

# Application form

*Environmental Protection Act 1994*

## **Development application Form 1 - Application details—attachment for an application for an environmental authority**

*This form is to be attached to the Development application Form 1 - Application details when making a development application for prescribed environmentally relevant activities (ERAs). Under section 115 of the Environmental Protection Act 1994 (EP Act) the development approval application is taken to be an application for an environmental authority for the prescribed ERAs.*

It is recommended that prior to making an application for an environmentally relevant activity (ERA), you read the information on what to provide with an application. This information is located on the Business Queensland website (formerly the Queensland Government's Business and Industry Portal) at [www.business.qld.gov.au](http://www.business.qld.gov.au) (use the search term "Environmental licence"). This website also has a diagnostic tool called the "forms and fees finder" which will help identify any fees and supporting information you need to make an application.

### **Only use this application form if you are applying for a new environmental authority (EA) where:**

- All applicants are registered suitable operators<sup>1</sup>.
- The ERA/s being applied for do not form part of an ERA project under an existing EA.
- If more than one ERA is being applied for, the ERAs must be carried out as part of a single integrated operation:
  - the ERAs will be carried out under the day to day management of a single responsible individual (e.g. a site manager or operations manager); and
  - all of the ERAs are operationally interrelated, that is, the operation cannot function without all of the ERAs. Separate applications will need to be made for the ERAs that cannot be carried out as a single integrated operation; and
  - the ERA/s are, or will be, carried out at one or more places; and
  - the places where the ERAs will be carried out are close enough to make the integrated day to day management of the activities feasible.
- The ERA/s being applied for are prescribed under section 19 of the *Environmental Protection Act 1994* (EP Act).
- If any of the ERAs being applied for are to be carried out on a parcel of land within a state development area and a particular use for the parcel of land is not stated in the approved development scheme, you have applied for, or hold a current approval for the use under section 84(4)(b) of the *State Development and Public Works Organisation Act 1971*.
- The application is not to dredge or extract more than 10,000 tonnes of material a year in the North Stradbroke Island region.

<sup>1</sup> If you are not a registered suitable operator you cannot apply for a new environmental authority. To become a registered suitable operator apply online through Connect at [www.qld.gov.au/environmentconnect](http://www.qld.gov.au/environmentconnect) or request the form "Application to be a registered suitable operator - ESR/2015/1771" by emailing [palm@des.qld.gov.au](mailto:palm@des.qld.gov.au) or phoning 1300 130 372 (option 4).

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**Privacy statement**

Where ERAs are administered by the Queensland Government:

The Department of Environment and Science and Department of Agriculture and Fisheries are collecting the information on this form to process your application for an EA. The collection is authorised under Chapter 5 of the EP Act.

Please note that the administering authority is required to keep this application on a register of documents open for inspection by members of the public under section 540 of the EP Act, and must permit a person to take extracts from the register pursuant to section 542 of the EP Act. Your personal information will not be otherwise disclosed to any other parties unless authorised or required by law. For queries about privacy matters please email [privacy@des.qld.gov.au](mailto:privacy@des.qld.gov.au) or telephone: 13 74 68.

Where ERAs are administered by a local government:

Contact the local government for their privacy information.

**Pre-lodgement meeting**

If you would like to have a pre-lodgement meeting:

- for prescribed ERAs 2, 3 and 4—contact the Department of Agriculture and Fisheries by email at [livestockregulator@daf.qld.gov.au](mailto:livestockregulator@daf.qld.gov.au)
- for local government administered ERAs, contact the local government
- for any other ERA—please complete and lodge the form "Application for pre-lodgement services" (ESR/2015/1664<sup>2</sup>), prior to lodging this standard application for an environmental authority.

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<sup>2</sup> This application form is available at [www.qld.gov.au](http://www.qld.gov.au), using the publication number ESR/2015/1664 as a search term.



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The fields marked with an asterisk \* are mandatory, if they are not completed then your application may be considered not properly made under section 128 of the *Environmental Protection Act 1994*.

### 1. Applicant details

To nominate a site or application contact for this application please provide details at Questions 14 and 15.

Is there more than one applicant? *	<input checked="" type="checkbox"/> No—provide applicant's details below. <input type="checkbox"/> Yes—provide the principal applicant's details below and all other applicants' details in Attachment 1—"Joint applicants and appointment of principal applicant"
Name - individual or contact person if applicant is a organisation* Nui Harris, Chief Executive Officer	Suitable Operator Reference Number* 
Organisation name, including any trading name (*if an organisation) Waratah Coal Pty Ltd	ABN/ACN (*if an organisation) 94 114 165 669
Residential or registered business address (not a post office box)* Level 17, 240 Queen Street, Brisbane Q 4000	Phone* 07 3832 2044
Postal address (if same as above, write "AS ABOVE")* GPO Box 1538 Brisbane Q 4000	Facsimile 
Email* nharris@waratahcoal.com	<input type="checkbox"/> Indicate if you want to receive correspondence via email

#### 1.1 Nomination of an agent for this application

I/we nominate the below agent to act on my/our behalf and to receive correspondence relating to this application.

Do you want to nominate an agent for this application?*	
<input type="checkbox"/> No → Go to Question <b>Error! Reference source not found.</b> <input checked="" type="checkbox"/> Yes → Complete the agent's details here.	
Name of agent – individual or contact person if agent is an organisation Cameron Feltham	
Organisation name, including trading name if an organisation C J Feltham Pty Ltd	ABN/ACN (if an organisation) 33 084 222 024
Postal address GPO Box 1538 Brisbane Q 4000	Phone 0400 585 937
Email cjfeltham@bigpond.com	<input checked="" type="checkbox"/> Indicate if you do not want to receive correspondence via email

### 2. Details of the ERA(s) being applied for

Complete the table below by advising which ERA(s) you are applying for. If the ERA has eligibility criteria and standard conditions<sup>3</sup>, identify whether you can comply with them. Select "N/A" where there are no eligibility criteria and standard conditions for that ERA. If you cannot comply with all of the applicable standard conditions, select "no" and attach details of the standard conditions you cannot comply with.

<sup>3</sup> ERAs with eligibility criteria and standard conditions are listed at: [www.business.qld.gov.au](http://www.business.qld.gov.au) (use the search term "eligibility criteria").

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ERA number*	Threshold*	Name of ERA*	I can comply with the eligibility criteria*	I can comply with all the standard conditions*
ERA14		Electricity Generation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ERA 16	N/A	Extractive and Screening Activities	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ERA50	>500t	Mineral and Bulk Material Handling	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
ERA 60	<50,000t/y	Waste Disposal (fly ash)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
ERA 63	21 EP	Sewerage Disposal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No

I have attached details of the standard conditions that I cannot comply with.

### 3. Description of land where the ERA/s will be carried out

Where activities will be undertaken at more than one location, provide details in Appendix 2.

Number*	Street Name*	Suburb/Town*	Postcode*
0	Monkland Road	Hobartville	4724
Real Property Description*		Specific area within the location ie GPS or other descriptor*	
Lot 2 Plan SP136836			
Port (*if applicable)		Project Name (*if applicable)	

### 4. Details of contaminated land

Is there a site management plan in effect for contaminated land that relates to the land that is the subject of this application?*		
<input checked="" type="checkbox"/> No	Go to <i>Question 5</i> .	
<input type="checkbox"/> Yes	Description of land*	
	Lot and plan number(s)	Local Government Area*
	Lot	Plan
	Lot	Plan
	Lot	Plan

### 5. Existing environmental authorities at the location

Do you have any existing environmental authorities at this location?*	
<input checked="" type="checkbox"/> No	Go to <i>Question 6</i> .
<input type="checkbox"/> Yes	Existing EA number(s)*
	Certification*
	<input type="checkbox"/> I certify that the ERA(s) being applied for do not form part of any existing environmental authority/ies



## 6. Other related approvals

To avoid the possibility of your environmental authority application being invalid, you need to ensure any other required applications have been made prior to lodging this application. If you are not sure what approvals are required you should contact the planning area of your local government authority or if the area is within a State development area, visit the Department of State Development, Manufacturing, Infrastructure and Planning website at: [www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au) (search for state development area).

Are you required to obtain any of the following approvals to conduct the ERA(s)?*					
<ul style="list-style-type: none"> <li>e.g. An approval for the use of land under the <i>State Development and Public Works Organisation Act 1971</i></li> </ul>					
<input checked="" type="checkbox"/> No	Go to <i>Question 7</i>				
<input type="checkbox"/> Yes	Approval name*	Legislation*	Application number*	Date lodged*	Approval status*

## 7. Environmental offsets

An environmental offset, under the *Environmental Offsets Act 2014*, may be required for an ERA where, despite all reasonable measures to avoid and minimise impacts on certain environmental matters, there is still likely to be significant residual impact on one or more of those matters.

You must verify the presence, whether temporary or permanent, of those environmental matters. For more information refer to the Queensland Environmental Offsets Policy and the Significant Residual Impact Guideline at the Queensland Government website at [www.qld.gov.au](http://www.qld.gov.au), using the search term "environmental offsets".

Will the ERA(s) being applied for result in a significant residual impact to a matter of State environmental significance (MSES)?*	
<input checked="" type="checkbox"/> No	Go to <i>Question 8</i> .
<input type="checkbox"/> Yes	<p>You <b>must</b> attach supporting information that:</p> <ol style="list-style-type: none"> <li>Details the magnitude and duration of the likely significant residual impact on each prescribed environmental matter (other than matters of local environmental significance) for the entire activity; and</li> <li>Demonstrates that all reasonable measures to avoid and minimise impacts on each of those matters will be undertaken.</li> </ol>

### 7.1 Notice of election

Has a notice of election been submitted to the administering authority, or is being submitted as part of this application?	
<input checked="" type="checkbox"/> No	Go to <i>Question 7.2</i> .
<input type="checkbox"/> Yes	<input type="checkbox"/> You can attach the notice of election, if it has not been submitted to the department. Go to <i>Question 7.3</i> .

### 7.2 Staged environmental offsets

Offset delivery can be staged, however for this to occur, the condition of any approved environmental authority needs to state that both the activity and the offset may be staged. As part of your notice of election for each stage under the *Environmental Offsets Act 2014*, you are required to provide a detailed assessment of the quantum of impact of that stage and the offset obligation requirement to be delivered for that stage.

Will the proposed ERA(s) and delivery of an environmental offset be undertaken in stages?	
<input checked="" type="checkbox"/> No	Go to <i>Question 7.3</i>

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<input type="checkbox"/> Yes	You <b>must</b> attach supporting information that details of how the activity/activities are proposed to be staged.
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**7.3 Nature conservation environmental offset**

Has another authority issued under the <i>Nature Conservation Act 1992</i> required an environmental offset for the same, or substantially the same, impact and the same, or substantially the same, MSES?	
<input checked="" type="checkbox"/> No	Go to <i>Question 7.4</i>
<input type="checkbox"/> Yes	Provide permit number:

**7.4 Marine parks environmental offset**

Has marine park permit issued under the <i>Marine Parks Act 2004</i> required an environmental offset for the same, or substantially the same, impact and the same, or substantially the same, MSES?	
<input checked="" type="checkbox"/> No	Go to <i>Question 8</i>
<input type="checkbox"/> Yes	<input type="checkbox"/> You <b>must</b> attach a copy of the marine park permit to this application.

**8. Matters of national environmental significance**

There are currently nine matters of national environmental significance (MNES) which have been defined in the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (EPBC Act). These are:

- world heritage properties
- Commonwealth marine areas
- national heritage places
- the Great Barrier Reef Marine Park
- wetlands of international importance (listed under the Ramsar Convention)
- nuclear actions (including uranium mines)
- listed threatened species and ecological communities
- a water resource, in relation to coal seam gas development and large coal mining development
- migratory species protected under international agreements

To determine whether the proposed ERA(s) will have a significant impact on MNES and for referral requirements, please refer to the guidance provided by the Federal Government's Department of Environment on [www.environment.gov.au](http://www.environment.gov.au).

Would the carrying out of the proposed ERA(s) be likely to have a significant impact on a MNES?*	
<input checked="" type="checkbox"/> No	Go to <i>Question 9</i> .
<input type="checkbox"/> Yes	Has the proposal been referred to the Federal Department of Environment for formal assessment and approval? <input type="checkbox"/> No → Go to <i>Question 9</i> . <input type="checkbox"/> Yes → Go to <i>Question 8.1</i> .

**8.1 EPBC Act approval for environmental offsets**

Has an approval issued under the EPBC Act required an environmental offset for the same, or substantially the same, impact and the same, or substantially the same, MSES?	
<input checked="" type="checkbox"/> No	Go to <i>Question 9</i> .
<input type="checkbox"/> Yes	I have attached a copy of the approval under the EPBC Act. Are there any MNES which were assessed under the EPBC Act which are the same, or substantially the same as an MSES, but that were not conditioned in the approval? <input type="checkbox"/> No → Go to <i>Question 9</i> <input type="checkbox"/> Yes → List these MNES:



### 9. Environmental impact statement under the *State Development and Public Works Organisation Act 1971*

Certain stages of the EA application process may not apply if the proposed activities were assessed as part of a coordinated project declared under the *State Development and Public Works Organisation Act 1971* (State Development Act), you are only required to answer Questions 9 to 9.1 if you have a current CG's evaluation report for the project.

Has an environmental impact statement (EIS) process under State Development Act been completed?*	
<input checked="" type="checkbox"/> No	Go to <i>Question 10</i> .
<input type="checkbox"/> Yes	What is the title and project name of the completed EIS?*
	<input type="checkbox"/> The EIS was <b>completed for all activities</b> that are the subject of this application. <input type="checkbox"/> The environmental risks or the way the activity/activities are proposed to be carried out <b>have not changed</b> since the EIS was completed. <input type="checkbox"/> The environmental risks or the way the activity/activities are proposed to be carried out <b>have changed</b> since the EIS was completed.
	<input type="checkbox"/> The EIS was <b>not completed for all activities</b> that are the subject of this application. <input type="checkbox"/> The environmental risks or the way the activity/activities are proposed to be carried out <b>have not changed</b> since the EIS was completed. <input type="checkbox"/> The environmental risks or the way the activity/activities are proposed to be carried out <b>have changed</b> since the EIS was completed.
	Was the EIS completed for all activities that are the subject of this application?*
	Please list the activities that were not included in the EIS or attach documentation with this information to this application:
	<input type="checkbox"/> No  <input type="checkbox"/> I have attached the required supporting information.
<input type="checkbox"/> Yes	

#### 9.1 Coordinator-General's conditions

Are there CG's conditions that relate to the ERA(s) being applied for?*	
<input checked="" type="checkbox"/> No →	Go to <i>Question 10</i> .
<input type="checkbox"/> Yes →	Name of the CG's evaluation report:

### 10. Assessment of the environmental impact

This question is **not applicable** if an EIS process under the State Development Act has been completed for all the ERA(s) that are the subject of this application and the environmental risks of the activities **and** the way they are proposed to be carried out has not changed since the EIS was completed.

You must attach to this application an assessment of the likely impact of each ERA on environmental values (\*if applicable), including:

- a description of the environmental values likely to be affected by each relevant activity
- details of any emissions or releases likely to be generated by each relevant activity
- a description of the risk and likely magnitude of impacts on the environmental values
- details of the management practices proposed to be implemented to prevent or minimise adverse impacts
- details of how the land the subject of the application will be rehabilitated after each relevant activity ceases

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I have attached an assessment of the environmental impact and specific supporting information.

**11. Details of waste management**

Describe the proposed measures for minimising and managing waste generated by the activity/ies below \*

I have attached the proposed measures.

**12. Take effect date (when fees will commence being charged)**

You may nominate when the EA will take effect should it be approved. The date the environmental authority takes effect will be the date from which you can commence the activities as well as the date your annual fees will commence to be charged (your anniversary date). Under section 200 of the EP Act, if a development permit for a material change of use under the *Planning Act 2016* or a State development area (SDA) approval is required in order to carry out the ERA the EA cannot take effect until the development permit or SDA approval takes effect (known as taking effect pending development approval).

Do you want the EA to take effect on the decision date, nominated date, or pending development approval?\*

- |                                                   |                                                        |
|---------------------------------------------------|--------------------------------------------------------|
| <input checked="" type="checkbox"/> Decision date | The take effect date will be the date of the decision. |
| <input type="checkbox"/> Nominated date           | Details of nominated take effect date:                 |

**13. Nomination of site contact**

An alternative contact nominated by the legal entity which holds, or will in future hold, a relevant authority issued by the department. The department may direct correspondence relating to actual or potential compliance matters to the site contact.

Do you want to nominate a site contact?*		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes, provide details below
Title*	First Name*	Surname*	
Email Address*		<input type="checkbox"/> Indicate if you want to receive correspondence via email	
Phone			

**14. Nomination of application contact**

An alternative contact nominated by the legal entity which has submitted, or will in future submit, applications to be assessed by the department. All departmental correspondence relating to the assessment of applications will



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be directed to the application contact, however, if the application results in the issuing of a relevant authority, the relevant authority will be sent to the applicant.

Name or Position*
Primary Phone*
Secondary Phone
Email Address*

**15. Applicant declaration**

I declare that the information I have provided is true and correct. I understand that it is an offence under the *Environmental Protection Act 1994* to give information that I know is false, misleading or incomplete.

I will comply with all conditions on my environmental authority as well as any relevant provisions in the *Environmental Protection Act 1994*.

I understand that I am responsible for managing the environmental impacts of these activities, and that approval of this application is not an endorsement by the administering authority of the effectiveness of the management practices proposed or implemented.

Applicant's full name*	Applicant's position*
Nui Harris	Chief Executive Officer
Applicant's signature*	Date*
	20/12/2019

**Submit attachment, together with any additional information, with all relevant Development application Forms to the assessment manager for the development application.**

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**Attachment 1**

**Joint applicants and appointment of principal applicant**

We are joint applicants for this environmental authority application and hereby appoint \_\_\_\_\_ as the principal applicant to receive statutory documents relating to this application.

Name - individual or contact person if applicant is an organisation*	Suitable Operator Reference Number*
Organisation name, including trading name (*if an organisation)	ABN/ACN (*if an organisation)
Residential or registered business address (not a post office box)*	Phone*
Postal address (if same as above, state "AS ABOVE") *	Facsimile
Email*	<input type="checkbox"/> Indicate if you want to receive correspondence via email
Signature*	Date*

Name - individual or contact person if applicant is an organisation*	Suitable Operator Reference Number*
Organisation name including trading name (*if an organisation)	ABN/ACN (*if an organisation)
Residential or registered business address (not a post office box)*	Phone*
Postal address (if same as above, state "AS ABOVE") *	Facsimile
Email*	<input type="checkbox"/> Indicate if you want to receive correspondence via email
Signature*	Date*

Name - individual or contact person if applicant is an organisation*	Suitable Operator Reference Number*
Business name including trading name (*if an organisation)	ABN/ACN (*if an organisation)
Residential or registered business address (not a post office box)*	Phone*
Postal address (if same as above, state "AS ABOVE") *	Facsimile
Email*	<input type="checkbox"/> Indicate if you want to receive correspondence via email
Signature*	Date*



**Attachment 2**

**List of locations where the ERA(s) will be carried out.**

Where there is more than one location list all locations and which ERA(s) will be conducted at each location.

Number*	Street Name*	Suburb/Town*	Postcode*	ERA/s*
Real Property Description* Lot                      Plan		Specific area within the location ie GPS or other descriptor (*if applicable e.g. dredging)		
Number*	Street Name*	Suburb/Town*	Postcode*	ERA/s*
Real Property Description* Lot                      Plan		Specific area within the location ie GPS or other descriptor (*if applicable e.g. dredging)		
Number*	Street Name*	Suburb/Town*	Postcode*	ERA/s*
Real Property Description* Lot                      Plan		Specific area within the location ie GPS or other descriptor (*if applicable e.g. dredging)		
Number*	Street Name*	Suburb/Town*	Postcode*	ERA/s*
Real Property Description* Lot                      Plan		Specific area within the location ie GPS or other descriptor (*if applicable e.g. dredging)		
Number*	Street Name*	Suburb/Town*	Postcode*	ERA/s*
Real Property Description* Lot                      Plan		Specific area within the location ie GPS or other descriptor (*if applicable e.g. dredging)		
Number*	Street Name*	Suburb/Town*	Postcode*	ERA/s*
Real Property Description* Lot                      Plan		Specific area within the location ie GPS or other descriptor (*if applicable e.g. dredging)		
Number*	Street Name*	Suburb/Town*	Postcode*	ERA/s*
Real Property Description* Lot                      Plan		Specific area within the location ie GPS or other descriptor (*if applicable e.g. dredging)		
Number*	Street Name*	Suburb/Town*	Postcode*	ERA/s*
Real Property Description* Lot                      Plan		Specific area within the location ie GPS or other descriptor (*if applicable e.g. dredging)		