other corporations of which the executive officers are, or have been, an executive officer.

Application form

Application to be a registered suitable operator

- If the applicant is not a corporation, the questions must be answered for the applicant as well as any other person with whom the applicant is a partner e.g. business partners¹ of an environmental authority.

When completing Part A and Part B of Table 1, the applicant must indicate if the event occurred either to them individually or to a company or business in which they currently hold, or have held a position of management or control, when the event occurred.

Table 1: Suitability criteria

Applicant suitability criteria	Detail ²
PART A	
Have you ever been convicted of an environmental offence under the <i>Environment Protection Act 1994</i> or a corresponding law (whether in Queensland or elsewhere)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Have you ever had an environmental authority, instrument, licence or permit, however called, cancelled or suspended (whether in Queensland or elsewhere)?	<input type="checkbox"/> YES <input type="checkbox"/> NO

¹ If an application for an environmental authority is made and both partners are named as applicants for the environmental authority, both must make separate applications to become a suitable operator.

² If yes is ticked, you must provide complete details (including the state/territory/country in which the event occurred, the relevant legislation, location of offence or incident, date of offence or incident, amount of fine, facts and circumstances surrounding the offence or incident, details of relevant persons involved including name and positions, name of court, court reference number etc) in an attachment. You may also attach any submission you want the chief executive to consider in assessing this information, which will be used in deciding whether you are a suitable operator.

A 'relevant person' is either the applicant or any person with whom the applicant is a partner or, if a corporation, any of the corporation's executive officers.

Application form
Application to be a registered suitable operator

Applicant suitability criteria	Detail ²
<p>Have you ever had a suitable operator registration or similar registration, however called, cancelled or suspended under the <i>Environment Protection Act 1994</i> or a corresponding law (whether in Queensland or elsewhere)?</p>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p>
<p>PART B</p>	
<p>Have you ever received any of the following under the <i>Environment Protection Act 1994</i>:</p> <ul style="list-style-type: none"> • a penalty infringement notice • an environmental protection order • an enforcement order • a notice requiring a transitional environmental program • a notice to conduct or commission an environmental audit • a notice to conduct or commission an environmental investigation • a direction notice • a clean up notice • a cost recovery notice • a restraint order • another compliance action which is not stated above? 	
<p>Have you ever had a suitable operator registration or similar registration, however called, refused under the <i>Environment Protection Act 1994</i> or a corresponding law (in Queensland or elsewhere)?</p>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p>

If additional space is needed to provide the required detail, please attach the information as an attachment to this application form.

If any of the 'yes' boxes in Table 1 are ticked, the chief executive may decide to obtain a suitability report from an administering authority of another state under a corresponding law or the commissioner of the police service.

Application form

Application to be a registered suitable operator

Your application will be decided within 10 business days of the chief executive receiving the application unless any of the 'yes' boxes in Table 1 are ticked and the chief executive has decided to obtain a suitability report under section 318R of the *Environmental Protection Act 1994*. If a suitability report is required, your application will be decided within 20 business days after the chief executive has received the application.

Applicant's certification

- I declare that the information provided is true and correct to the best of my knowledge. I understand that it is an offence under section 480 of the *Environmental Protection Act 1994* to give to the chief executive or an authorised person, a document containing information that I know is false, misleading or incomplete in a material particular.
- I understand that all information supplied on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.
- I will comply with all conditions on any environmental authority obtained as well as any relevant provision in the *Environmental Protection Act 1994*.
- I understand that an incomplete application may be invalid. Invalid applications will be returned without processing and will only be processed if resubmitted with all invalidating issues addressed.
- I understand that the register of suitable operators will be publicly available.

APPLICANT'S NAME	
SIGNATURE	
POSITION OF SIGNATORY	DATE

Applicant checklist

- ☐ Application form for a registered suitable operator has been signed and completed
- ☐ Additional details to support applicant's suitability criteria have been attached (if applicable)

Please return your completed application kit to:

Post:

Permit and Licence Management
Department of Environment and Heritage Protection
GPO Box 2454
BRISBANE QLD 4001

Courier or hand delivery:

Permit and Licence Management
Department of Environment and Heritage Protection
Level 3, 400 George Street
BRISBANE QLD 4000
Hours: 8.30am–4.30pm business days

Enquiries:

Permit and Licence Management
Phone: 13 QGOV (13 74 68)
Fax: (07) 3330 5875
Email: palm@ehp.qld.gov.au

Note: If you are making this application at the same time as another environmentally relevant activity application process (e.g. an application for an environmental authority or a transfer application), please lodge this form to the same location as you are required to lodge the application form for that process. This may either be to the

Application form

Application to be a registered suitable operator

Department of Environmental and Heritage Protection, the Department of Natural Resources and Mines or the Department of Agriculture, Fisheries and Forestry.

Privacy statement

The Department of Environment and Heritage Protection (the department) is committed to protecting the privacy, accuracy and security of your personal information in accordance with the *Information Privacy Act 2009*. The department is collecting your personal information to determine your suitability as a registered operator under section 318F of the *Environmental Protection Act 1994*. Some of this information may be given to the Department of Natural Resources and Mines for the purpose of the joint regulation of mining activities. If your application is approved your name, address and ABN/ACN/AN will be disclosed on the Register of Suitable Operators which will be publicly available on the department's website. This disclosure is authorised by section 318I(1)(b) of the *Environmental Protection Act 1994*. All other information will not be given to any other person or agency unless you have given us permission or we are authorised or required by law. All information supplied on this form may be disclosed publicly in accordance with the *Right to Information Act 2009* and *Evidence Act 1977*. For queries about privacy matters email: privacy@ehp.qld.gov.au or telephone: (07) 3330 5436.

