

Guide to licensing

*Under the Protection of the Environment
Operations Act 1997*

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Please note: The EPA is transitioning to electronic management of a range of licensing functions. From April 2016, licence applications for premises-based scheduled activities can be lodged through the EPA's licensing portal at: www.epa.nsw.gov.au/licensing/licencePOEO.htm. Additional licensing functionality, including electronic lodgment of Annual Returns will be available from mid 2016. Further information on this roll out will be available on the EPA's website.

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Abbreviations

ARA:	Appropriate Regulatory Authority
DA:	Development Application
DPE:	Department of Planning and Environment
EIS:	Environmental Impact Statement
EPA:	New South Wales Environment Protection Authority
EP&A Act:	<i>Environmental Planning and Assessment Act 1979</i>
ESD :	Ecologically Sustainable Development
IDA:	Integrated development assessment
LBL:	Load-based licensing
POEO Act:	<i>Protection of the Environment Operations Act 1997</i>
POEO General Regulation:	Protection of the Environment Operations (General) Regulation 2009
POEO Waste Regulation:	Protection of the Environment Operations (Waste) Regulation 2014
PRP:	Pollution reduction program
RBL:	Risk-based licensing
SEPP:	State Environmental Planning Policy
SSD:	State Significant Development
SSI:	State Significant Infrastructure

1 Introduction

1.1 Aim of this document

This document aims to help you determine if you are required to hold an environment protection licence (licence) and provides information on how to apply for a licence under the *Protection of the Environment Operations Act 1997* (POEO Act). It is intended as a guide only, and should be read in conjunction with the POEO Act and the Protection of the Environment Operations (General) Regulation 2009, as changes may have been made to the Act or the Regulation after the date of publication of this document.

You may also need to consult other Regulations under the POEO Act (details of the Act and the various Regulations can be found on the EPA website: www.epa.nsw.gov.au/legislation). Relevant legislation can also be accessed on the [NSW Government website](#)

You should also seek legal advice if you are unsure about your obligations under the POEO Act or Regulations.

1.2 What this document covers

This document is a general guide to EPA's environment protection licensing requirements and provides information to help you determine if you are required to hold a licence and the steps to be followed to obtain a licence. The document also provides details on how to apply for a licence, the licence fee that you would be required to pay, what you need to do if you already hold a licence and what you may need to do even if you don't need a licence.

1.3 Who this document is for

This document is for anyone who is:

- intending to carry out an activity for which they are required to hold a licence (see section 2 of this guide)
- carrying out an activity and does not currently hold a licence but may need to hold a licence that authorises them to undertake that activity (see Section 2 of this guide)
- carrying out an activity for which they are not required to be licensed under the POEO Act (see Section 2 of this guide), but for which the POEO Act and Regulations impose environment protection obligations (see Section 10 of this guide).

1.4 What is licensed under the POEO Act?

The EPA's licensing requirements apply to the whole of NSW and the POEO Act contains a core list of activities that require a licence issued by the EPA. These activities are listed in Schedule 1 of the POEO Act that can be accessed at: [New South Wales legislation](#).

An activity listed in Schedule 1 is referred to as a 'scheduled activity'.

Scheduled activities are divided into:

- premises-based activities (listed in Part 1 of Schedule 1 of the POEO Act)
- activities that are not premises-based (listed in Part 2 of Schedule 1 of the POEO Act).

Under the POEO Act, if work is to be undertaken at a premises for a scheduled activity to be carried out, (referred to as 'scheduled development work') then the person undertaking the work must hold a licence issued by the EPA. Scheduled development work is discussed further in Section 2.1 of this guide.

If you are the occupier of a premises where a scheduled activity or scheduled development works are being carried out and you do not hold a licence authorising you to undertake those activities or works, you will be committing an offence and you may be prosecuted (see Section 9.10 of this guide).

Licences may also be issued for activities that are not listed in Schedule 1 of the POEO Act but are likely to cause pollution of water. These activities are referred to as 'non-scheduled activities'.

Under the POEO Act, the EPA is the appropriate regulatory authority (ARA) for all scheduled activities and scheduled development work. The EPA is also the regulatory authority for non-scheduled activities in cases where those activities are subject to a licence, or are carried on by a public authority. For most other non-scheduled activities 'local authorities' are the ARA. In nearly all cases local authorities are local councils.

The EPA's risk-based licensing system aims to ensure that all environment protection licence holders receive an appropriate level of regulation based on the level of risk that they pose to human health and the environment. Risk-based licensing is applicable to premises based scheduled activities and mobile waste processing activities only. Waste transport licences are not subject to risk-based licensing (see Section 2.2 of this guide).

The POEO Act and Regulations also provide for a load-based licensing (LBL) scheme for some activities. Under the LBL scheme, some licence holders are required to determine the loads of assessable pollutants (specified in relation to an activity in Schedule 1 of the POEO General Regulation) released into the environment as a result of the activities undertaken and in some cases will be required to pay a load-based fee (see Section 4.6 of this guide).

2 Environment Protection Licences

2.1 Who needs to apply for an environment protection licence?

You will need to refer to the list of activities in Schedule 1 of the POEO Act at: [New South Wales legislation](#) to determine if you need to hold a licence. As indicated in Section 1.4 of this guide, you will need to hold a licence to conduct any activity listed in Schedule 1 of the POEO Act.

It is your responsibility to determine if your activity is listed in Schedule 1. You may require a licence that authorises you to undertake more than one scheduled activity at your premises.

Licences for a premises-based activity are issued to the occupier of the premises, that is, the person or organisation that has overall management or control of the premises. Licences for non premises-based activities are issued to the person or organisation that is to carry on the activity.

Most activities in Schedule 1 of the POEO Act specify a threshold above which a licence is needed. For example, if you carry out the scheduled activity of cattle, sheep or horse accommodation and can accommodate 1500 cattle at any one time at the premises, you will need to hold a licence as the threshold is an accommodation capacity of 'more than 1000 head of cattle'.

There are also some exemptions from licensing. For example, there is an 'exemption' for cattle, sheep or horse accommodation facilities that can accommodate more than 1000 cattle, 4000 sheep or 400 horses if the facilities are 'for drought or similar emergency relief'.

Thresholds and exemptions are included in the definition of each scheduled activity listed in Schedule 1 of the POEO Act.

If you are undertaking more than one scheduled activity on the premises, you must apply for a licence to undertake all those activities and the licence will need to authorise you to

undertake each of those scheduled activities. If you are undertaking activities on the premises that are below the relevant threshold set out in Schedule 1, you must list those activities as ancillary activities on your licence application.

The licensing schedule is based upon the potential for environmental impact. Because production levels can vary from year to year, a number of the thresholds above which licensing is required are based on 'intended capacity' or 'capacity' rather than actual activity levels. 'Intended capacity' is the amount of product that is physically able to be produced, obtained, etc. taking into account constraints such as:

- the size of the facilities, plant or equipment being used
- any expected maintenance time required during the period specified in the threshold

Capacity can also be affected by legal constraints on the scale of activities that may be carried on at the premises, such as limits set through a development consent.

'Intended capacity' **does not** relate to any subjective intention or forecast of lower production levels by the licensee.

2.1.1 Scheduled development work

You will also need to hold a licence if you have management or control of a premises where work is to be undertaken to enable a scheduled activity to be carried on (called 'scheduled development work'). It is important to note that holding a licence is different and separate from holding a development consent issued by a planning authority such as the Department of Planning and Environment (DPE) or your local Council.

2.1.2 Non-scheduled activities

If you are not required to hold a licence under the POEO Act for the particular activity undertaken at the premises, you may choose to apply for a licence to regulate water pollution from that activity. The licence provides a defence against a pollution of waters offence for those pollutants specifically regulated under the licence as long as the pollutants discharged to waters are within the limits specified in the licence.

In general the EPA will not issue a non-scheduled activity licence where there is a low likelihood of impact on waters and where pollution should not occur if the activity is carried out in a competent manner. If water pollution does occur as a result of the activity, the manner in which the activity was undertaken will be an important consideration when determining what action will be taken. Guidance material for a number of activities and industry sectors can be obtained by contacting EPA's Environment Line on 131 555.

If you are uncertain about whether you should apply for a licence to regulate water pollution, you may wish to discuss your situation with the EPA's regional office in your area. Contact details for EPA regional offices are in Section 11 of this guide.

It is your responsibility to determine whether the activity you are involved in requires a licence.

2.2 What is risk-based licensing?

Risk-based licensing commenced in 2015 and applies to premises-based scheduled activities and mobile waste processing activities only. Waste transport licences are not subject to risk-based licensing. Risk assessments of premises and mobile plants are undertaken by EPA officers, in consultation with licence holders. The EPA assesses the site-specific risks posed by each licensed activity, in terms of the risks relating to the day-to-day operations as well as the pollution incident risk at the premises. The prior environmental management performance of the licence holder at the premises will also be used to determine the level of risk.

Further information on the factors that the EPA considers in the risk assessment are available at [Risk-based licensing](#).

The risk assessment process determines an overall environmental risk level for each licensed activity undertaken at the premises: Level 1, 2 or 3, with Level 3 being the highest risk. The assessment of the licence holder's environmental management performance is used to determine an environmental management category for each licence: A, B, C, D or E, with category E being the poorest environmental performance. The method used to determine the environmental management category is detailed in the Environmental Management Calculation Protocol available at [Environmental Management Calculation Protocol](#).

The risk assessment of the day-to-day operations and the risks associated with pollution incidents at the premises are reviewed every five years at a minimum. Reviews can be conducted more frequently if required or if circumstances at the premises change. The environmental management category is reviewed annually at the end of each licence reporting period. Changes in the environmental management category may impact on the risk level for a licence. The holder of a licence will be notified of their environmental management category and risk level each year.

For new licences, risk assessments are undertaken within 12 months of the licence being issued. The EPA will contact you prior to the risk assessment being undertaken for your premises.

More detailed information on risk-based licensing and the risk assessment process can be found at [Risk-based licensing](#)

The risk assessment tool that the EPA uses to complete the risk assessment process is available at [Risk assessment tool](#). The EPA encourages you to use the risk tool and the supporting guidance to gain a better understanding of the risk-based system.

2.3 Is there anything I need to do before I apply for a licence?

If development consent has not been granted for the activity, you need to determine if development consent is necessary. Your local council or, if necessary, DPE will be able to help you determine if development consent is required.

If development consent for the activity is required, the EPA cannot issue a licence until development consent is obtained. The consent authority (usually council or DPE) can advise you about the development consent procedures and of the application of the *Environmental Planning and Assessment Act 1979* (EP&A Act). For example, as part of the consent or approval procedure, you may have to prepare an Environmental Assessment, Environmental Impact Statement or a Statement of Environmental Effects.

2.4 What is integrated development and how will it affect me?

Integrated development assessment (IDA) procedures streamline the approval process for developments that require consent under Part 4 of the EP&A Act and approvals, such as a licence, under other legislation. Where IDA applies, and before development consent is granted by the consent authority, the EPA will be asked by that authority to provide its input into the Environmental Impact Statement (EIS) requirements. These requirements, which will be forwarded to you by the consent authority, will advise you of the information that you will need to address in the EIS.

The EPA will assess both the Development Application (DA) and EIS and will either issue 'General Terms of Approval' or indicate it does not support the application as lodged and will not issue General Terms of Approval. The General Terms of Approval will constitute the general licence conditions in the licence for the activity that is the subject of the DA and, if

development consent is granted, the EPA is obliged to issue a licence that is consistent with the General Terms of Approval.

The conditions that are included in the issued licence cannot be varied in a manner that is inconsistent with the General Terms of Approval issued as part of the development consent, at least until the first review of the licence is undertaken – that is, within five years after the date of issue of the licence.

2.5 State Significant Development and State Significant Infrastructure

The EP&A Act provides an assessment and approvals regime specifically tailored for State Significant Development (SSD) and State Significant Infrastructure (SSI) where DPE is the approval authority. Whilst most DAs are assessed by local councils the scale, significance or potential impacts from some developments mean they are classified as being of state significance.

A range of development types such as mines and manufacturing plants as well as warehousing, waste, energy, tourist, education and hospital facilities are considered to be an SSD if they are over a certain size, capital investment value or are located in a sensitive environmental area. Some projects may also be considered to be an SSD because they are located in precincts regarded as important by the NSW Government, including Sydney Olympic Park, Redfern-Waterloo and Barangaroo.

A full list of SSD development types and specified sites can be found in Schedules 1 and 2 of the State and Regional Development – State Environmental Planning Policies (SEPP) available at [Department of Planning and Environment](#).

SSD projects are assessed by DPE, with input sought from local government, other NSW Government agencies and the community as part of the assessment process.

Development that is not identified in Schedule 1 or 2 of the SEPP may be declared to be an SSD by the Minister for Planning. This can only occur after the Minister obtains, and makes publicly available, advice from the Planning Assessment Commission as to the state or regional planning significance of the proposed development.

Major infrastructure proposals, in particular linear infrastructure such as roads, railway lines or pipes which often cross a number of council boundaries, will generally be considered as SSI. A development which does not require consent but which could have a significant environmental impact or other development such as a port facility or major water supply system, are also likely to be considered as SSI.

A full list of State Significant Infrastructure development types can be found in Schedule 3 of the State and Regional Development SEPP available at [Department of Planning and Environment](#).

SSI projects are also assessed by DPE, with input sought from local government, other NSW government agencies and the community as part of the assessment process.

If your development meets the definition of an SSD or SSI, the IDA process (described in Section 2.3) does not apply and the development application is assessed by DPE.

However, a licence issued by the EPA will still be required for any SSD or SSI developments that are also scheduled activities. The EPA will be asked by DPE to provide advice on the Environmental Assessment to be prepared by the applicant and publicly exhibited for a minimum of 30 days. The EPA will also provide a submission to DPE on the Environmental Assessment and recommend conditions of approval, should the approval be granted.

If development approval is granted and a licence is subsequently applied for, the EPA cannot refuse to issue the licence. Licence conditions must be substantially consistent with the conditions of the development consent issued by DPE.

3 Applying for a licence

3.1 How do I apply for an environment protection licence?

The EPA is transitioning to electronic management of a range of licensing functions. Licence applications for premises-based scheduled activities, waste transporting and mobile waste processing can be lodged through the EPA's licensing portal at [eConnect EPA](#).

Alternatively, licence applications forms can be downloaded from the EPA website at [Licence forms](#) or obtained from the local EPA office, then completed and submitted to the EPA.

If you determine that you require a licence, you will need to apply by either using the EPA's licensing portal or by completing and submitting the appropriate application form.

There are three types of application forms:

- Licence Application – Premises: For premises-based scheduled activities, scheduled development work and non-scheduled activities likely to cause water pollution.
- Licence Application – Waste Transport: For transporters of waste.
- Licence Application – Mobile Waste Processor: For mobile-waste processing.

You only need to complete and submit **one licence application** for all activities managed or controlled by you that are to be undertaken at the one premises. If your activities are carried out on separate premises, you will need to hold a licence that authorises you to undertake those activities at each of the premises and you will need to complete and submit a separate application for each premises.

If you conduct premises-based scheduled activities as well as waste transport and/or operate a mobile waste processor, you will need to complete and submit separate applications for each activity

Remember: Your licence may regulate all types of environmental impact of your activity – that is, it may regulate noise, air, waste and water pollution.

3.2 When should I apply for a licence?

You must apply for a licence before undertaking any scheduled activity or scheduled development work and after any necessary development consents have been obtained.

3.3 What else do I need to provide with my application?

The EPA requires additional information to be provided with your application in order to understand the type of activity involved and the potential risks of the activity to the environment. The type of information required may include details of the likely impact of any pollution that may be caused by your activity, and details of the practical measures that you intend to implement to mitigate pollution and protect the environment.

The additional information can be lodged via the EPA's licensing portal when completing an application online or posted with your application form. The types of additional information required varies depending on the type of activity being, or to be, conducted.

A list of supporting documentation that must be included with your licence application is listed in Appendix 1 of this guide. In addition to the information in Appendix 1, when applying for a licence you must provide documentation or details as follows:

If you, or (where applicable) your corporation have been convicted or have paid a penalty under a Penalty Notice for an offence under any 'environment protection legislation'¹ (or other relevant legislation'²)

If any directors of your corporation have been convicted or have paid a penalty under a Penalty Notice for an offence under any 'environment protection legislation'³ (or other relevant legislation'⁴

If any directors of your corporation are or have been directors of another corporation that has been convicted or has paid a penalty under a Penalty Notice for an offence under any 'environment protection legislation'⁵ (or other relevant legislation'⁶)

Each application for a licence will be treated on its merits. The EPA will notify you if any further information is required when your application has been submitted.

There is a checklist at the end of the application that will assist you in ensuring that all of the information and documentation required to process your licence is provided with your application. Ensuring that all of the necessary information is provided in a timely manner will help avoid unnecessary delays in processing your application.

In addition to providing the information and documents required, you will also need to include with your licence application, payment of the licence application fee.

3.4 How much is the licence application fee?

The licence application fee is calculated according to the scheduled activity and the scale of the activity that is proposed to be undertaken. The licence application fee is equivalent to the annual licence administrative fee to cover the first annual licence-fee period.

For each activity classification, the range of administrative fee units and the applicable assessable pollutants are set out in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009 (POEO General Regulation).

If you are applying for a licence through the EPA's licensing portal, the application fee will be calculated automatically for you, based on the information included in the application. If you are applying for a licence by submitting a paper-based licence application, the example of calculating an administrative at section 4.3.4 in the guide, can be used to determine the applicable licence application fee.

Remember: Your application for a licence cannot be determined if all information and documents required are not provided, or if you do not pay the required application fee.

¹ 'Environment protection legislation' is defined in Part 1 of the *Protection of the Environment Administration Act 1991*.

² 'Other relevant legislation' is defined in clause 49A of the Protection of the Environment Operations (General) Regulation 2009.

³ 'Environment protection legislation' is defined in Part 1 of the *Protection of the Environment Administration Act 1991*.

⁴ 'Other relevant legislation' is defined in clause 49A of the Protection of the Environment Operations (General) Regulation 2009.

⁵ 'Environment protection legislation' is defined in Part 1 of the *Protection of the Environment Administration Act 1991*.

⁶ 'Other relevant legislation' is defined in clause 49A of the Protection of the Environment Operations (General) Regulation 2009.

3.5 Lodging your completed application

If you are applying through the EPA's licensing portal, your application can be submitted electronically.

If you are completing a hard copy application form then your licence application and all required information must be sent to:

Regulatory and Compliance Support Unit
NSW Environment Protection Authority
P.O. Box A290
Sydney South NSW 1232.

Payment of the licence application fee must accompany a licence application. If applying through the EPA's licensing portal payment can be made by credit card, electronic funds transfer (EFT) or by cheque made payable to the Environment Protection Authority. If completing and submitting a hard copy application, payment can only be made by cheque or EFT. Please contact the Regulatory and Compliance Support Unit on (02) 9995 5700 or email: poeo.licensing@epa.nsw.gov.au for bank details if paying by EFT.

3.6 What does the EPA consider when determining a licence application?

There are a range of matters that the EPA will take into consideration when determining a licence application. These matters include:

- the objectives of the POEO Act
- the pollution caused or likely to be caused by carrying out the proposed work
- the likely impact of that pollution on the environment
- practical measures that could be taken to prevent, control, abate or mitigate pollution and protect the environment from the impact of that pollution
- the 'environmental values of water'⁷ that may be affected by the activity or work, and the practical measures that could be taken to restore or maintain those values
- tradeable emission schemes or other economic measures
- whether the applicant is considered to be a fit and proper person
- Environmental Impact Statements (EIS) and other documents accompanying the application
- waste strategy in force under the Waste Avoidance and Resource Recovery Act 2001
- public submissions.

3.7 How long does it take to process a licence application?

The EPA will endeavour to determine the licence application within 60 days of the receipt of the completed application. Each application will be determined by either granting or refusing the application. The EPA will only consider that a complete application has been received when the application fee along with all the necessary information and documents that the EPA requires to assess a licence application have been provided. It is important to note that

⁷ 'Environmental values of water' – as specified in the *Australian and New Zealand guidelines for fresh and marine water quality 2000* (Australian and New Zealand Environment and Conservation Council [ANZECC] 2000)

the applicant can appeal if the application is not determined within 60 days and that for the purposes of that appeal the application is deemed to be refused.

4 Licence fees

4.1 How much will my licence cost?

All licences issued by the EPA attract an initial licence application fee and an ongoing annual licence administrative fee. Some licences will also attract an annual load-based fee. The licence application fee is calculated according to the scheduled activity and the size and/or scale of the activity (this includes licences for scheduled development work). The ongoing annual licence administrative fee is calculated according to the scheduled activity and the size and/or scale of the activity and also the environmental management performance of the licence holder.

The load-based fees will depend on the amount of assessable pollutants and the types of pollutants that your activity releases into the environment, as well as the conditions in the receiving environment.

For each activity classification, the amount of the application and annual administrative fee and the applicable assessable pollutants are set out in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009 (POEO General Regulation).

4.2 What is the 'licence-fee period'?

Licence fees are paid for each 'licence-fee period' of the licence. The first licence-fee period is generally the 12-month period from the date of issue of the licence until the anniversary of that date. Each subsequent 12-month period after that is a licence-fee period.

The licence-fee period is not affected by any transfer of the licence, and comes to an end if the licence is revoked or surrendered (but not when it is suspended).

Once a licence is issued the annual administrative fee (see Section 4.3) is payable 120 days after the beginning of the licence-fee period for all subsequent licence-fee periods.

The load-based fee (see Section 4.4), if applicable, is due within 120 days after the end of the licence-fee period each year.

4.3 Licence administrative fees

4.3.1 When do I pay the licence administrative fee for my licence?

If you are applying for a new licence, you must pay a licence application fee, which is equal to the licence administrative fee and covers the licence fee for the first 12 months. The payment must be submitted with the licence application. If your licence application is refused, you have 90 days after you have been notified of the refusal to apply for a refund of the administrative fee that you lodged with the application.

For premises-based scheduled activities and mobile waste processing activities, each year after the first licence-fee period, the EPA will send you an annual licence invoice when the environmental management category for the licence is determined, after you submit your completed Annual Return (see section 2.2 for more information on environmental management categories). For waste transporting activities the EPA will send you an invoice on the anniversary date of the licence. The administrative fee must be paid in full and received within 120 days after the beginning of the licence-fee period.

4.3.2 What happens if I do not pay my licence administrative fee on time?

If you do not pay your licence administrative fee on time, you will also have to pay a penalty of 5% simple interest per fortnight on the amount outstanding for each whole fortnight after the fee payment due date, until the amount is paid. If the licence administrative fee remains unpaid, your licence may be suspended or revoked. If this happens you will be committing an offence against the POEO Act if you continue to conduct the scheduled activity.

4.3.3 How does risk-based licensing impact on the fee that must accompany my licence application?

The EPA's risk-based licensing scheme does not have any impact on the fee that must accompany a new licence application.

4.3.4 What is the method for calculating the administrative fee that must accompany a licence calculation?

The steps below outline the method for calculating the administrative fee that must accompany a licence application.

- Step 1:** Refer to the scheduled activity classifications in [New South Wales legislation](#). Identify all scheduled activity classifications that 'fit' the activities to be undertaken at your premises. There may be more than one.
- Step 2:** If the scheduled activity has a number of sub-activities, select the sub-activity that fits the activity to be undertaken at your premises. Again, there may be more than one.
- Step 3:** For each activity classification chosen in Steps 1 and 2, find the corresponding fee-based activities in the POEO General Regulation in [New South Wales legislation](#). Select the applicable scale of each activity and the number of administrative fee units shown opposite this scale.
- Step 4:** For each fee-based activity, multiply the number of administrative fee units (obtained in Step 3) by the cost of one fee unit (refer to clause 9 of the POEO General Regulation for fee unit amounts).

The administrative fee that must accompany your licence application = (number of fee units) x (cost per unit).

If your activity involves assessable pollutants, you will need to read about load-based fees in Section 4.4 of this guide.

4.3.5 What happens if my licence relates to more than one activity?

Only one administrative fee is payable, even if your licence authorises more than one activity. Calculate the administrative fee for each activity classification, as shown in Steps 1 to 4 above, and then select the highest of those fees. This is the administrative fee for your licence. There are two examples on determining licence fees in Section 4.3.6.

4.3.6 Examples of application fee calculations

Example 1: Chicken accommodation with a live-weight capacity of 500 tonnes.

- Step 1:** If the activity to be conducted at the premises is the accommodation of chickens, the scheduled activity classification in Schedule 1 of the POEO Act that best describes this activity is 'Livestock intensive activities'.
- Step 2:** The sub-activity classification in Schedule 1 of the POEO Act that best describes this activity is 'Bird accommodation'.

Step 3: From the information below the number of administrative-fee units applicable to bird accommodation with a live-weight capacity of 500 tonnes is 15.

Bird accommodation – Administrative fee	
Live-weight capacity to accommodate	Administrative-fee units
Not more than 375 tonnes	5
More than 375 but not more than 1000 tonnes	15
More than 1000 tonnes	50

Step 4: Multiply the number of administrative-fee units from step 3 (in this case 15) by the cost per unit (\$125).

The administrative fee that should accompany the licence application is \$1875.

Example 2: An abattoir with a capacity to process 10,000 tonnes of slaughtered material a year. At the same premises there is a capacity to produce 5000 tonnes of rendered products a year.

Step 1: The scheduled activity classification in Schedule 1 of the POEO Act that best describes these activities is ‘Livestock processing activities’.

Step 2: The sub-activity classification in Schedule 1 of the POEO Act that best describes the abattoir activity is ‘Slaughtering or processing animals’. This classification includes any livestock processing activity that slaughters or processes animals (including poultry and fish) and that has a processing capacity of more than 750 tonnes live weight per year.

The sub-activity classification ‘Rendering or fat extraction’ best describes the rendering part of the activity. If the production capacity for tallow, fat or their derivatives or proteinaceous matter is greater than 200 tonnes a year (as it is in this case), then the activity falls within this classification.

Step 3: From the information below, the number of administrative-fee units applicable to slaughtering or processing animals with a live-weight processing capacity of 10,000 tonnes is 5.

Slaughtering or processing animals – Administrative fee	
Annual processing capacity	Administrative-fee units
Not more than 30,000 tonnes	5
More than 30,000 tonnes	15

From the information below, the number of administrative-fee units applicable to rendering or fat extraction with a processing capacity of 5000 tonnes is 15.

Rendering or fat extraction – Administrative fee	
Annual production capacity	Administrative-fee units
Not more than 4000 tonnes	5
More than 4000 tonnes	15

Step 4. For the slaughtering or processing animals activity, multiply the number of administrative-fee units (5) by the cost per unit (\$125). The result is \$625.

For the rendering or fat extraction activity, multiply the number of administrative-fee units (15) by the cost per unit (\$125). The result is \$1875.

Step 5. Choose the higher of the amounts calculated. The administrative fee that should accompany a licence application is \$1875.

4.3.7 How does risk-based licensing impact on my annual licence administrative fee?

The method of calculating your annual licence administrative fee considers the environmental management category determined for the licence.

The annual licence administrative fees are calculated based on the number of fee units determined for the activity being undertaken multiplied by the fee unit amount and then multiplied by a factor associated with the environmental management category as outlined in the table below:

Environmental management category	Environmental management factor
A	0.95
B	1.0
C	1.3
D	1.6
E	2

For more detailed information on how environmental management categories and fees please refer to Appendix B of the POEO Risk-based licensing: Guidance on using the risk assessment tool available at [POEO Risk-based licensing: Guidance on using the risk assessment tool](#).

4.3.8 What is the method for calculating the annual licence administrative fee?

The steps below outline the method for calculating the annual licence administrative fee.

Step 1. Multiply the amount of one administrative fee unit for the relevant fee period (specified in clause 9 of the POEO General Regulation) by the number of administrative fee units specified in Schedule 1 of the POEO General Regulation, for the activity authorised or controlled by the licence.

If the licence authorises or controls more than one activity, only the greatest number of administrative fee units specified in Schedule 1 for the licensed activities applies.

Step 2. The EPA will determine the environmental management category (A, B, C, D or E) for the licence based on the licence holder's environmental performance for that licence, in accordance with the Environmental Management Calculation Protocol

Step 3. Multiply the fee from Step 1 by the environmental management factor set out in clause 10 of the POEO General Regulation for the applicable environmental management category determined by the EPA.

The annual licence administrative fee payable = (number of fee units) x (cost per unit) x (environmental management factor).

Remember: The EPA will send you an invoice for your licence administrative fee for each licence-fee period (except the first fee period of a new licence). Check the details are correct and contact the EPA if there are any errors.

4.3.9 Examples of administrative-fee calculations

Example 1: A licence holder undertaking ceramics production with an annual production capacity of 40,000 tonnes per year. The EPA has determined the environmental management category for the licence to be category A.

Step 1. Identify the specified number of administrative fee units specified for the activities authorised by the licence. From the information below the number of fee units applicable to the licensed activity is 25.

Ceramics Production - Administrative fee	
Annual Production Capacity	Administrative-fee units
Not more than 15,000 tonnes	8
More than 15,000 but not more than 50,000 tonnes	25
More than 50,000 but not more than 200,000 tonnes	65
More than 200,000 tonnes	165

Multiply the number of fee units applicable for the licence (25 fee units) by the fee unit amount (\$125 for the period on or after 1 July 2016 and before 1 July 2017):

The total is \$3125

Step 2. Identify the EMC determined for the licence. The EPA has determined the environmental management category for this licence to be category A.

Step 3: Identify the environmental management factor applicable for an EMC of A. From the information below the environmental factor is 0.95.

Environmental management category	Environmental management factor
A	0.95
B	1.0
C	1.3
D	1.6
E	2

Multiply the amount calculated at step 1 by the the environmental management factor (0.95) identified at step 2:

The administrative fee is \$2968.75.

Example 2: Quarry undertaking land-based extractive activity with an annual extractive, processing or storage capacity of 100,000 tonnes and crushing, grinding or separating activities with an annual processing capacity of 100,000 tonnes. The EPA has determined the environmental management category for the licence to be category B.

Step 1. Identify the specified number of administrative fee units specified for the activities authorised by the licence. From the information below the number of fee units applicable to land-based extractive activity is 50 and the number of fee units applicable to crushing, grinding or separating activities is 15.

The applicable number of administrative fees is equal to the greatest number of administrative fee units specified for the licensed activities. In this case it is 50 administrative fee units.

Land-based extractive activity - Administrative fee	
Annual extractive, processing or storage capacity	Administrative-fee units
Not more than 30,000 tonnes	5
More than 30,000 but not more than 50,000 tonnes	15
More than 50,000 but not more than 100,000 tonnes	50

Land-based extractive activity - Administrative fee	
More than 100,000 but not more than 500,000 tonnes	135
More than 500,000 but not more than 2,000,000 tonnes	335
More than 2,000,000 tonnes	600

Crushing, grinding or separating - Administrative fee	
Annual processing capacity	Administrative-fee units
Not more than 30,000 tonnes	5
More than 30,000 but not more than 100,000 tonnes	15
More than 100,000 but not more than 500,000 tonnes	50
More than 500,000 but not more than 2000,000 tonnes	135
More than 2,000,000 tonnes	335

Multiply the number of fee units applicable for the licence (50 fee units) by the fee unit amount (\$125 for the period on or after 1 July 2016 and before 1 July 2017):

The amount is \$6250.

Step 2. Identify the EMC determined for the licence. The EPA has determined the environmental management category for this licence to be category B.

Step 3: Identify the environmental management factor applicable for an EMC of B. From the information below the environmental factor is 1.0.

Environmental management category	Environmental management factor
A	0.95
B	1.0
C	1.3
D	1.6
E	2

Multiply the amount calculated at step 1 by the the environmental management factor (1.0) identified at step 2:

The administrative fee is \$6250.

4.4 Load-based fees

The POEO Act and Regulations establishes the load-based licensing (LBL) scheme. A subset of licence holders are subject to the scheme. They are required to determine the loads of assessable pollutants released into the environment as a result of the activities undertaken and in some cases will be required to pay a load-based fee.

The load-based fee applies only to those activities that have assessable pollutants. To determine whether your activity has assessable pollutants, look up the fee-based activity classifications provided in Schedule 1 of the POEO General Regulation.

You will have already identified all the applicable fee-based activity classifications for the activities conducted at your premises in order to calculate your administrative fee. As you will now be aware, there may be more than one applicable classification for your activities.

Check to see which, if any, of the applicable activity classifications have assessable pollutants.

If your activities have assessable pollutants use the EPA's **Load Calculation Protocol** available on the EPA website: [Load calculation protocol](#).

You must follow the instructions in the protocol to calculate the assessable load (in kilograms) of each assessable pollutant. This may require data to be collected throughout the whole licence-fee period.

Your Annual Return will include load-calculation worksheets to help you calculate your load-based fee. The Annual Return is provided to you at the end of the licence-fee period and can also be downloaded from the EPA website at [POEO Public Register](#) after the start of the licence-fee period. Alternatively the Annual Return can be submitted electronically via the EPA's licensing portal. The Annual Return must be received by the EPA no later than 60 days after the Anniversary Date for your licence.

4.4.1 What if there are no assessable pollutants for my activity?

You will not be required to calculate or pay a load-based fee if there are no assessable pollutants listed for the activities conducted at your premises. If this is the case, there will be no fee-calculation worksheets included in your Annual Return.

4.4.2 When do I pay the load-based fee?

Load-based fees must be paid within 120 days after the end of each licence-fee period. When you submit your completed Annual Return the EPA will send you an invoice for the load-based fee payable.

You must calculate the actual load for each assessable pollutant discharged under your licence during each licence-fee period, including the first licence-fee period, in accordance with the Load Calculation Protocol.

4.4.3 What happens if I do not pay my load-based fees on time?

If load-based fees are not received within 120 days after the end of the licence-fee period, a penalty of 5% simple interest per fortnight on the amount outstanding will apply for each whole fortnight after the due date, until the amount is paid.

If the correct load-based fee has not been paid by the due date, your licence may be suspended or revoked. If your licence is suspended or revoked, you will be committing an offence against the POEO Act if you continue to conduct the activity..

5 Waste contributions and other waste requirements

5.1 What are waste contributions and who has to pay them?

Section 88 of the POEO Act requires occupiers of licensed waste facilities to pay a monthly waste contribution. The Protection of the Environment operations (Waste) Regulation 2014 (POEO Waste Regulation) outlines the type of facilities or waste that may be exempted from the contribution and the circumstances under which the holder of a licence may be exempt from the payment of monthly contributions.

The POEO Waste Regulation also outlines the circumstances under which the holder of a licence would be entitled to a rebate on any contributions made. For further information about waste contributions you can view the forms and user guides on the EPA website at [Waste levy](#) or contact the Waste Operations Section (see Section 11 of this guide for contact details).

In addition to landfills, a levy liability for EPA-licensed waste processing, recovery and storage facilities applies on each tonne of waste received at the facilities, as follows:

- A liability is activated when waste is received.
- The liability is extinguished once the waste is sent offsite for lawful recycling, reuse or disposal.
- The liability becomes payable only when certain situations are triggered. For more information see [Changes to the 2014 waste regulation](#) .

5.2 Waste reporting

All levy liable licensed waste facilities are required to keep records and report monthly to the EPA on their waste inputs and outputs from the facility. Contact the EPA for details on the information that you are required to record.

5.3 Weighbridge to record waste inputs and outputs

All levy liable licensed waste facilities are required to install a weighbridge to accurately measure all waste brought into the facility and taken out of the facility. Contact the EPA for more information.

6 Other important legislative requirements

6.1 Publishing pollution monitoring data

It is important to note that in accordance with s66(6) of the POEO Act, all licence holders who have conditions included in their licence that require them to undertake monitoring, must publish any pollution monitoring data collected in compliance with those conditions. The data must be published in accordance with the 'EPA Requirements for publishing pollution monitoring data' that are available at [Requirements for publishing pollution monitoring data](#).

6.2 Pollution incident response management plans

It is also important to note that all licence holders must prepare a Pollution Incident Response Management Plan (PIRMP) prior to commencing activities at the premises. For details on the matters that must be included in the PIRMP, the EPA has developed the Environmental guidelines: 'Preparation of pollution incident response management plans' that are available at [Environmental guidelines: Preparation of pollution incident response management plans](#).

7 After I receive my licence

Once you receive your licence, you should make yourself aware of all of the conditions that are included in the licence. The conditions are aimed at preventing or minimising the environmental impacts from the licensed activity. The conditions could, for example, limit the amount of noise that can be emitted by your licensed activity, or require you to monitor pollutants or ensure that your operating procedures are environmentally acceptable. In some cases you may be required by the conditions of licence issued to you to develop and implement a pollution reduction program (PRP). The aim of a PRP is to reduce the environmental impact of your activity over time.

It is an offence to fail to comply with your licence conditions. The EPA can issue penalty notices up to the amount of \$15,000 to the occupier of a premises who fails to comply with the conditions of their licence. The Courts can impose fines of up to \$1,000,000 for a corporation (with a further penalty of \$120,000 for each day the offence continues) and \$250,000 for an individual (with a further penalty of \$60,000 for each day the offence continues).

If your activity involves assessable pollutants (see Schedule 1 of the POEO General Regulation), you must begin collecting information in relation to assessable pollutants at the start of the licence-fee period in accordance with the Load Calculation Protocol. This protocol may be updated from time to time, so check the EPA's website for the latest version at [Load calculation protocol](#). This information will be needed by you to calculate your load-based fee using the load-calculation worksheets provided in the Annual Return.

8 Annual Returns

8.1 What is in my Annual Return?

Annual Returns contain the following sections:

- A. Statement of Compliance – Licence details (this is pre-populated with your licence details and the relevant reporting period)
- B. Monitoring and Complaints Summary (to be completed in accordance with your licence conditions)
- C. Statement of Compliance – Licence conditions
- D. Statement of Compliance – Load-based fee calculation worksheets (if applicable)
- E. Statement of Compliance – Requirements to Prepare a Pollution Incident Response Management Plan (PIRMP) Under Section 153A of the POEO Act 1997
- F. Statement of Compliance – Requirements to Publish Pollution Monitoring Data Under Section 66(6) of the POEO Act 1997
- G. Statement of Compliance – Environmental Management Systems and Practices
- H. Signature and Certification

8.2 When is the Annual Return due?

The Annual Return must be lodged with the EPA within 60 days after the end of the licence reporting period. If the licence has been transferred during the licence reporting period, each person that held the licence during the licence reporting period must submit an Annual Return for the part of the licence reporting period for which each held the licence. If your Annual Return has not been lodged within the required time, you will have breached your licence conditions and may be subject to regulatory action by the EPA.

The Annual Return can be lodged electronically via the EPA's licensing portal at: [EConnect EPA](#). Hard copies can be posted to the EPA's Regulatory and Compliance Support Unit by Registered Post (see Section 11 of this guide for contact details).

8.3 Who can sign my Annual Return?

The Annual Return must only be signed or certified by:

If the licence holder is:	the Annual Return must be signed and certified by one of the following:
an individual	<ul style="list-style-type: none"> • the individual licence holder, or • a person acting on behalf of the individual licence holder in accordance with a power of attorney. A copy of the power of attorney must be submitted with the Annual Return.
a company	<ul style="list-style-type: none"> • by two (2) directors, or • by a director and a company secretary, • if a proprietary company that has a sole director who is also the sole company secretary – by that director, or • by a person delegated to sign a copy of the Annual Return on the company's behalf in accordance with the <i>Corporations Act 2001</i>. Delegation of authority must be submitted with the Annual Return, or • by affixing the common seal, in accordance with the <i>Corporations Act 2001</i>
a public authority other than a Council	<ul style="list-style-type: none"> • by the Chief Executive Officer of the public authority, or • by a person delegated to sign on the public authority's behalf in accordance with its legislation
a local Council	<ul style="list-style-type: none"> • by the General Manager in accordance with s377 of the <i>Local Government Act 1993</i>, or • by affixing the seal of the Council in a manner authorised under the <i>Local Government Act 1993</i>.

9 Other licensing questions

9.1 What is a regulated area?

A **regulated area** is the area comprising the local government areas of Ballina, Bellingen, Blacktown City, Botany Bay City, Burwood, Byron, Camden, Campbelltown, Canada Bay, Canterbury-Bankstown, Central Coast, Cessnock City, Cumberland, Clarence Valley, Coffs Harbour City, Dungog, Fairfield City, Georges River, Hawkesbury City, Hornsby Shire, Hunters Hill, Inner West, Kempsey, Kiama, Ku-ring-gai, Kyogle, Lake Macquarie City, Lane Cove, Lismore City, Liverpool City, Maitland City, Mid-Coast Council, Mosman, Muswellbrook, Nambucca, Newcastle City, North Sydney, Northern Beaches, City of Parramatta, Penrith City, Port Macquarie-Hastings, Port Stephens, Randwick City, Richmond Valley, Rockdale City, Ryde City, Shellharbour City, Shoalhaven City, Singleton, Strathfield, Sutherland Shire, City of Sydney, The Hills Shire, Waverley, Willoughby City, Wingecarribee, Wollondilly, Wollongong City, and Woollahra.

9.2 How long does a licence last?

Once a licence is issued the licence comes into force and remains in force until it is surrendered by the licence holder or is revoked or suspended by the EPA. This means that you will not have to renew your licence each year. However, annual administrative fees and reporting requirements continue to apply while the licence is in force, and the EPA may, after giving you the required period of notice, change the conditions of your licence at any time.

Your licence will also be reviewed at least once every five years. The EPA is required to give public notice of its intention to review a particular licence.

9.3 How are licences transferred?

A licence may need to be transferred to another person in certain circumstances, such as when a business is bought or sold.

To transfer the licence, an application form must be completed, signed by both the current and proposed licence holder and submitted to the EPA. The licence transfer application form is available from the EPA website at [Licence forms](#). The completed form must be sent along with the transfer application fee (equal to two fee units) to the EPA's Regulatory and Compliance Support Unit (see Section 11 of this guide for contact details). If approved, the transfer takes effect on the nominated date as specified on the application if approved.

9.4 What happens if I change the type or scale of my activity?

Your licence conditions relate to the type and scale of activity described in your licence. If you change the nature of your activity, you will need to complete an application form to have your licence varied. Variation of your licence comes into effect when the EPA issues the notice of variation of licence.

The licence variation application forms are available from the EPA's website at [Licence forms](#). Send the application form seeking to have your licence varied to the Regulatory and Compliance Support Unit. Licences for transporting waste cannot be varied.

If the change to your type of activity means you no longer need a licence, you will need to apply to surrender your licence (see Section 9.5 of this guide).

The administrative fee for a licence is related to the scale of an activity (see Section 4.3 of this guide). Therefore, if the scale of your activity changes, you may need to apply for a variation to the scale of the activity specified in your licence and adjustments may need to be made to the last administrative fee you have paid.

Note: You will need to pay more, or be granted a refund, only if the change in the scale of your activity results in a difference of at least two fee units between the administrative fee you have already paid and the adjusted fee.

9.5 What if I do not need a licence any more?

If you think you no longer need a licence, you should complete an application for surrender of licence form and return it to EPA's Regulatory and Compliance Support Unit (see Section 11 of this guide for contact details). The licence surrender application form is available from the EPA website at [Licence forms](#).

The EPA will notify you in writing whether your licence surrender application has been approved. If it has been approved, we will advise the relevant local council, which will then be responsible for regulating your activity.

9.6 I hold a licence and my company name has changed, is there anything I need to do?

If your company name changes but your ACN/ABN stays the same, you will need to notify the EPA in writing and attach a Certificate of Registration of Change of Name (available from the Australian Securities Investment Commission). Send the completed form and certificate to EPA's Regulatory and Compliance Support Unit (see Section 11 of this guide for contact details).

If your company name and ACN/ABN changes, you need to complete a licence transfer application form. See 9.3 above for details on applying for a transfer of licence.

9.7 Can I appeal against a licensing decision?

Under the POEO Act, you may appeal licensing decisions, including decisions to revoke or suspend a licence and refusals to approve an application to surrender a licence, transfer a licence or vary the conditions of a licence.

You may send a written request to the EPA for a statement of reasons for its determination to refuse to issue, transfer or vary a licence. The EPA will provide you with a statement outlining the significant environmental or other issues, and the environmental outcomes, standards or requirements (if relevant) that it took into consideration in making its determination.

Licence holders or potential licence holders may appeal to the Land and Environment Court against licensing decisions within 21 days of being issued with the notice of determination.

Note: Licence variation notices take effect from the date of the decision or the day otherwise specified by the EPA, which means that action may be required *within* the appeal period. However, the recipient may apply to the court for a stay of the notice, in which case (if granted) the variation notice will not take effect until the stay ceases to have effect, the court confirms the stay or the appeal is withdrawn, whichever occurs first.

If the EPA does not determine your application within 60 days, you may appeal to the court as if your application had been refused.

Note: If you are required to provide information to the EPA, the time taken for you to do so is not taken into account when calculating this 60-day period.

9.8 Can I appeal against a risk level determined for my licence?

As with other licensing decisions you are able to request that the EPA review the risk level allocated to your licensed premises. Internal review guidelines have been developed to assist licence holders to request a review. The internal review guidelines can be found at [Licence risk level: Licensee appeal and internal review guidelines](#).

You should contact the local EPA regional office to discuss the matter prior to requesting a review of licence risk levels.

An application form available at [Risk assessment process](#) must be completed to formally request a review of your risk level.

9.9 Will information about my licence be available to the public?

The EPA maintains a public register on its website, which provides information on a range of licensing activities carried out by the EPA. The EPA's public register can be accessed at [POEO Public Register](#).

The EPA's public register includes a copy of each licence issued, information on the licence application and any decisions made by the EPA with regard to the application.

In relation to each licence issued by the EPA, the public register also contains: licence conditions; any variation of licence conditions; licence applications; statement of compliance forms; any decisions to suspend, revoke or approve the surrender of a licence; certain load-based licensing information, including any load-reduction agreements; and the details of any court-enforceable undertakings. The date of completion of each licence review is also available to the public.

In addition to the above, the EPA's public register contains the following information:

- environment protection notices (clean-up, prevention and prohibition notices) or noise control notices issued by the EPA
- any exemptions granted under the POEO Act or Regulations
- convictions in prosecutions by the EPA under the POEO Act
- penalty notices issued to licence holders for breaches of environment protection legislation

- results of civil proceedings before the Land and Environment Court by or against the EPA
- summaries of the conclusions of audit reports relating to mandatory environmental audits supplied to the EPA
- audit reports undertaken as part of the EPA's Compliance Audit Program
- certain monitoring data supplied to the EPA by the licence holder
- summary of compliance with licence conditions supplied to the EPA by the licence holder
- risk level of the licence.

9.10 What happens if I am the occupier of a premises and undertake a scheduled activity but do not hold a licence?

If you need to hold a licence but do not hold one, you will be liable to prosecution. This could result in fines as high as \$1,000,000 (for corporations) or \$250,000 (for individuals). For a continuing offence, you could be fined a further \$120,000 (in the case of a corporation) or \$60,000 (in the case of an individual) for each day the offence continues.

10 What to do if you do not need a licence

If you determine that you do not need a licence, you still have responsibilities under the POEO Act. In addition, other environmental laws may still apply to your activity. For example, under the POEO Waste Regulation, certain environment protection requirements apply to:

- non-licensed transporters of waste
- activities involving the transport and disposal of asbestos waste
- activities involving the disposal of clinical waste.

There are also reporting requirements for non-licensed landfill sites. These are sites where waste disposal is carried out for non-commercial purposes or where only virgin excavated natural material is received. Within 30 days of the establishment of a non-licensed landfill site, the EPA must be notified of the:

- location of the landfill site
- name and address of the occupier of the landfill site.

The occupier of a non-licensed landfill site must also send information concerning the type and quantity of waste received at the landfill to the EPA annually.

The maximum penalty for a breach of these requirements is \$22,000 for a corporation and \$11,000 for an individual. EPA and local council officers may issue Penalty Notices (\$500) for breaches of environment protection requirements for non-licensed waste activities and transporters.

Please contact EPA if further information is required.

11 Further information

If you need assistance when completing your application for a licence or have any technical inquiries, contact your nearest EPA office. A list of contact details is provided below.

Please note: The EPA is transitioning to electronic document management. We request that you submit all letters and documents electronically to the relevant email address as listed below. Attachments up to 10MB can be accepted in a single email, larger documents will need to be separated over a number of emails.

Metropolitan

Parramatta

NSW Environment Protection Authority
10 Valentine Ave Parramatta NSW 2150
PO Box 668 Parramatta NSW 2124
Phone: 9995 5000
Fax: 9995 6900
Email: metro.regulation@epa.nsw.gov.au

Wollongong

NSW Environment Protection Authority
Level 3, 84 Crown Street Wollongong NSW 2500
PO Box 513 Wollongong NSW 2520
Phone: 4224 4100
Fax: 4224 4110
Email: epa.illawarra@epa.nsw.gov.au

North

Newcastle

NSW Environment Protection Authority
117 Bull Street Newcastle West NSW 2302
PO Box 488G Newcastle NSW 2300
Phone: 4908 6800
Fax: 4908 6810
Email: hunter.region@epa.nsw.gov.au

Grafton

NSW Environment Protection Authority
49 Victoria Street Grafton NSW 2460
PO Box 498 Grafton NSW 2460
Phone: 6640 2500
Fax: 6640 2539
Email: north.coast@epa.nsw.gov.au

Armidale

NSW Environment Protection Authority
85 Faulker Street Armidale NSW
PO Box 494 Armidale NSW 2350
Phone: 6773 7000
Fax: 6772 2336
Email: armidale@epa.nsw.gov.au

Dubbo

NSW Environment Protection Authority
Level 1 52 Wingewarra Street Dubbo NSW 2830
PO Box 2111 Dubbo NSW 2830
Phone: 6883 5367
Fax: 6884 8675
Email: epa.farwest@epa.nsw.gov.au

South

Albury

NSW Environment Protection Authority
Government Office Block
Level 2 512 Dean Street Albury NSW 2640
PO Box 544 Albury NSW 2640
Phone: 6022 0600
Fax: 6022 0610
Email: southwest.region@epa.nsw.gov.au

Bathurst

NSW Environment Protection Authority
Level 2 203-209 Russell Street Bathurst NSW 2795
PO Box 1388 Bathurst NSW 2795
Phone: 6332 7600
Fax: 6332 2387
Email: central.west@epa.nsw.gov.au

Griffith

NSW Environment Protection Authority
Suite 7-9 Level 1 Griffith City Plaza
130-140 Banna Avenue Griffith NSW 2680
PO Box 397 Griffith NSW 2795
Phone: 6969 0700
Fax: 6969 0710
Email: southwest.region@epa.nsw.gov.au

Queanbeyan

Environment Protection Authority NSW
Level 3/11 Farrer Place Queanbeyan NSW 2620
PO Box 622 Queanbeyan NSW 2620
Phone: 6229 7002
Fax: 6229 7006
Email: Queanbeyan@epa.nsw.gov.au

Waste Compliance

NSW Environment Protection Authority
59 Goulburn Street Sydney NSW 2000
PO Box A290 Sydney South NSW 1232
Phone: 9995 5000
Fax: 9995 5930
Email: waste.operations@epa.nsw.gov.au

Regulatory & Compliance Support Unit

NSW Environment Protection Authority
59 Goulburn Street Sydney NSW 2000
PO Box A290 Sydney South NSW 1232
Phone: 9995 5700
Fax: 9995 5922
Email: poeo.licensing@epa.nsw.gov.au

Appendix 1: Supporting documentation required when applying for an environment protection licence

Premises-based activities

You must supply the following information, **where applicable**, with your licence application for scheduled development work, scheduled activity and/or non-scheduled activity likely to cause water pollution.

The activity – general information

- Environmental Impact Statement or statement of environmental effects
- Waste strategy in force under the *Waste Avoidance and Resource Recovery Act 2001*
- A copy of the development consent
- A detailed description of:
 - a) the current and/or proposed activity (including commencement and completion dates of all stages of development work)
 - b) the production process (if any), including the types of materials used (that is, all solid, liquid and gas inputs), any reuse of recycled materials, and the nature of the finished product and all intermediates. Include a flow diagram of the process, showing all emission and/or discharge points for pollutants, raw material stockpiles and raw material input points; add a piping and instrument diagram where appropriate.
 - c) the finished product (if any) (tonnes/year), and capacity (tonnes/year)
 - d) all pollutants (air, water, noise) and waste products that will be generated, discharged and/or emitted
 - e) the proposed treatment, mitigation, and/or disposal methods for pollutants, including any discharges after treatment and/or mitigation and disposal
 - f) all pollution control equipment.

Discharge of pollutants to air

For pollutants to be emitted or discharged, both before and after treatment:

- a) composition of flue gases on a dry basis
- b) moisture content in flue gases
- c) volumetric flow rate (cubic metres per hour) corrected to 0°C and 101.3 kilopascals
- d) temperature of flue gases
- e) pollutant concentrations (parts per million) and mass emission rate (grams per second)
- f) exit velocity of flue gases from each discharge point
- g) concentrations and size ranges of particulate matter
- h) dispersion modelling for pollutants (including odours) used in determining chimney heights. Include all assumptions, air quality criteria and background ambient levels used.

A detailed assessment of fugitive emissions from the activity on the premises, including location of fugitive emissions, source of emissions, and mitigation measures for these emissions.

Discharge of pollutants to water

- A full justification for any proposed discharges. This must include a description of best management practices and cleaner production techniques to be used, and an assessment of what wastewater can be beneficially reused in preference to being discharged to waters.
- Plans and cross-sectional drawings of proposed works, including inlet and outlet points, baffles or other works to be installed at the discharge point.
- A longitudinal-section drawing along the outfall drainpipe or diffuser for the disposal of effluent to waters.
- A schematic flow diagram of the treatment and disposal process proposed, including a piping and instrument diagram where appropriate.
- The average flow rate (kilolitres per day) of liquid to be discharged/irrigated from the proposed discharge point.
- The maximum flow rate (kilolitres per day) of liquid to be discharged/irrigated from the proposed discharge point.
- Proposed methods for measuring flow rates to be discharged/irrigated, and details of major items of equipment (for example aerators, diffusers, sprinkler types, pumps).
- The location of proposed monitoring points.
- A detailed description of the concentration of pollutants both before and after treatment, in terms of the following characteristics:
 - a) Temperature
 - b) pH
 - c) biological oxygen demand (BOD)
 - d) total suspended solids
 - e) faecal coliforms
 - f) metals
 - g) radioactivity
 - h) oil, grease and floating solids
 - i) infectious or contagious materials
 - j) nutrient content
 - k) salinity
 - l) any prescribed matter for the definition of water pollution.

The description must take into consideration the characteristics and hydrology of the receiving waters. Consideration must also be given to the cumulative effects of a number of pollutants.

Discharge of pollutants to land

Soil and land characteristics:

- a) type and description
- b) permeability, infiltration and percolation potential
- c) soil profile: strata type at each depth
- d) types of vegetation or crops
- e) subsoil nutrient and salinity status.

Topography:

- a) ground slope
- b) description of adjacent land
- c) erosion potential
- d) flood potential.

Climate:

- a) precipitation analysis (monthly distribution)
- b) storm intensities
- c) evapotranspiration (monthly distribution)
- d) prevailing wind.

Ground water:

- a) depth to ground water
- b) location of existing wells: on site, and/or adjacent to site
- c) current use of ground water
- d) whether the site is a groundwater recharge area
- e) groundwater chemistry and hydrology.

Surface waters:

- a) proximity
- b) current use
- c) flow characteristics.

Proximity to dwellings and roads

Irrigation system:

- a) a schematic diagram of the system controls, including pipes, pumps, valves, timers and alarms
- b) description of the type of irrigation system: flood, spray, trickle or furrow.

A hydraulic water balance, including calculations developed in accordance with *Environmental guidelines: Use of effluent by irrigation* (DEC 2004) available at [Effluent reuse](#)

Generation, treatment, processing, reprocessing, storage and/or disposal of waste

For licence applications relating to landfilling activities provide details of how environmental goals will be met through the benchmark techniques specified in the *Environmental guidelines: solid waste landfills* (EPA 1996), or provide a comprehensive environmental management plan.

See also *Draft environmental guidelines for industrial waste landfilling* (EPA 1998) available at [Landfill sites](#).

For putrescible landfills where the application is for a supervisory licence, the applicant must specify the arrangements under which they have the capacity to exercise control over the waste facility with respect to:

- a) the types and volumes of waste received at the waste facility
- b) the design of the waste facility
- c) the separation, reuse, reprocessing and recycling of waste received at the facility.

In all cases, a detailed assessment of the types and quantities of waste generated, received, treated, processed, reprocessed and/or stored at the facility and exported from the facility.

See EPA's *Waste classification guidelines* (EPA 2014) available at [Waste classification guidelines](#).

Environmental outcomes

A detailed assessment of the expected environmental goals or outcomes to be achieved in conducting the activity. This should include, at a minimum:

- a) reuse options for the wastewater
- b) pollutant emission loads on a yearly basis
- c) potential impacts on regional air quality, including odour modelling
- d) noise levels at the nearest receptors, and any mitigation measures required to ensure noise levels are within acceptable limits
- e) a 'cradle to grave' flow diagram for all waste generated by the development works and/or activity.

The assessment must refer to any relevant standard, guideline or policy that formed the basis of any environmental goal or outcome to be achieved (for example World Health Organization Goals, Australian and New Zealand Environment and Conservation Council Guidelines, the adoption of best management technology or demonstration that it is being used).

Site contamination

Details of any contamination present on the premises, including:

- a) the nature and extent of any contamination
- b) any actual or proposed remediation to be carried out
- c) any actual or proposed validation of the remediation carried out.

Locality and site plan

Locality and site plan drawn to scale showing:

- a) contours
- b) existing and proposed facilities, site boundaries, adjacent residential areas (existing and proposed development), and other noise-sensitive areas such as schools, hospitals and aged-care centres
- c) nearest affected or isolated residences within the area likely to be affected by the activity
- d) other adjoining premises (commercial and/or industrial)
- e) all sensitive ecological receivers, including nearby creeks and wetlands.

Auditing compliance

Proposed means of auditing compliance with licence conditions.

Non-premises-based Activities – Mobile Waste Processor

You must supply the following information with your licence application for mobile waste processing.

A detailed assessment of the expected environmental goals or outcomes to be achieved in conducting the activity. This should include at a minimum, where applicable:

- a) details of potential discharges and the reuse options for the waste water
- b) pollutant emission loads on a yearly basis
- c) potential impacts on regional air quality, including odour modelling
- d) noise levels at the nearest receptors, and any mitigation measures required to ensure noise levels are within acceptable limits
- e) a 'cradle to grave' flow diagram for all waste products resulting from the development works and/or activity.

The assessment must refer to any relevant standard, guideline or policy that formed the basis of any environmental goal or outcome to be achieved (for example World Health Organization Goals, Australian and New Zealand Environment and Conservation Council Guidelines, the adoption of best management technology or the demonstration that it is being used).