



Health and Regulatory Services Section

# Application Form

## Application for fee waiver

This form asks for specific details in relation to an application under section 49 of the Environmental Protection Regulation 1998 for a waiver of application or annual fees.

### 1. Applicant details

Applicant Name <sup>1</sup>	
Trading Name	
ACN or ABN (and ANZSIC Code if applicable) <sup>2</sup>	
Registered Address <sup>3</sup>	
Postal Address (If same as Registered write 'as above')	
Telephone	Facsimile
E-mail Address	
Contact Name	Telephone (If different to Applicant telephone)

### 2. Assessment criteria

Questions – Environmental Protection Act 1994	Details
Has Council ever received a complaint about environmental nuisance being caused by the activity, and an authorised person <sup>4</sup> has confirmed the complaint? If yes, provide details.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has an investigation by an authorised person <sup>4</sup> confirmed (in writing) that a contaminant has been released into the environment, and the release was not authorised by a condition of the authority <sup>5</sup> for the activity? If yes, provide details.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you been issued with one or more penalty infringement notices under this legislation? If yes, provide details.	<input type="checkbox"/> Yes <input type="checkbox"/> No

<sup>1</sup> The applicant is the registered legal entity (not a business trading name) intending to carry out the activity and in whose name the relevant permits or licenses are to be issued.

<sup>2</sup> Enter the Australian Business Number (ABN); or the Australian Company Number (ACN) of the incorporated company.

<sup>3</sup> The registered address is legally required for the serving of notices. It is the registered business address of the company making the application and cannot be a post office box.

<sup>4</sup> An authorised person means a person employed by Mackay Regional Council and appointed by Mackay Regional Council to be an "authorised person" under the Environmental Protection Act 1994.

<sup>5</sup> Including a development approval or code of environmental compliance to which a registration certificate relates.

Have you ever been issued with an environmental protection order under this legislation? If yes, provide details.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Have you ever been required to prepare an environmental management program under this legislation? If yes, provide details.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Have you ever been required to prepare an environmental evaluation under this legislation? If yes, provide details.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Have you ever been given an emergency direction under this legislation? If yes, provide details.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Have you ever been issued with a restraint order, enforcement order or interim enforcement order under this legislation? If yes, provide details.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Has an investigation by an authorised person confirmed (in writing) that a condition of the authority has been breached? If yes, provide details.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Have you been convicted of any offence under this legislation? If yes, provide details.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Have you been convicted of any offence under environmental legislation in another State or country? If yes, provide details.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

### 3. Environmentally relevant activity (ERA) that this application relates to

ERA Number	ERA Name
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### 4. Type of fee or charge that you are requesting a waiver

Note: A fee waiver application may only be made at the time a relevant authority<sup>6</sup> application is made or when giving a response to an annual notice. A fee waiver application will not be accepted at any other time. (Tick the appropriate box below)

- Application fee. Note: A minimum fee of \$205 will be payable, and must accompany the application.
- Annual fee. Please provide the relevant authority number.

*Registration Certificate, Environmental Authority or Integrated Authority Number:*

### 5. Grounds for requesting a fee waiver

There are four grounds for requesting a fee waiver – financial hardship, smaller environmental risk than most other activities of its type, insignificant environmental risk and holding a concurrent authority for the activity. Please indicate the grounds that you consider make you eligible for a fee waiver by ticking the appropriate boxes.

<sup>6</sup> “Relevant authority” means:

- a registration certificate; or
- an environmental authority; or
- an integrated authority.

Where a fee waiver would be granted on more than one ground, the amount of fee waiver is the maximum fee waiver for any of those grounds.

A fee waiver on the grounds of a concurrent authority will only be granted if the conditions contained in the concurrent authority appropriately deal with the environmental issues associated with your activity.

You do not have to complete all of Questions 6 to 9. The questions you need to complete will depend on the grounds for which the fee waiver is being sought IN ADDITION TO Questions 1 to 5 and Question 10 (Declaration).

- |   |   |
|---|---|
| <input type="checkbox"/> Financial hardship               | You will need to complete Question 6.   |
| <input type="checkbox"/> Smaller environmental risk       | If you were granted a fee waiver last year on these grounds, you will need to complete Questions 7 and 9, otherwise answer Question 7.                                    |
| <input type="checkbox"/> Insignificant environmental risk | If you were granted a fee waiver last year on these grounds, you will need to complete Questions 8 and 9, otherwise answer Question 8.                                    |
| <input type="checkbox"/> Concurrent authority             | Please tick box below to show you have attached the information required.<br><input type="checkbox"/> I have attached a copy of the concurrent authority and fee receipt. |

## **6. Financial hardship**

Please tick each box below when you have attached the following information to this form. Your application for fee waiver on the grounds of financial hardship will be assessed using the information supplied.

- Profit and loss statements for the two years immediately proceeding the application.
- Balance sheets for the two years immediately proceeding this application.
- A plan of operations.
- Budget profit and loss statements for the current year or a detailed statement of projected income and expenditure for the current year.
- A description of assets and liabilities.
- A statement from an accountant that describes gross and net income figures for the two previous years.
- Any other information that you believe supports your claim in this matter.

## **7. Significantly smaller risk of material or serious environmental harm than the risk associated with most other activities of the same type**

Please tick each box below when you have attached the following information to this form that must be provided to support your application. Your application for fee waiver will be assessed using the information supplied.

Note: A fee waiver for a registration certificate under this criteria can only be granted if the activity has commenced at the time the application is made (EP Reg s50(4)(b)).

- Statutory declaration from a suitably qualified professional, verifying the following information provided:
  - If your industry has an approved Code of Practice – a report about how you have complied with the approved Code of Practice.
  - Relevant cleaner production techniques that are employed in the undertaking of the activity.
  - Relevant waste minimisation practices that are employed in the undertaking of the activity.

- Proof that an Environmental Management System (or equivalent) is in place for the activity.
- Your contingency plans to manage abnormal or emergency situations that may arise in carrying out the activity.
- Any other information that you believe supports your claim in this matter (for example the location of the activity relative to a sensitive environment, operational history or management systems).
- Where a fee waiver is sought on the grounds that the activity has stopped for a period of time, a statutory declaration signed by the applicant stating the reasons for the stoppage and the period before the activity will recommence.

## 8. Insignificant risk of environmental harm or environmental nuisance

Please tick each box below when you have attached the following information to this form that must be provided to support your application. Your application for fee waiver will be assessed using the information supplied.

- Statutory declaration from a suitably qualified professional, verifying the following information provided:
  - Proof that the activity will not result in noise complaints.
  - Proof that the activity will not result in odour complaints.
  - Proof that process or waste waters will not be released off-site.
  - Proof that contaminants will not be released into the atmosphere.
  - Proof that regulated waste will not be generated.
  - Proof that ozone depleting substances will not be stored or used.
  - Proof that a system is in place to ensure that all recyclable materials are recycled.
  - Proof that energy usage is minimised and renewable energy usage is maximised.
  - Your contingency plans to manage abnormal or emergency situations that may arise in carrying out the activity.
  - Proof that an Environmental Management System (or equivalent) is in place for the activity.
  - Proof that the Environmental Management System (or equivalent) is audited and certified as competent by a suitably qualified and experienced professional.
- Where a fee waiver is sought on the grounds that the activity has stopped for a period of time, a statutory declaration signed by the applicant stating the reasons for the stoppage and the period before the activity will recommence.

## 9. Application for a recurrent fee waiver

Note:

- Recurrent fee waivers do not apply for applications for fee waivers on the grounds of financial hardship.
- For other grounds, a person may apply for a recurrent fee waiver for two successive years (that is for two annual returns following the grant of the initial fee waiver).

- A fee waiver was granted last year.
- The amount waived last year was: \$ \_\_\_\_\_
- There have been no changes to the grounds for waiver since last year.
- The grounds for the fee waiver last year was: \_\_\_\_\_
- The initial fee waiver was granted for the period: \_\_\_\_\_

## 10. Declaration

Note: If you have not told the truth in this application, you may be liable for prosecution under the relevant Acts or Regulations.

- I do solemnly and sincerely declare that the information provided is true and correct to the best of my knowledge and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.
- I understand that all information supplied on or with this application form may be disclosed publicly in accordance with the *Freedom of Information Act 1992* and the *Evidence Act 1977*.

<i>Applicant's Full Name</i>	<i>Applicant's Position e.g. (Director, Manager, Owner)</i>
<i>Applicant's Signature</i>	<i>Date</i>

## 11. Applicant checklist

- Application form(s) completed and signed
- Fees paid or enclosed (if applicable)
- Supporting information or accreditation attached (if applicable)

<i>Please return your completed application kit to:</i>	Attention: Health and Regulatory Services Section The Chief Executive Officer Mackay Regional Council PO Box 41 MACKAY Q 4740
<i>Telephone:</i>	1300 MACKAY (1300 622 529)
<i>Faxsimile:</i>	(07) 4944 2400
<i>E-mail:</i>	<a href="mailto:council@mackay.qld.gov.au">council@mackay.qld.gov.au</a>
<i>ABN:</i>	56 240 712 069