

Licence variation application – premises



This is an application to vary a premises-based activity licence issued under the *Protection of the Environment Operations Act 1997* ('*POEO Act*').

A variation includes the substitution, omission or amendment of an existing condition, or attaching a new condition to a licence. If a licence holder wishes to seek a variation to licence conditions, this is the application form to fill in.

The form provides for the following scenarios:

- undertaking a new scheduled activity or ceasing a scheduled activity
- deleting an activity covered by a water licence or adding a new activity to be covered by the licence
- changing the scale/capacity of an activity
- extending a scheduled development works licence to cover the next stage of the development works or converting it to a scheduled activity licence
- adding an environmental improvement program
- any other variations.

To complete this form you may need the *Guide to licensing* prepared by the Environment Protection Authority (EPA) and available at www.epa.nsw.gov.au/licensing/licenceguide.htm and/or *Waste Classification Guidelines* which are available at www.epa.nsw.gov.au/wasteregulation/classify-waste.htm.

If you need help filling out the form, please contact your nearest EPA office from the list at the end of this form.

Once completed and signed, the form should be sent to your nearest EPA office (as indicated at the end of this form).

1. Licence to be varied

1.1 Licence to be varied

Licence number	1924
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1.2 Name of current licence holder(s)

Full name(s) of licence holder(s)	BENEDICT INDUSTRIES PTY LIMITED	
ACN /ABN (if applicable)	ACN: 001 926 503	ABN: 46 001 926 503

2. Changes to scheduled activities

If you have stopped undertaking a scheduled activity that is covered by your current licence, or propose to commence a new scheduled activity, you should advise the EPA. For more details on changing your activity type, please refer to the EPA's *Guide to licensing*.

2.1 Adding a new scheduled activity

Write down the short descriptions of the categories of scheduled activity you would like added to the licence for your premises. These are listed in Schedule 1 of the *POEO Act* available at www.legislation.nsw.gov.au.

Description of scheduled activities	NOT APPLICABLE

Please attach extra page(s) if more space is needed.

2.2 Deleting a scheduled activity

Write down the short descriptions of the categories of scheduled activity no longer conducted at these premises and that you would like deleted from the licence. These are listed in Schedule 1 of the *POEO Act* available at www.legislation.nsw.gov.au.

Description of scheduled activities	NOT APPLICABLE

Please attach extra page(s) if more space is needed.

3. Changes to 'non-scheduled activity' licence

If you hold a 'non-scheduled activity' licence and you want to add or delete activities covered by that licence, you must advise the EPA.

If your activity fits the description of a category of activity listed in Schedule 1 of the *POEO Act*, it will need a Scheduled Activity Licence, and you will need to answer Question 2 instead of this question. Please refer to Schedule 1 of the *POEO Act* available at www.legislation.nsw.gov.au to check whether the activity is a scheduled activity.

3.1 Adding a new activity

Write down the short description of the any new non-scheduled activity(ies) proposed to be conducted at these premises and that you would like added to the licence.

Description of activities to be added	NOT APPLICABLE

Please attach extra page(s) if more space is needed.

3.2 Deleting an existing activity

Write down the short description of any non-scheduled activity(ies) no longer conducted at these premises, and that you would like deleted from the licence.

Description of activities to be deleted	NOT APPLICABLE

Please attach extra page(s) if more space is needed.

4. Fee-based activity

The licence administrative fee varies according to the classification and scale of your activity. Classification descriptions are found in Schedule 1 of the *POEO Act* while activity scales are found in Schedule 1 of the *POEO (General) Regulation 2009* available at www.legislation.nsw.gov.au.

A change to the activity classification or activity scale may result in a change to your licence administrative fee. It may also result in a change in, or addition of, a load-based fee if the proposed activity has assessable pollutants as identified by the *POEO (General) Regulation 2009*.

4.1 Change to applicable fee-based activities

An addition or a deletion of a scheduled activity may result in a change to your fee-based activities.

The classifications used to determine licence fees can be found in Schedule 1 of the *POEO (General) Regulation 2009*.

Please provide details of the applicable fee-based activities and scales of activities that your licence will cover **as a result of the change**.

	Fee-based activity classification after proposed variation	Activity scale after proposed variation
1	NOT APPLICABLE	
2		
3		
4		

The EPA will notify you if there is an adjustment to your licence administrative fee.

4.2 Change to applicable fee-based activity scale/capacity

A change to the scale or capacity of your currently licensed activity may result in a change to your fee-based activity scale.

Please write down the fee-based classification of the proposed activity and the new activity scale in the space provided below, as shown in Schedule 1 of the *POEO (General) Regulation 2009*.

Please provide details of any **changes to the scale** of your **currently** licensed activities.

	Fee-based activity classification	Current activity scale	Proposed activity scale
1	NOT APPLICABLE		
2			
3			
4			

The EPA will notify you if there is an adjustment to your licence administrative fee.

5. Scheduled development work

5.1 Scheduled development work – progression to next stage

If you hold a 'staged scheduled development work' licence and want to commence the next stage of work, please provide the information required below. You may need to provide extra documentation – refer to the conditions of your licence and Appendix 1 of the EPA's *Guide to licensing*.

Please provide a brief description of the work to be conducted:

Description of activities	NOT APPLICABLE

How many stages to the development work are there? consent for the activities	
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Which stage of the development work does this application relate to?	
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When will the next stage commence?	day/month/year
When will the next stage be completed?	day/month/year

You will need to apply to vary the licence if you conduct any further stages.

Please attach to this application any documents about the scheduled development work that are specified in Appendix 1 of the EPA's *Guide to licensing* and list them in the table in **Section 9**.

5.2 Scheduled development work – change to a 'scheduled activity' licence

If you hold a 'scheduled development work' licence and you want to commence the scheduled activity, you will need to vary your licence to a 'scheduled activity' licence. You cannot start the scheduled activity until a 'scheduled activity' licence authorises it.

You may need to provide extra documentation – refer to the conditions of your licence and Appendix 1 of the EPA's *Guide to licensing*.

Please provide the following information:

When will the activity commence?	day/month/year
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Please tick (✓) 'Yes' or 'No'.

	Yes	No
5.2.1 Will you still be completing some of the development work while carrying on the scheduled activity?		

Please provide a brief description of the work that still needs to be completed:

Description of activities	NOT APPLICABLE

When will the work be completed?	day/month/year
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Please attach to this application any documents about the scheduled development work that are specified in Appendix 1 of the EPA's *Guide to licensing* and list them in the table in **Section 9**.

6. Environmental improvement program

Environmental improvement programs (EIPs) are programs of actions that deliver demonstrated environmental improvement outside those required to comply with the *Protection of the Environment Operations Act, 1997 (POEO Act)*, *Regulations* or existing conditions on a licence issued under the *POEO Act*.

If you are applying to add an EIP to your licence you will need to provide details of the program and the expected environmental improvements that will be delivered by the EIP.

It is important that you have discussed any program of actions with the EPA prior to applying for an EIP. EIPs are attached to the licence as a condition and the EPA may remove the EIP from the licence if the key milestones or any other conditions of the EIP are not met. If the EIP is removed from the licence the EPA will add an amount equivalent to the total score reduction received for the EIP, on to the environmental score for the following licence fee period.

Please provide a brief description of the program of actions including the proposed completion date, key reporting milestones and costs.

Description of the program of actions	NOT APPLICABLE
Description of activities	

Please attach extra page(s) if more space is needed.

Please provide a description of the expected environment improvements delivered by the EIP. Note: you will need to demonstrate that the EIP is outside those required to achieve compliance with legislative requirements or any existing conditions on your licence.

Description of expected environmental improvements	NOT APPLICABLE
Description of activities	

Please attach extra page(s) if more space is needed.

7. Details of other variations

Your licence can be varied by deleting or amending a condition, or substituting one condition for another.

Please provide details of any other proposed variations not covered previously in this application.

Licence condition number	Details of proposed change	Reason for proposed change
L5.1	Remove the wording: 'The total amount of any material extracted at the premises must not exceed 200,000 tonnes per annum.' And replace with; 'The total amount of any material extracted at the premises must not exceed 400,000 tonnes per annum.'	The current licence applies to Part Lot 1 DP1176153 and restricts scheduled activities to 200 000 tonnes per annum. Court orders released in January 2017 confirm scheduled activities are permitted on both Lot 1 and Lot 2 DP1176153 (refer to paragraph 344) – see licence variation submitted on 20 September, 2018. The increase to 400 000 tonnes remains within the current scale for fee based activities for both extraction and crushing, grinding or separating of material on site (100 000 – 500 000 tonnes per annum).
L5.2	Remove the wording: 'The total amount of any material that is crushed, ground, or separated must not exceed 200,000 tonnes per annum'. And replace with; 'The total amount of any material that is crushed, ground, or separated must not exceed 400,000 tonnes per annum'.	The site consent permits unlimited tonnage and with no constraints to operating hours or traffic across both Lots 1 & 2 (refer to paragraph 348). The sites processing capacity is closer to 400 000 tonnes per annum.

Please attach extra page(s) if more space is needed.

8. Development consent

Please tick (✓) 'Yes' or 'No'.

	Yes	No
8.1 Have the proposed variation(s) listed above been the subject of environmental assessment and public consultation under the <i>Environmental Planning and Assessment Act 1979</i> ?	✓	

If you answered 'Yes' to this question, please attach a copy of the development consent.

If you answered 'No' to this question, please tick (✓) the statement below that is correct.

A development application has been made to obtain development consent for the activities	
No development consent is necessary for the new activities	

If development consent is **not** necessary, please provide details indicating why:

Details	NOT APPLICABLE

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9. Supporting documentation

Appendix 1 of the EPA's *Guide to licensing* provides details of the supporting documentation that is required when applying for a licence.

Please provide details of documentation included with this application.

Document title	1 20181030 Sandy Point - EPL Variation Application_Increase to 400000 tonnes EPL 1924_Supporting Information
	2 20181022 Sandy Point - Minter Ellison Letter_Licence Variation_Increased Tonnes
	3 SSC v Benedict 2017 NSWLEC 4
	4
	5

Please attach extra page(s) if more space is needed.

10. Signature of licence holder

This application may only be signed by a person(s) with the legal authority to sign it. The various ways in which the application may be signed, and the people who may sign the application, are set out in the categories below.

Please tick (✓) the box next to the category that describes how this application is being signed.

If the proposed licence holder is:		The application must be signed and certified by one of the following:
an individual	<input type="checkbox"/>	the individual.
a company	<input type="checkbox"/>	the common seal being affixed in accordance with the <i>Corporations Act 2001</i> , or
	<input type="checkbox"/>	two directors, or
	<input checked="" type="checkbox"/>	a director and a company secretary, or
	<input type="checkbox"/>	if a proprietary company that has a sole director who is also the sole company secretary – by that director.
a public authority other than a council	<input type="checkbox"/>	the chief executive officer of the public authority, or
	<input type="checkbox"/>	by a person delegated to sign on the public authority's behalf in accordance with its legislation (Please note: a copy of the relevant instrument of delegation must be attached to this application).
a local council	<input type="checkbox"/>	the general manager in accordance with s.377 of the <i>Local Government Act 1993</i> ('LG Act'), or
	<input type="checkbox"/>	the seal of the council being affixed in a manner authorised under the LG Act.

I/We (the licence holder):

- apply for the variation of the licence listed in Section 1
- declare that the information in this form (including any attachment) is not false or misleading in any material particular.

Signature		Signature	
Name (printed)	JANA ASPERE	Name (printed)	MARTIN LYON
Position	DIRECTOR	Position	COMPANY SECRETARY
Date	31/10/18	Date	31/10/18.

Seal (if signing under seal):

Additional information

1. It is an offence to supply any information in this form that is false or misleading in a material particular. There is a maximum penalty of \$22,000 for a corporation or \$11,000 for an individual.

2. Details of the licence application and licence will appear on the EPA's Public Register. The EPA can be asked by any person to provide reasons for refusing or granting a licence application.

Send this form to your nearest EPA office:

Metropolitan

Parramatta

Environment Protection Authority NSW
PO Box 668
PARRAMATTA NSW 2124

Phone: 9995 5000
Fax: 9995 6900

Wollongong

Environment Protection Authority NSW
PO Box 513
WOLLONGONG EAST NSW 2520

Phone: 4224 4100
Fax: 4224 4110

North

Newcastle

Environment Protection Authority NSW
PO Box 488G
NEWCASTLE NSW 2300

Phone: 4908 6800
Fax: 4908 6810

Grafton

Environment Protection Authority NSW
PO Box 498
GRAFTON NSW 2460

Phone: 6640 2500
Fax: 6642 7743

Armidale

Environment Protection Authority NSW
PO Box 494
ARMIDALE NSW 2350

Phone: 6773 7000
Fax: 6772 2336

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Environment Protection Authority NSW
PO Box 2111
DUBBO NSW 2830

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South

Albury

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PO Box 544
ALBURY NSW 2640

Phone: 6022 0600
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PO Box 1388
BATHURST NSW 2795

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Griffith

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GRIFFITH NSW 2795

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QUEANBEYAN NSW 2620

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Waste Operations

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SYDNEY SOUTH NSW 1232

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