

From: Paul Sargent [psargent@earthcommodities.com.au]
Sent: Tuesday, 18 March 2014 11:41 AM
To: STEER Philip
Subject: Re: Rehab report

Phil,

Thanks, I guess there's not much else we can do to facilitate the process other than follow this course of action at present, as far the landowner goes the forms are coming so any assistance in getting them completed and returned would be ok as long as it doesn't comprise your position in respect to confidentiality, ect therefore I confirm the application is on hold and that we would be happy for you to help in anyway have the forms completed and returned to us ASAP

Cheers

Paul

> On 18 Mar 2014, at 11:03 am, "STEER Philip" <Philip.Steer@ehp.qld.gov.au> wrote:

>

> Good morning Paul

>

> Thanks for the update. As long as you are happy for me to disclose to Vynque P/L that you have sent the landowner consent forms, I will make contact to provide any assistance to them that I can to keep the process moving. Can you please confirm that you are comfortable with this.

>

> Further, to provide an update in relation to the process from our end, I confirm that your application for surrender is withdrawn ("on-hold") until we receive the rehabilitation report (EM 872) in the "approved form". This means that we still have the application sitting in our system and will activate it as soon as we receive EM 872, rather than refusing it. Can you please confirm that you are happy for it to sit there on hold?

>

> Regards

>

> Philip Steer | Principal Environmental Officer

> Environmental Services & Regulation - Rockhampton

>

> Department of Environment & Heritage Protection

> Rockhampton - P 07 4837 3507 | VOIP 21507

> philip.steer@ehp.qld.gov.au | www.ehp.qld.gov.au

>

> "If it was born electronic, it should stay electronic"

> Please consider before printing out this email

>

>

>

> -----Original Message-----

> From: Paul Sargent [<mailto:psargent@earthcommodities.com.au>]

> Sent: Tuesday, 18 March 2014 9:06 AM

> To: STEER Philip

> Subject: Rehab report

>

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> Our lawyer at head office informs me that the letter and forms will go to the landowners lawyer today express post so should receive them tomorrow. He will chase their speedy return but if you are also able to press for the completion and return to keep the process going that would be appreciated.

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> -----

>

RTI DL RELEASE - EHP

From: STEER Philip [Philip.Steer@ehp.qld.gov.au]
Sent: Tuesday, 18 March 2014 11:51 AM
To: 'Paul Sargent'
Subject: RE: Rehab report

Good morning again Paul

Noted. Thanks.

Regards

Philip Steer | Principal Environmental Officer
Environmental Services & Regulation - Rockhampton

Department of Environment & Heritage Protection
Rockhampton - P 07 4837 3507 | VOIP 21507
philip.steer@ehp.qld.gov.au | www.ehp.qld.gov.au

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> Services & Regulation - Rockhampton
> _____
> Department of Environment & Heritage Protection Rockhampton - P 07
> 4837 3507 | VOIP 21507 philip.steer@ehp.qld.gov.au |
> www.ehp.qld.gov.au
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From: Paul Sargent [psargent@earthcommodities.com.au]
Sent: Tuesday, 1 April 2014 12:13 PM
To: Sirl Nathan
CC: STEER Philip; Craig Gillies (craig.gillies@swordholdings.com.au)
Subject: RE: AR:550737 & AR:550740 - Earth Commodities Full Surenders

Nathan,

We have sent the Rehabilitation Reports to the landowner for completion and are awaiting his response. We are checking on the status of the returned forms periodically and will supply them when we have received them.

Regards

Paul

Paul Sargent
Group Risk and Compliance Manager

M sch4p4(6)
P Personal
F information
E paul@earthcommodities.com.au
W www.earthcommodities.com.au

EARTH COMMODITIES PTY LTD

PO Box 810 Gladstone Q 4680

94 Quarry Road Yarwun
Queensland Australia 4694



This e-mail and any attachments are confidential. It may contain privileged information and is intended for the name/s addresses only. It must not be distributed without our consent. If you are not the intended recipient, please notify us immediately and do not disclose, distribute or retain this e-mail or any part of it. We believe but do not warrant that this e-mail and any attachments are virus free. You must therefore take full responsibility for virus checking.

From: Sirl Nathan [mailto:Nathan.Sirl@ehp.qld.gov.au]
Sent: Tuesday, 1 April 2014 12:04 PM
To: Paul Sargent
Cc: jamie@earthcommodities.com.au
Subject: FW: AR:550737 & AR:550740 - Earth Commodities Full Surenders

Hi Paul

Just following upon the email below. Can you please advise if the rehabilitation reports have been submitted?

The surrender applications will be made invalid on the 11th of April if they have not been submitted. Annual fees and returns

will then become due and payable.

Thanks

Nathan Sirl
Senior Administration Officer
Permit and Licence Management
Environmental Regulatory Support
Environmental Performance & Coordination Branch

Telephone: 1300 130 372 (select option 4) **Facsimile:** (07) 3330 5875
Email: palm@ehp.qld.gov.au

Department of Environment and Heritage Protection
Level 9, 400 George Street, Brisbane Q 4000
GPO Box 2454, Brisbane Q 4001



From: PALM
Sent: Monday, 17 March 2014 1:31 PM
To: Paul Sargent (psargent@earthcommodities.com.au)
Subject: FW: AR:550737 & AR:550740 - Earth Commodities Full Surrenders

Hi Paul

Just following on from email.

Our Rockhampton EHP Office has advised

Could it please be acknowledged that the Surrenders for Earth Commodities Pty Ltd (AR:550737 & AR:550740) are not valid as Form EM872 (rehabilitation report) has not been submitted for either applications.

The client has indicated that these forms will be submitted to PaLM within the next five days.

Thanks

Nathan Sirl
Senior Administration Officer
Permit and Licence Management
Environmental Regulatory Support
Environmental Performance & Coordination Branch

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RTI/DL RELEASE - EHP

From: STEER Philip [Philip.Steer@ehp.qld.gov.au]
Sent: Wednesday, 2 April 2014 9:39 AM
To: 'Paul Sargent'
Subject: RE: AR:550737 & AR:550740 - Earth Commodities Full Surenders

Good morning Paul

Noted and filed.

Regards

Philip Steer | Principal Environmental Officer
Environmental Services & Regulation - Rockhampton

Department of Environment & Heritage Protection
Rockhampton - P 07 4837 3507 | VOIP 21507
philip.steer@ehp.qld.gov.au | www.ehp.qld.gov.au

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Sent: Tuesday, 1 April 2014 12:14 PM
To: Sirl Nathan
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Subject: RE: AR:550737 & AR:550740 - Earth Commodities Full Surenders

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Department of
**Environment and
Heritage Protection**

Ref CWR/088191

21 June 2013

Earth Commodities Rockhampton Pty Ltd
23 Chapman Place
Eagle Farm QLD 4009

Dear Sir/Madam

Proactive Environmental Compliance Inspection – 3 June 2013

I refer to the site inspection of your extraction and screening activities trading as Earth Commodities Peak Hill Quarry located at Yeppoon Road, Peak Hill, Yeppoon conducted by Environmental Officers Phil Steer and Lianne Lodder of the Department of Environment and Heritage Protection (the department).

The purpose of the inspection was to evaluate compliance with Environmental Authority EPPR00428713 (formerly Development Approval SPDE02041211) issued by the department on 09 June 2009. Thank you for your time and assistance with the site inspection.

The department has finalised the inspection and identified a range of non-compliance matters outlined in Table 1. In response to the non-compliances, please provide a written response to the Department by 31 July 2013 outlining how these matters will be addressed and what measures will be implemented to bring them into compliance with the relevant legislation.

Additionally, please find attached Table 2 Further Observations of concern for your consideration.

Should you wish to discuss any of the matters raised in this letter please liaise with Environmental Officer Phil Steer on (07) 4837 3507.

Yours sincerely

sch4-Signature

Katrina Clarke
Regional Manager
Environmental Services and Regulation – Rockhampton/Mackay

Ground Floor
209 Bolsover Street
PO Box 1762, Rockhampton
Queensland 4700 Australia
Telephone (07) 4837 3507
Email Philip.steer@ehp.qld.gov.au
Website www.ehp.qld.gov.au
ABN 46 640 294 485

Table 1. Non – Compliances

Condition No. & requirement Legislation reference	Observations	Recommended Action	Client agreement (Yes/No/TBD)
<p>Schedule E – Land Application</p> <p>E1 – Except as otherwise provided by the conditions of the Land Application Schedule of this environmental authority the environmentally relevant activities must be carried out by such practicable means necessary to prevent or minimise the release or likelihood of release of contaminants to land.</p>	<p>Waste oil in drums was being stored in the open, with no spill control measures and uncovered. In the case of a spill some of the drums were being stored in a manner that would not prevent or minimise the release of contaminants to land.</p>	<p>The waste oil drums must be stored in a manner that prevents or minimises the likelihood of release of contaminants to land.</p> <p>A suitable remedy to this issue would be to store the drums banded (eg. On a pallet band), under a roofed area.</p>	<p>Yes</p>



Table 2. Further Observations

Site	Observations	Recommended Action	Client agreement (Yes/No/TBD)
Stormwater runoff from plant parking/set-down area.	Stormwater runoff from this area flows directly into a creek running alongside the activity location. While this area is not an operational "extraction" area it is a dirt surface that may contribute considerable sediment to the creek during rainfall events.	It is recommended that sediment control measures (eg. Geofabric fencing, rubble traps, hay bales etc) be considered to minimise any sediment being discharged to the waterway.	Yes



Notice

Environmental Protection Act 1994

Annual notice

This notice is issued by the administering authority¹ pursuant to section 308 of the Environmental Protection Act 1994 to advise you of any requirements to pay an annual fee and submit an annual return².

To: Earth Commodities Rockhampton Pty
Ltd
PO Box 1334
EAGLE FARM BC QLD 4009

Email: jamie@earthcommodities.com.au

Our reference: 222456

Annual notice for an environmental authority

1. Environmental authority details

Environmental authority number EPPR00230413 held by Earth Commodities Rockhampton Pty Ltd authorises the following activities at the following locations:

Activity	Location/relevant site	Fee
16-(1b) Dredging >10000t but <100000t yr	Bruce Highway, Yaamba - Lot 93 Plan LN801012 and Lot 67 Plan LN1741	\$5,712.50
16-(2a) Extractive >5000t but <100000t yr	Gravel Pit Road - Yeppoon - Lot 20 Plan RP836580	
16-(3a) Screening >5000t but <100000t yr		

Note that your previous environmental authority permit reference number of ENRE00903209 has been converted to EPPR00230413.

2. Requirements of this annual notice

You are required to complete the attached annual return for the period from 21-Mar-2013 to 20-Mar-2014 and return it to Permit and Licence Management at the below address.

You are also required to pay the annual fee of \$5,712.50³ for your environmental authority for the period 21-Mar-2014 to 20-Mar-2015. If you are eligible for a reduced annual fee you must submit a claim for a reduced annual fee and pay the reduced annual fee. For details on the eligibility criteria please refer to the information sheet Paying a Reduced Annual Fee (EM264)⁴ which is available at www.ehp.qld.gov.au

Please pay the attached invoice and forward the completed annual return by 21-Mar-2014 to:

palm@ehp.qld.gov.au (preferred method)

OR

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

3. Compliance

If you are paying a reduced annual fee, please note that it is an offence to pay this fee if you are not eligible for the reduction. The maximum penalty for non-compliance is \$2200.

You must comply with the requirements of this annual notice. If these requirements are not complied with the administering authority may:

- suspend or cancel your environmental authority
- charge a late fee of \$114.20.

Unpaid annual fees and late payment fees are recoverable as a debt payable to the administering authority.

As your environmental authority has taken effect the requirements of this notice must be met even if the activity to which the environmental authority relates is not being carried out. If the activity has ceased, an application to surrender or amend the environmental authority should be made. If the activity has ceased and the environmental authority has not been surrendered, annual fees will continue to apply⁵ and if not paid, will be recoverable as a debt. Information about surrenders and amendments is available at www.ehp.qld.gov.au

If the activity has not permanently ceased, but will not be carried out for a period you may apply to suspend your environmental authority. If the suspension is approved, annual fees will not be payable for the period your environmental authority is suspended.

For more information about this notice, please contact Permit and Licence Management.

Enquiries:

Phone: 1300 130 372
Fax: 07 3330 5875
E-mail: palm@ehp.qld.gov.au

Date of Issue: 20-Feb-2014

Attachments

Annual return form

Notice

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Phone: 1300 130 372
Fax: 07 3330 5875
E-mail: palm@ehp.qld.gov.au

Date of issue: 20-Feb-2014

Attachments

Annual return form

Annual return

Environmental authority

This annual return is relevant to environmental authorities for resource activities or prescribed environmentally relevant activities (ERAs) under sections 308 and 309 of the Environmental Protection Act 1994 (EP Act).

GUIDE

IMPORTANT: This is the period for which all of the questions within this return relate to.

If the anniversary day has changed you must ensure that there is no gap in reporting because of the change.

Please update principal holder details if incorrect by crossing out the details and printing the correct details beneath or attach them to your return.

Where there are multiple holders of an environmental authority, the department will send correspondence to the multiple holders care of the principal holder.

This information must be kept current as it is used for all ongoing correspondence in relation to your environmental authority.

If you require assistance in answering any part of this form, or have any questions about your application please contact Permit and Licence Management. Contact details are at the end of this form.

Annual return details

1. Annual return period

FROM	21-Mar-2013
TO	20-Mar-2014

2. Environmental authority details

ENVIRONMENTAL AUTHORITY NUMBER EPPR00230413	
ENVIRONMENTAL AUTHORITY HOLDERS NAMES Earth Commodities Rockhampton Pty Ltd	
PRINCIPAL HOLDER DETAILS	
REGISTERED ADDRESS 23 Chapman Place EAGLE FARM QLD 4009	POSTAL ADDRESS (IF DIFFERENT) PO Box 1334 EAGLE FARM BC QLD 4009
CONTACT PERSON Mr Paul Sargent	PHONE 0736234912
FACSIMILE 0736234916	MOBILE §78B - Personal information
EMAIL jamie@earthcommodities.com.au	

3. Have any of the activities on your environmental authority been altered?

- ☐ Yes → Your environmental authority may need to be amended.
- ☐ No

4. Have you fully complied with the conditions of your environmental authority (including if applicable the eligibility criteria and any standard conditions)?

☐ Yes

☐ No→

☐ I/We have already provided all non-compliance information to the administering authority. No further documentation has been attached.

OR

☐ I/We have not yet provided non-compliance information and have attached the following documentation.

- a) A statement describing the non-compliance/incident including photographs where appropriate.
- b) A statement describing the environmental impacts resulting from the non-compliance/incident.
- c) A statement describing the actions taken to repair any damage to the environment resulting from the non-compliance/incident.
- d) Details of any monitoring data which exceeded any of the environmental limits set out in the environmental authority.

Management criteria for CSG water would have been provided as part of the environmental authority application.

5. Is the environmental authority for a resource activity for coal seam gas (CSG)?

☐ Yes→

☐ I/We have attached the following documentation.

- a) An evaluation of whether the management of CSG water has been effective when assessed against the management criteria.
- b) If the evaluation (mentioned above), determines that water has not been effectively managed against the management criteria, also include details of the action that will be taken to ensure that the water will be effectively managed in the future, including timeframes for action.

☐ No

If a plan of operations applies and financial years are used to align the plan this can be stated. Otherwise, state the period on which the plan is based (e.g. Jan 2009 to Jan 2010).

6. Is the environmental authority for a resource activity?

- ☐ Yes→ ☐ I/We have provided a summary of the onsite disturbance and rehabilitation in the table below based on the annual return period.
- OR
- ☐ I/We have provided a summary of the onsite disturbance and rehabilitation in the table below based on a period which aligns with a plan of operations being _____ to _____.
- ☐ No

Area of disturbance/rehabilitation (hectares)	Planned	Actual
Total area disturbed (including rehabilitated areas) during the period		
Total area rehabilitated during the period		
Total area remaining disturbed (not rehabilitated) at the end of the period		

7. Is the environmental authority for a resource activity with a petroleum tenure, and an incidental activity under the *Petroleum and Gas (Production and Safety) Act 2004* has commenced?

- ☐ Yes→ ☐ I/We have attached the following documentation.
- a) Details of the incidental activity carried out in the area of the authority to prospect or lease, including how the incidental activity will be carried out.
- b) Details of the environmental risks of the incidental activity.

☐ No

To determine if you are eligible for a reduced annual fee, please refer to the information sheet *Paying a Reduced Annual Fee (EM264)* which is available at www.ehp.qld.gov.au

8. Are you claiming a reduced annual fee?

- ☒ Yes→ ☐ I/We have completed Attachment 1: Claiming a reduced annual fee.
- ☐ No

Monitoring and reporting does not need to be resubmitted with this return, unless it is a specific requirement within the conditions of your environmental authority, in which case monitoring must be provided.

9. Does a condition of your environmental authority require you to carry out any monitoring and/or reporting?

- ☐ Yes → Go to question 10.
- ☐ No → Go to and complete declaration.

The point source database can be accessed through the website www.dsitia@qld.gov.au

10. Have you submitted the monitoring and reporting to the point source database?

- ☐ Yes → ☐ All monitoring and reporting has been submitted to the point source database. Go to and complete declaration.
- OR
- ☐ Only some of the monitoring and reporting has been submitted to the point source database. Go to question 11.
- ☐ No

11. Has all of the monitoring and reporting been carried out in accordance with your environmental authority?

- ☐ Yes
- ☐ No → Please ensure question 4 is filled out correctly and includes all of the necessary details.

Please do not submit the monitoring data or report(s) with this annual return.

You must keep reports so they can be accessed if requested. You may need to provide them following a request by an authorised officer or when surrendering or cancelling your environmental authority.

12. Provide a summary of your monitoring and reporting.

REPORT AND/OR MONITORING DATA TITLE	PREPARED BY	DATES COVERED BY REPORT	LOCATION OF REPORT

Declaration

Note: If you have not told the truth in this annual return you may be prosecuted.

- I/We, being the holders identified in question 2, acknowledge that all information supplied on or with this annual return may be made available upon request, subject to the provisions of the *Right to Information Act 2009* and the *Evidence Act 1977*.
- I am the holder of or the appointed signatory for the environmental authority.
- I am aware that under section 480 of the *Environmental Protection Act 1994*, it is an offence to knowingly give the administering authority information that I know is false, misleading or incomplete in any material particular.
- I have supplied all of the required information.

SIGNATURE	
NAME OF SIGNATORY (IF APPLICABLE)	
POSITION OF SIGNATORY (E.G. DIRECTOR, CEO, MANAGER, OWNER, PARTNER)	DATE

Please return your completed annual return by 21-Mar-2014 to:

palm@ehp.qld.gov.au (preferred method)

OR

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

Privacy statement

The department is committed to protecting the privacy, accuracy and security of your personal information in accordance with the *Information Privacy Act 2009*. The information is being collected in accordance with sections 308–309 of the *Environmental Protection Act 1994*. The information will only be accessed by authorised employees within the department. Some of this information may be given to the Department of Natural Resources and Mines for the purpose of the joint regulation of mining activities. Your information will not be given to any other person or agency unless you have given us permission or we are authorised or required by law. All information supplied on this form may be disclosed publicly in accordance with the *Right to Information Act 2009* and *Evidence Act 1977*. For queries about privacy matters email: privacy@ehp.qld.gov.au or telephone: (07) 3330 5436.

Applicant checklist

- ☐ Annual return signed and completed (all questions applicable are answered)
- ☐ Attachment 1—Reduced annual fee documentation attached (if applicable)
- ☐ Annual fee paid or enclosed

Attachment 1: Claiming a reduced annual fee

This appendix is to be used to claim a reduced annual fee under sections 121 to 127 of the Environmental Protection Regulation 2008 and is to be attached to the annual return for an environmental authority.

1. Eligibility for a reduced annual fee

Refer to the information sheet Paying a Reduced Annual Fee (EM264) for details of the eligibility criteria for claiming a reduced annual fee and the information to accompany the annual return before completing this appendix.

A reduced annual fee is eligible if all of the following are met.

- ☐ There has been no **compliance action event** against the environmental authority in the past 3 years (or for the duration of the authority if it is less than 3 years old).
- ☐ No holder of the environmental authority has had a **disqualifying event** in the past year.
- ☐ The reduced annual fee will be paid by the due date.
- ☐ The annual return will be completed and submitted by the due date.
- ☐ All information required under section 2 (below) will be submitted by the due date.

2. Criteria for a reduced annual fee

I/We are claiming a reduced annual fee for the following criteria and have attached the documents as required.

- ☐ **All holders of the environmental authority are approved partners of ecoBiz—10% discount**

INSERT DATE OF MOST RECENT APPROVAL

- ☐ **The environmental authority is operating under an approved environmental management system (EMS)—20% discount**

- ☐ I/We operate under an EMS certified by an accredited body as being compliant with ASNZ ISO: 14001: 2004 Environmental Management Systems.

AND

- ☐ I/We have included a statutory declaration, completed by an **appropriately qualified person**, verifying that:

- all the activities carried out under this environmental authority were carried out in accordance with the prescribed EMS last year; and
- I am complying with the conditions of the environmental authority.

- ☐ **Reduced emissions profiled—20% discount**

- ☐ I/We have included a statutory declaration, completed by an **appropriately qualified person**, verifying that:
 - the relevant activity, or the activity with the highest AES, has an **emissions score** that is at least 25% less than the **emissions score** stated to apply for the activity under the environmental emission profile.
 - the data used to calculate the **emissions score** for the relevant activity is accurate and has been obtained by a method appropriate for the type of activity.

Declaration

Note: There are significant penalties under the *Environmental Protection Act 1994* for supplying false and/or misleading information that will apply in relation to claiming reduced annual fees.

- I/We, being the holders identified in question 2, acknowledge that all information supplied on or with this annual return may be made available upon request, subject to the provisions of the *Right to Information Act 2009* and the *Evidence Act 1977*.
- I am the holder of or the appointed signatory for the environmental authority.
- I am aware that under section 480 of the *Environmental Protection Act 1994*, it is an offence to knowingly give the administering authority information that I know is false, misleading or incomplete in any material particular.
- I have supplied all of the required information.

SIGNATURE	
NAME OF SIGNATORY (IF APPLICABLE)	
POSITION OF SIGNATORY (E.G. DIRECTOR, CEO, MANAGER, OWNER, PARTNER)	DATE

Checklist

- ☐ If claiming for environmental management system, the statutory declaration is attached.
- ☐ If claiming for reduced emissions profile, the statutory declaration is attached.

Privacy statement

The department is committed to protecting the privacy, accuracy and security of your personal information in accordance with the *Information Privacy Act 2009*. The information is being collected in accordance with sections 308–309 of the *Environmental Protection Act 1994*. The information will only be accessed by authorised employees within the department. Some of this information may be given to the Department of Natural Resources and Mines for the purpose of the joint regulation of mining activities. Your information will not be given to any other person or agency unless you have given us permission or we are authorised or required by law. All information supplied on this form may be disclosed publicly in accordance with the *Right to Information Act 2009* and *Evidence Act 1977*. For queries about privacy matters email: privacy@ehp.qld.gov.au or telephone: (07) 3330 5436.

Additional explanation of requirements for claiming a reduced annual fee

Definition of compliance action event

A **compliance action event**, for the holder of a relevant authority, means any of the following directly relating to an activity carried out or a thing omitted to be done under the authority:

- (a) the serving of an infringement notice, under the *State Penalties Enforcement Act 1999*, on the holder for an offence
- (b) the issuing of an environmental protection order to the holder
- (c) the holder:
 - (i) has voluntarily submitted a draft transitional environmental program
 - (ii) is acting under an approved transitional environmental program
 - (iii) is required to prepare a transitional environmental program, or
 - (iv) has, under section 350 of the EP Act, given the administering authority a program notice
- (d) the issue of a cost recovery notice to the holder unless—
 - (i) the amount claimed under the notice has been fully paid; or
 - (ii) the notice has been withdrawn or has otherwise stopped having effect
- (e) the holder has been issued with a direction notice under section 363B of the EP Act and:
 - (i) the holder complies with the notice, or
 - (ii) a proceeding for an offence against section 363E of the EP Act has not started
- (f) a proceeding for an environmental offence or an offence under section 363E⁶, 363I⁷ or 363L⁸ of the EP Act (a notice offence), is started or continued against the holder and has not finished
- (g) the holder is convicted of an environmental offence or a notice offence.

Guidance

If a suitable operator has two sites (e.g. Site A and Site B) and two separate environmental authorities, then a compliance event on Site A will not affect access to the discounts for the annual fee on Site B. If both Site A and Site B are licensed under a single environmental authority, a compliance action event at either site will render the suitable operator or environmental authority holder ineligible for a reduced annual fee.

Criteria for appropriately qualified person

An appropriately qualified person must be an independent third party who is not an employee of the holder of the authority.

They must also be a member of one of the following organisations as set out in schedule 8 of the Environmental Protection Regulation 2008:

- Australasian Radiation Protection Society
- Australian Institute of Agricultural Science and Technology
- Australian Institute of Geoscientists
- Australian Society of Soil Science
- Engineers Australia
- Environmental Health Australia
- Environment Institute of Australia and New Zealand
- Institute of Explosives Engineers
- Institutions of Chemical Engineers Australia

- Institute of Engineering and Mining Surveyors Australia
- Planning Institute of Australia
- South Pacific Environmental Radioactivity Association
- The Australian Institute of Mining and Metallurgy
- The Institution of Surveyors Australia
- The Royal Australian Chemical Institute

For the approved EMS discount, the appropriately qualified person should have demonstrated experience and qualifications that relate to the development and operation of environmental management systems, and the assessment of compliance with the conditions of a development approval or an environmental authority.

For a lower emissions score an appropriately qualified person (in chemical, soil, water or air quality science) should have knowledge of, and experience in, interpreting and analysing emissions monitoring data.

Information on the emission score

The emissions score for a relevant activity, means the emissions score component of the aggregate environmental score (AES) for the activity. The AES was calculated by the administering authority and is scheduled in the Environmental Protection Regulation 2008.

The AES is made up of two components:

- the emissions score; and
- the site attributes score.

The emissions score is the average annual emissions to air, land and water, and a detailed breakdown of contaminants and volumes is provided for each ERA on the department's website www.ehp.qld.gov.au.

Data should be based on the annual average emissions for each contaminant in order to accommodate seasonality and other fluctuations. It does not matter how the emissions reduction is achieved or how many contaminants contribute to the overall reduction.

Data collection should be consistent with the guidelines and methodologies contained in:

- Air Quality Sampling Manuals and Water Quality Sampling Manuals prepared by the Queensland Government which are available on the department's website www.ehp.qld.gov.au.
- Annual reporting data from the National Pollutant Inventory for the previous reporting year.

¹ The Department of Environment and Heritage Protection is the administering authority under the *Environmental Protection Act 1994*.

² A failure by the administering authority to give this notice 20 business days before each anniversary day for the environmental authority does not invalidate or otherwise affect the validity of the notice.

³ These fees are included in the Federal Treasurer's Determination under Division 81 of *A New Tax System (Goods and Services Tax) Act 1999*. As such, the supplies are exempt from GST.

⁴ This is the publication number, which can be used as a search term to find the latest version of the publication at www.ehp.qld.gov.au.

⁵ Annual fees will apply as applicable under the regulation. Fees may not be applicable for all activities.

⁶ Section 363E (Offence not to comply with a direction notice).

⁷ Section 363I (Offence not to comply with clean-up notice).

⁸ Section 363L (Obstruction of recipient complying with notice).

Annual Return

Environmental Protection Act 1994

Registration Certificate

OFFICIAL USE ONLY

DATE RECEIVED:

FILE REF:

PROJECT REF:

COMPLETE FORM:



ADMINISTERING REGION:

Rockhampton

ENTERED BY (SIGNATURE):

sch4-Signature

DATE:

08 03 2013

Important information for holders of a Registration Certificate

This form must be completed and submitted to the administering authority each year by the holder of a Registration Certificate and submitted with the appropriate payment under the *Environmental Protection Act 1994*.

For help in completing this form please refer to the **Guidance Notes** on the left of each page or if you have any questions about this annual return or any supporting information required please contact Permit and Licence Management on 1300 130 372.

The completed Annual Return is to be sent to: Permit and Licence Management, Implementation and Support Unit, Department of Environment and Heritage Protection, GPO Box 2454, Brisbane Qld 4001.

GUIDANCE NOTES

List the full names of the holders of the Registration Certificate. Where there is more than one please list all.

Minor changes, such as change of name or amendment by agreement. A change of name and a change in ABN/ACN will require an application to amend the Registration Certificate.

Please contact Permit and Licence Management on 1300 130 372 for more information.

Annual Return details for 21 Mar 2012 to 20 Mar 2013

1. Registration Certificate Holders Name

NAME(S):

Earth Commodities Rockhampton Pty Ltd

2. Registration Certificate Number

NUMBER(S):

ENRE00903209

RECEIVED

01 MAR 2013

PaLM



Annual Return
Registration Certificate

Where there is more than one holder, all joint holders may appoint one holder as the principal holder to act on behalf of them all. The appointment may be made by giving written confirmation signed by all the holders of the Registration Certificate. Please update contact details if incorrect by crossing out the details and printing the correct details beneath or on an attached sheet of paper.

3. Principal holder

NAME OR NAME OF COMPANY AND CONTACT PERSON: Earth Commodities Rockhampton Pty Ltd	
REGISTERED BUSINESS ADDRESS: 23 Chapman Place EAGLE FARM QLD 4009	
FULL POSTAL ADDRESS (WHERE DIFFERENT): PO Box 1334 EAGLE FARM BC QLD 4009	
TELEPHONE: 0736234912	FACSIMILE: 0736234916
MOBILE TELEPHONE: sch4p4(6) Personal information	EMAIL: jamie@earthcommodities.com.au

Please update details if incorrect by crossing out the details and printing the correct details beneath or on an attached sheet of paper.

4. Contact Person (where applicable)

NAME: Mr Paul Sargent	
POSITION AND COMPANY: Group Risk & Compliance Manager, Earth Commodities Rockhampton Pty Ltd	
FULL POSTAL ADDRESS: PO Box 1334 EAGLE FARM QLD 4009	
TELEPHONE: 07 36234990	FACSIMILE:
MOBILE TELEPHONE: sch4p4(6) Personal information	EMAIL: paul@earthcommodities.com.au

Annual Return
Registration Certificate

5. Do you have a copy of the Development Approval/s or Code of Environmental Compliance to which your Registration Certificate applies?

☒ YES

☐ NO

6. Have any of the activities on your Registration Certificate altered since the time it was issued?

☐ YES → Your Development Approval and Registration Certificate may need to be amended. Contact Permit and Licence Management for advice.

☒ NO

7. Does your Registration Certificate include an activity with an aggregate environmental score?

☐ YES → Go to question 8.

☒ NO → Go to question 9.

8. Are you claiming a reduced annual fee under sections 121-127 of the Environmental Protection Regulation 2008?

☐ YES → A reduced annual fee cannot be claimed unless *Appendix A - Claiming a reduced annual fee* is completed. Please complete Appendix A and return it together with this annual return form.

☐ NO

For details of the eligibility criteria please refer to the information sheet *Paying a reduced annual fee* which is available from the department's website.

NOTE: The reduced annual fee does not apply if the annual return and fees are not submitted by the due date or if there is no aggregate environmental score.

Annual Return
Registration Certificate

Section 320 of the EP Act imposes a duty on the holder of a Registration Certificate to report serious or material environmental harm caused or threatened in the carrying out of an activity unless that harm is specifically authorised under a Development Approval or Code of Environmental Compliance.

Please do not submit an annual report, required by a condition of an DA or Code of Environmental Compliance, with this annual return. Annual reports are to be stored for viewing upon request.

Monitoring data that has been submitted electronically to the Point Source Data Base in accordance with a written agreement with the department does not need to be resubmitted.

All reports must be held in the same place and be available for inspection by the administering authority during business hours. You must forward the reports on request or when the Registration Certificate has been surrendered or cancelled.

9. Since your last annual return, have you fully complied with the conditions of your Development Approval or Code of Environmental Compliance and your general environmental duty?

☒ YES

☐ NO → For each condition of the DA or Code of Environmental Compliance with which the holder has not complied, please attach the following

- a) a statement of whether or not the non-compliance/incident has been previously reported;
- b) a statement describing the non-compliance/incident including photographs where appropriate;
- c) a statement describing the environmental impacts resulting from the non-compliance/incident;
- d) a statement describing the actions taken to repair any damage to the environment resulting from the non-compliance/incident

☐ Tick to indicate that the required statements are attached

10. Does a condition of your Development Approval or Code of Environmental Compliance require you to carry out any monitoring and/or prepare reports on the activities for which you hold a Registration Certificate?

☐ YES

☒ NO → Go to question 15.

11. Do you provide reports directly to the point source database?

☐ YES → Go to question 16, if no other monitoring is required to be undertaken.

☐ NO

12. Has all of the necessary environmental monitoring been carried out and all the reports prepared in accordance with your Development Approval or Code of Environmental Compliance?

☐ YES

☐ NO → Provide details below explaining why this has not occurred. If you require more space, attach additional information.

Registration Certificate

13. Please provide details of the titles of all the monitory data compiled and the reports prepared since your last annual return. Please provide details of where the monitoring data and reports are kept.

Table 1 List of Monitoring data required

NATURE OF REPORT AND /OR MONITORING	PREPARED BY	LOCATION OF REPORT	DATES COVERED

Please do not submit the report(s) with this annual return - fill out the information below. If you require more space, attach additional information.

14. Has the monitoring that has been carried out shown any exceedance of the environmental limits set in the conditions of your Development Approval or Code of Environmental Compliance?

- ☐ YES → Please attach a copy of the notification of the exceedance that you gave to the administering authority.
- ☐ NO

15. Is this return for ERA 57 - Regulated waste transport?

- ☐ YES → Go to Question 16.
- ☒ NO → Go to Question 18.

Appendix A: Claiming a reduced Annual Fee

This appendix is to be used to claim a reduced annual fee under sections 121-127 of the *Environmental Protection Regulation 2008* and is to be attached to the annual return for a Registration Certificate or Environmental Authority (the authority). Refer to the *Information Sheet: Paying a reduced annual fee* for details of the eligibility criteria for claiming a reduced annual fee and the information to accompany the annual return before completing this appendix.

1. Eligibility for a reduced annual fee

I am eligible to claim a reduced annual fee as I meet all the following:

- ☐ in the 3 years immediately before this annual return and fee is due (or for the duration of the authority if it is less than 3 years old), no compliance action event (see section 3) has occurred for this authority;
- ☐ the ERA has an aggregate environmental score (AES);
- ☐ the ERA is administered by the Department of Environment and Heritage Protection (EHP);
- ☐ the reduced annual fee will be paid by the due date;
- ☐ the annual return will be completed and submitted by the due date;
- ☐ I am eligible under one or more of the criteria in section 2; and
- ☐ I have attached the documentation required in section 2.

2. Criteria for the reduced annual fee claimed

I am claiming a reduced annual fee for the following criteria and have attached the documents as required:

- ☐ **Approved partner (ecoBiz) - 10% discount**
 - ☐ a copy of the letter from EHP confirming status as an ecoBiz partner.
- ☐ **Approved environmental management system (EMS) - 20% discount**
 - ☐ I operate under an EMS certified by an accredited body as being compliant with ASNZ ISO: 14001: 2004 Environmental Management Systems.
 - ☐ I have included a statutory declaration, completed by an appropriately qualified person (see section 4), verifying that:
 - All the activities carried out under this Registration Certificate were carried out in accordance with the prescribed EMS last year; and
 - I am complying with the conditions of the authority.

Annual Return
Registration Certificate

☐ Reduced emissions profile - 20% discount

☐ I have included a statutory declaration, completed by an appropriately qualified person (see section 4), verifying that-

- The relevant activity, or the activity with the highest AES, has an emissions score (see section 5) that is at least 25% less than the emissions score stated to apply for the activity under the environmental emission profile; and
- The data used to calculate the emissions score (see section 5) for the relevant activity is accurate and has been obtained by a method appropriate for the type of activity.

Declaration

- I do solemnly and sincerely declare that the information provided is true and correct to the best of my knowledge. I understand that it is an offence under section 480 of the *Environmental Protection Act 1994* to give to the administering authority, or an authorised person, a document containing information that I know is false, misleading or incomplete in a material particular.
- I understand that all information supplied on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

APPLICANTS SIGNATURE	
APPLICANTS NAME	DATE

Checklist

- ☐ If claiming as an approved partner, a copy of the letter confirming status as an ecoBiz partner.
- ☐ If claiming for environmental management system, a statutory declaration as outlined above in section 2.
- ☐ If claiming for reduced emissions profile, a statutory declaration as outlined above in section 2.

Additional Explanation of Requirements for Claiming a Reduced Annual Fee

Definition of compliance event

A compliance action event, for the holder of a relevant authority, means any of the following directly relating to an activity carried out or a thing omitted to be done under the authority-

- (a) the serving of an infringement notice, under the *State Penalties Enforcement Act 1999*, on the holder for an offence;
- (b) the issuing of an environmental protection order to the holder;
- (c) the holder-
 - (i) has voluntarily submitted a draft transitional environmental program; or
 - (ii) is acting under an approved transitional environmental program; or
 - (iii) is required to prepare a transitional environmental program; or
 - (iv) has, under section 350 of the *Environmental Protection Act 1994* (EP Act), given the administering authority a program notice;
- (d) the issue of a cost recovery notice to the holder unless-
 - (i) the amount claimed under the notice has been fully paid; or
 - (ii) the notice has been withdrawn or has otherwise stopped having effect;
- (e) the holder has been issued with a direction notice under section 363B of the EP Act and-
 - (i) the holder complies with the notice; or
 - (ii) a proceeding for an offence against section 363E¹ of the EP Act has not started;
- (f) a proceeding for an environmental offence or an offence under section 363E¹, 363I² or 363L³ of the EP Act (a notice offence), is started or continued against the holder and has not finished;
- (g) the holder is convicted of an environmental offence or a notice offence.

If a registered operator has two sites (e.g. Site A and Site B) and two separate Registration Certificates or Environmental Authorities, then a compliance event on Site A will not affect access to the discounts for the annual fee on Site B. If both Site A and Site B are licensed under a single Registration Certificate or Environmental Authority, a compliance action event at either site will render the registered operator or Environmental Authority holder ineligible for a reduced annual fee.

Criteria for appropriately qualified person

An appropriately qualified person must be an independent third party who is not an employee of the holder of the authority.

They must also be a member of one of the following organisations as set out in schedule 8 of the *Environmental Protection Regulation 2008*:

- Australasian Radiation Protection Society
- Australian Institute of Agricultural Science and Technology
- Australian Institute of Geoscientists
- Australian Society of Soil Science

¹ Section 363E (Offence not to comply with a direction notice).

² Section 363I (Offence not to comply with clean-up notice).

³ Section 363L (Obstruction of recipient complying with notice).

Annual Return
Registration Certificate

- Engineers Australia
- Environmental Health Australia
- Environment Institute of Australia and New Zealand
- Institute of Explosives Engineers
- Institutions of Chemical Engineers Australia
- Institute of Engineering and Mining Surveyors Australia
- Planning Institute of Australia
- South Pacific Environmental Radioactivity Association
- The Australian Institute of Mining and Metallurgy
- The Institution of Surveyors Australia
- The Royal Australian Chemical Institute

For the approved EMS discount, the appropriately qualified person should have demonstrated experience and qualifications that relate to the development and operation of environmental management systems, and the assessment of compliance with the conditions of a Development Approval or an Environmental Authority.

For a lower emissions score an appropriately qualified person (in chemical, soil, water or air quality science) should have knowledge of, and experience in, interpreting and analysing emissions monitoring data.

Information on the emissions score

The emissions score for a relevant activity, means the emissions score component of the aggregate environmental score (AES) for the activity. The AES was calculated by the department and is scheduled in the *Environmental Protection Regulation 2008* (next to the environmentally relevant activity (ERA) definitions in Schedule 2, 5 and 6).

The AES is made up of two components:

- the emissions score; and
- the site attributes score.

The emissions score is the average annual emissions to air, land and water, and a detailed breakdown of contaminants and volumes is provided for each ERA on the department's website at www.ehp.qld.gov.au.

Data should be based on the annual average emissions for each contaminant in order to accommodate seasonality and other fluctuations. It does not matter how the emissions reduction is achieved or how many contaminants contribute to the overall reduction.

Data collection should be consistent with the guidelines and methodologies contained in:

- Air Quality Sampling Manuals and Water Quality Sampling Manuals prepared by the Queensland Government, which are available on the department's website at www.ehp.qld.gov.au.
- Annual reporting data from the National Pollutant Inventory for the previous reporting year.

Notice

Environmental Protection Act 1994

Annual notice

This notice is issued by the administering authority¹ pursuant to section 308 of the Environmental Protection Act 1994 to advise you of any requirements to pay an annual fee and submit an annual return².

To: Earth Commodities Rockhampton
Pty Ltd
PO Box 1334
EAGLE FARM BC QLD 4009

Email:
jamie@earthcommodities.com.au

Our reference: 222456

Annual notice for an environmental authority

1. Environmental authority details

Environmental authority number EPPR00230413 held by Earth Commodities Rockhampton Pty Ltd authorises the following activities at the following locations:

Activity	Location/relevant site	Fee
16-(1b) Dredging >10000t but <100000t yr	Bruce Highway, Yaamba - Lot 93 Plan LN801012 and Lot 67 Plan LN1741	\$5,712.50
16-(2a) Extractive >5000t but <100000t yr	Gravel Pit Road - Yeppoon - Lot 20 Plan RP836580	
16-(3a) Screening >5000t but <100000t yr		

Note that your previous environmental authority permit reference number of ENRE00903209 has been converted to EPPR00230413.

2. Requirements of this annual notice

You are required to complete the attached annual return for the period from 21-Mar-2013 to 20-Mar-2014 and return it to Permit and Licence Management at the below address.

You are also required to pay the annual fee of \$5,712.50³ for your environmental authority for the period 21-Mar-2014 to 20-Mar-2015. If you are eligible for a reduced annual fee you must submit a claim for a reduced annual fee and pay the reduced annual fee. For details on the eligibility criteria please refer to the information sheet Paying a Reduced Annual Fee (EM264)⁴ which is available at www.ehp.qld.gov.au.

Please pay the attached invoice and forward the completed annual return by 21-Mar-2014 to:

palm@ehp.qld.gov.au (preferred method)

OR

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

3. Compliance

If you are paying a reduced annual fee, please note that it is an offence to pay this fee if you are not eligible for the reduction. The maximum penalty for non-compliance is \$2200.

You must comply with the requirements of this annual notice. If these requirements are not complied with the administering authority may:

- suspend or cancel your environmental authority
- charge a late fee of \$114.20.

Unpaid annual fees and late payment fees are recoverable as a debt payable to the administering authority.

As your environmental authority has taken effect the requirements of this notice must be met even if the activity to which the environmental authority relates is not being carried out. If the activity has ceased, an application to surrender or amend the environmental authority should be made. If the activity has ceased and the environmental authority has not been surrendered, annual fees will continue to apply⁵ and if not paid, will be recoverable as a debt. Information about surrenders and amendments is available at www.ehp.qld.gov.au.

If the activity has not permanently ceased, but will not be carried out for a period you may apply to suspend your environmental authority. If the suspension is approved, annual fees will not be payable for the period your environmental authority is suspended.

For more information about this notice, please contact Permit and Licence Management.

Enquiries:

Phone: 1300 130 372
Fax: 07 3330 5875
E-mail: palm@ehp.qld.gov.au

Date of issue: 20-Feb-2014

Attachments

Annual return form

Annual return

Environmental authority

This annual return is relevant to environmental authorities for resource activities or prescribed environmentally relevant activities (ERAs) under sections 308 and 309 of the Environmental Protection Act 1994 (EP Act).

GUIDE

IMPORTANT: This is the period for which all of the questions within this return relate to.

If the anniversary day has changed you must ensure that there is no gap in reporting because of the change.

Please update principal holder details if incorrect by crossing out the details and printing the correct details beneath or attach them to your return.

Where there are multiple holders of an environmental authority, the department will send correspondence to the multiple holders care of the principal holder.

This information must be kept current as it is used for all ongoing correspondence in relation to your environmental authority.

If you require assistance in answering any part of this form, or have any questions about your application please contact Permit and Licence Management. Contact details are at the end of this form.

Annual return details

1. Annual return period

FROM	21-Mar-2013
TO	20-Mar-2014

2. Environmental authority details

ENVIRONMENTAL AUTHORITY NUMBER EPPR00230413	
ENVIRONMENTAL AUTHORITY HOLDERS NAMES Earth Commodities Rockhampton Pty Ltd	
PRINCIPAL HOLDER DETAILS	
REGISTERED ADDRESS 23 Chapman Place EAGLE FARM QLD 4009	POSTAL ADDRESS (IF DIFFERENT) PO Box 1334 EAGLE FARM BC QLD 4009
CONTACT PERSON Mr Paul Sargent	PHONE 0736234912
FACSIMILE 0736234916	MOBILE 578B - personal information
EMAIL jamie@earthcommodities.com.au	

3. Have any of the activities on your environmental authority been altered?

- ☐ Yes → Your environmental authority may need to be amended.
- ☐ No

4. Have you fully complied with the conditions of your environmental authority (including if applicable the eligibility criteria and any standard conditions)?

☐ Yes

☐ No→

☐ I/We have already provided all non-compliance information to the administering authority. No further documentation has been attached.

OR

☐ I/We have not yet provided non-compliance information and have attached the following documentation.

- a) A statement describing the non-compliance/incident including photographs where appropriate.
- b) A statement describing the environmental impacts resulting from the non-compliance/incident.
- c) A statement describing the actions taken to repair any damage to the environment resulting from the non-compliance/incident.
- d) Details of any monitoring data which exceeded any of the environmental limits set out in the environmental authority.

Management criteria for CSG water would have been provided as part of the environmental authority application.

5. Is the environmental authority for a resource activity for coal seam gas (CSG)?

☐ Yes→

☐ I/We have attached the following documentation.

- a) An evaluation of whether the management of CSG water has been effective when assessed against the management criteria.
- b) If the evaluation (mentioned above), determines that water has not been effectively managed against the management criteria, also include details of the action that will be taken to ensure that the water will be effectively managed in the future, including timeframes for action.

☐ No



If a plan of operations applies and financial years are used to align the plan this can be stated. Otherwise, state the period on which the plan is based (e.g. Jan 2009 to Jan 2010).

6. Is the environmental authority for a resource activity?

- ☐ Yes→ ☐ I/We have provided a summary of the onsite disturbance and rehabilitation in the table below based on the annual return period.
- OR
- ☐ I/We have provided a summary of the onsite disturbance and rehabilitation in the table below based on a period which aligns with a plan of operations being _____ to _____.
- ☐ No

Area of disturbance/rehabilitation (hectares)	Planned	Actual
Total area disturbed (including rehabilitated areas) during the period		
Total area rehabilitated during the period		
Total area remaining disturbed (not rehabilitated) at the end of the period		

7. Is the environmental authority for a resource activity with a petroleum tenure, and an incidental activity under the *Petroleum and Gas (Production and Safety) Act 2004* has commenced?

- ☐ Yes→ ☐ I/We have attached the following documentation.
- a) Details of the incidental activity carried out in the area of the authority to prospect or lease, including how the incidental activity will be carried out.
- b) Details of the environmental risks of the incidental activity.

☐ No

To determine if you are eligible for a reduced annual fee, please refer to the information sheet *Paying a Reduced Annual Fee (EM264)* which is available at www.ehp.qld.gov.au

8. Are you claiming a reduced annual fee?

- ☒ Yes→ ☐ I/We have completed Attachment 1: Claiming a reduced annual fee.
- ☐ No

Monitoring and reporting does not need to be resubmitted with this return, unless it is a specific requirement within the conditions of your environmental authority, in which case monitoring must be provided.

9. Does a condition of your environmental authority require you to carry out any monitoring and/or reporting?

- ☐ Yes → Go to question 10.
- ☐ No → Go to and complete declaration.



The point source database can be accessed through the website www.dsitia@qld.gov.au

10. Have you submitted the monitoring and reporting to the point source database?

- ☐ Yes → ☐ All monitoring and reporting has been submitted to the point source database. Go to and complete declaration.
- OR
- ☐ Only some of the monitoring and reporting has been submitted to the point source database. Go to question 11.
- ☐ No

11. Has all of the monitoring and reporting been carried out in accordance with your environmental authority?

- ☐ Yes
- ☐ No → Please ensure question 4 is filled out correctly and includes all of the necessary details.

Please do not submit the monitoring data or report(s) with this annual return.

You must keep reports so they can be accessed if requested. You may need to provide them following a request by an authorised officer or when surrendering or cancelling your environmental authority.

12. Provide a summary of your monitoring and reporting.

REPORT AND/OR MONITORING DATA TITLE	PREPARED BY	DATES COVERED BY REPORT	LOCATION OF REPORT



Declaration

Note: If you have not told the truth in this annual return you may be prosecuted.

- I/We, being the holders identified in question 2, acknowledge that all information supplied on or with this annual return may be made available upon request, subject to the provisions of the *Right to Information Act 2009* and the *Evidence Act 1977*.
- I am the holder of or the appointed signatory for the environmental authority.
- I am aware that under section 480 of the *Environmental Protection Act 1994*, it is an offence to knowingly give the administering authority information that I know is false, misleading or incomplete in any material particular.
- I have supplied all of the required information.

SIGNATURE	
NAME OF SIGNATORY (IF APPLICABLE)	
POSITION OF SIGNATORY (E.G. DIRECTOR, CEO, MANAGER, OWNER, PARTNER)	DATE

Please return your completed annual return by 21-Mar-2014 to:

palm@ehp.qld.gov.au (preferred method)

OR

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

Privacy statement

The department is committed to protecting the privacy, accuracy and security of your personal information in accordance with the *Information Privacy Act 2009*. The information is being collected in accordance with sections 308–309 of the *Environmental Protection Act 1994*. The information will only be accessed by authorised employees within the department. Some of this information may be given to the Department of Natural Resources and Mines for the purpose of the joint regulation of mining activities. Your information will not be given to any other person or agency unless you have given us permission or we are authorised or required by law. All information supplied on this form may be disclosed publicly in accordance with the *Right to Information Act 2009* and *Evidence Act 1977*. For queries about privacy matters email: privacy@ehp.qld.gov.au or telephone: (07) 3330 5436.

Applicant checklist

- ☐ Annual return signed and completed (all questions applicable are answered)
- ☐ Attachment 1—Reduced annual fee documentation attached (if applicable)
- ☐ Annual fee paid or enclosed

Attachment 1: Claiming a reduced annual fee

This appendix is to be used to claim a reduced annual fee under sections 121 to 127 of the Environmental Protection Regulation 2008 and is to be attached to the annual return for an environmental authority.

1. Eligibility for a reduced annual fee

Refer to the information sheet Paying a Reduced Annual Fee (EM264) for details of the eligibility criteria for claiming a reduced annual fee and the information to accompany the annual return before completing this appendix.

A reduced annual fee is eligible if all of the following are met.

- ☐ There has been no **compliance action event** against the environmental authority in the past 3 years (or for the duration of the authority if it is less than 3 years old).
- ☐ No holder of the environmental authority has had a **disqualifying event** in the past year.
- ☐ The reduced annual fee will be paid by the due date.
- ☐ The annual return will be completed and submitted by the due date.
- ☐ All information required under section 2 (below) will be submitted by the due date.

2. Criteria for a reduced annual fee

I/We are claiming a reduced annual fee for the following criteria and have attached the documents as required.

- ☐ **All holders of the environmental authority are approved partners of ecoBiz—10% discount**

INSERT DATE OF MOST RECENT APPROVAL

- ☐ **The environmental authority is operating under an approved environmental management system (EMS)—20% discount**

- ☐ I/We operate under an EMS certified by an accredited body as being compliant with ASNZ ISO: 14001: 2004 Environmental Management Systems.

AND

- ☐ I/We have included a statutory declaration, completed by an **appropriately qualified person**, verifying that:

- all the activities carried out under this environmental authority were carried out in accordance with the prescribed EMS last year; and
- I am complying with the conditions of the environmental authority.

- ☐ **Reduced emissions profiled—20% discount**

- ☐ I/We have included a statutory declaration, completed by an **appropriately qualified person**, verifying that:
 - the relevant activity, or the activity with the highest AES, has an **emissions score** that is at least 25% less than the **emissions score** stated to apply for the activity under the environmental emission profile.
 - the data used to calculate the **emissions score** for the relevant activity is accurate and has been obtained by a method appropriate for the type of activity.

Declaration

Note: There are significant penalties under the *Environmental Protection Act 1994* for supplying false and/or misleading information that will apply in relation to claiming reduced annual fees.

- I/We, being the holders identified in question 2, acknowledge that all information supplied on or with this annual return may be made available upon request, subject to the provisions of the *Right to Information Act 2009* and the *Evidence Act 1977*.
- I am the holder of or the appointed signatory for the environmental authority.
- I am aware that under section 480 of the *Environmental Protection Act 1994*, it is an offence to knowingly give the administering authority information that I know is false, misleading or incomplete in any material particular.
- I have supplied all of the required information.

SIGNATURE	
NAME OF SIGNATORY (IF APPLICABLE)	
POSITION OF SIGNATORY (E.G. DIRECTOR, CEO, MANAGER, OWNER, PARTNER)	DATE

Checklist

- ☐ If claiming for environmental management system, the statutory declaration is attached.
- ☐ If claiming for reduced emissions profile, the statutory declaration is attached.

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Additional explanation of requirements for claiming a reduced annual fee

Definition of compliance action event

A **compliance action event**, for the holder of a relevant authority, means any of the following directly relating to an activity carried out or a thing omitted to be done under the authority:

- (a) the serving of an infringement notice, under the *State Penalties Enforcement Act 1999*, on the holder for an offence
- (b) the issuing of an environmental protection order to the holder
- (c) the holder:
 - (i) has voluntarily submitted a draft transitional environmental program
 - (ii) is acting under an approved transitional environmental program
 - (iii) is required to prepare a transitional environmental program, or
 - (iv) has, under section 350 of the EP Act, given the administering authority a program notice
- (d) the issue of a cost recovery notice to the holder unless—
 - (i) the amount claimed under the notice has been fully paid; or
 - (ii) the notice has been withdrawn or has otherwise stopped having effect
- (e) the holder has been issued with a direction notice under section 363B of the EP Act and:
 - (i) the holder complies with the notice, or
 - (ii) a proceeding for an offence against section 363E of the EP Act has not started
- (f) a proceeding for an environmental offence or an offence under section 363E⁶, 363I⁷ or 363L⁸ of the EP Act (a notice offence), is started or continued against the holder and has not finished
- (g) the holder is convicted of an environmental offence or a notice offence.

Guidance

If a suitable operator has two sites (e.g. Site A and Site B) and two separate environmental authorities, then a compliance event on Site A will not affect access to the discounts for the annual fee on Site B. If both Site A and Site B are licensed under a single environmental authority, a compliance action event at either site will render the suitable operator or environmental authority holder ineligible for a reduced annual fee.

Criteria for appropriately qualified person

An appropriately qualified person must be an independent third party who is not an employee of the holder of the authority.

They must also be a member of one of the following organisations as set out in schedule 8 of the Environmental Protection Regulation 2008:

- Australasian Radiation Protection Society
- Australian Institute of Agricultural Science and Technology
- Australian Institute of Geoscientists
- Australian Society of Soil Science
- Engineers Australia
- Environmental Health Australia
- Environment Institute of Australia and New Zealand
- Institute of Explosives Engineers
- Institutions of Chemical Engineers Australia



- Institute of Engineering and Mining Surveyors Australia
- Planning Institute of Australia
- South Pacific Environmental Radioactivity Association
- The Australian Institute of Mining and Metallurgy
- The Institution of Surveyors Australia
- The Royal Australian Chemical Institute

For the approved EMS discount, the appropriately qualified person should have demonstrated experience and qualifications that relate to the development and operation of environmental management systems, and the assessment of compliance with the conditions of a development approval or an environmental authority.

For a lower emissions score an appropriately qualified person (in chemical, soil, water or air quality science) should have knowledge of, and experience in, interpreting and analysing emissions monitoring data.

Information on the emission score

The emissions score for a relevant activity, means the emissions score component of the aggregate environmental score (AES) for the activity. The AES was calculated by the administering authority and is scheduled in the Environmental Protection Regulation 2008.

The AES is made up of two components:

- the emissions score; and
- the site attributes score.

The emissions score is the average annual emissions to air, land and water, and a detailed breakdown of contaminants and volumes is provided for each ERA on the department's website www.ehp.qld.gov.au.

Data should be based on the annual average emissions for each contaminant in order to accommodate seasonality and other fluctuations. It does not matter how the emissions reduction is achieved or how many contaminants contribute to the overall reduction.

Data collection should be consistent with the guidelines and methodologies contained in:

- Air Quality Sampling Manuals and Water Quality Sampling Manuals prepared by the Queensland Government which are available on the department's website www.ehp.qld.gov.au.
- Annual reporting data from the National Pollutant Inventory for the previous reporting year.

¹ The Department of Environment and Heritage Protection is the administering authority under the *Environmental Protection Act 1994*.

² A failure by the administering authority to give this notice 20 business days before each anniversary day for the environmental authority does not invalidate or otherwise affect the validity of the notice.

³ These fees are included in the Federal Treasurer's Determination under Division 81 of *A New Tax System (Goods and Services Tax) Act 1999*. As such, the supplies are exempt from GST.

⁴ This is the publication number, which can be used as a search term to find the latest version of the publication at www.ehp.qld.gov.au.

⁵ Annual fees will apply as applicable under the regulation. Fees may not be applicable for all activities.

⁶ Section 363E (Offence not to comply with a direction notice).

⁷ Section 363I (Offence not to comply with clean-up notice).

⁸ Section 363L (Obstruction of recipient complying with notice).