

Application for load reduction agreement



This form needs to be filled out if you hold a licence issued under the *Protection of the Environment Operations Act 1997* ('POEO Act') and wish to apply for a load reduction agreement ('LRA') under the Protection of the Environment Operations (General) Regulation 2009 ('POEO (General) Regulation').

General information about LRAs is set out in the Environment Protection Authority's (EPA's) guidance document *Load reduction agreements – freeing funds for environmental improvements*, available at www.environment.nsw.gov.au/licensing/lbl/loadredagree.htm. This should be referred to when filling out this application form. You should also contact your nearest EPA office to discuss your proposal.

If you need any help filling out the form, please contact the Regulatory and Compliance Support Unit on 02 9995 5700.

Once completed and signed, the form should be sent to the Regulatory and Compliance Support Unit (as indicated at the end of this form).

1. Licence to which LRA applies

1.1 Licence number

Licence number	
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1.2 Name of current licence holder(s)

Full name(s) of licence holder(s)		
ACN /ABN (if applicable)	ACN:	ABN:

2. Contact person regarding proposed LRA

Name	Mr / Mrs / Ms	Given name:
	Surname:	
Organisation (if different from licence holder)		
Position		
Phone numbers	Business:	Mobile:
Fax		

3. Licence-fee periods to which the LRA would apply

The maximum number of years for a LRA is **four** years.

The first licence-fee period to which the LRA would apply commences on	day/month/year
The last licence-fee period to which the LRA would apply finishes on	day/month/year

Note 1: The LRA application must be lodged **at least 60 days** before the end of the first licence-fee period to which the LRA will apply.

Note 2: The LRA (which will be prepared based on the information provided in this application form) commences when it has been signed by **both** the licensee and the Environment Protection Authority, or on the date the licence becomes subject to a condition as described in clause 30 of the POEO (General) Regulation, whichever is the later date.

4. Agreed load for assessable pollutants

Using the following table, nominate the assessable pollutants proposed to be included in this LRA and the proposed agreed load for each pollutant. If this application is for an LRA to govern more than one fee-based activity or, if you believe you will need more space than is provided in the table, you are advised to make copies of this page prior to filling in any details, so that you can attach completed pages altogether.

Step 1 List the fee-based activity classification(s) applicable to your licence.

The fee-based activity classification(s) relevant to your licence are listed in condition A1.2 of your licence. If this application applies to more than one fee-based activity classification, a separate table must be completed for each fee-based activity classification to which you want an agreed load limit(s) to apply.

Step 2 List the assessable pollutant(s) to be included in the LRA.

Your licence indicates at condition L2.2 all assessable pollutants in relation to your fee-based activities. If it is proposed that water pollutants are to be covered by the LRA, you must also indicate whether the receiving environment for the water pollutant(s) is enclosed, estuarine or open coastal waters. These terms are defined in clause 19(9) of the POEO (General) Regulation.

Step 3 For each assessable pollutant, provide an estimate of the current actual annual load and any weighted load (in kilograms).

This amount can be determined from your most recent Annual Return or, if this is your first year of licensed discharges, by extrapolating your discharges to date to estimate your total load by the end of the 12-month licence-fee period. For more information about weighted loads see Section 5 of the *Load calculation protocol*, available at www.environment.nsw.gov.au/licensing/lbprotocol/index.htm

Step 4 Nominate an agreed load for each assessable pollutant included in the LRA.

This is the maximum pollutant load that you will be able to report on your licence-fee calculation worksheets in your Annual Return during the period of the LRA. The agreed load (when approved) can be used to calculate your pollutant load fee during the period of the LRA.

Note 3: To ensure environmental improvements achieved under the LRA are ongoing, the agreed load for each nominated pollutant will become the annual load limit for that pollutant at the end of the LRA. This limit will be put in place via condition L2.3 of your licence.

Note 4: Where the performance of this LRA relies on obtaining development consent from a council or any other approval or access to funds from a third party and the licensee fails to obtain such a development consent, funds or approval, the provisions of the POEO (General) Regulation including, among others, clauses 28(1)(d)(ii), 31(4), and 32 apply to the LRA.

Fee-based activity classification				
Assessable pollutants	If the assessable pollutant is a water pollutant, specify the receiving environment: (a) enclosed waters (b) estuarine waters (c) open coastal waters	Estimated current annual actual load (kg)	Estimated current annual weighted load, if applicable (kg)	Proposed agreed load (kg)

Please tick (✓) 'Yes' or 'No'.

		Yes	No
4.1	Is the 'actual' and 'weighted' load data you provided, based on the most recent Annual Return?		

5. Description of the proposed program of actions and timetable for implementation

The 'program of actions' needs to demonstrate that the agreed load you have nominated is reasonably achievable by implementation of the program and that in the final 12-month licence-fee period of the LRA, it can be demonstrated that the resulting actual (or weighted) load, reported in the Annual Return, is no greater than the agreed load.

The EPA is not responsible for ensuring that the nominated program of actions proposed will enable the achievement of the agreed load.

Please provide a brief description of the actions that you propose to undertake to meet the proposed agreed load and an estimated timetable for implementation.

Licence fee period of the LRA	Program of actions
Year 1	
Year 2	
Year 3	
Year 4	

Attach extra pages, maps or diagrams, as required.

Note 5: The final 12-month licence-fee period of the LRA is used to demonstrate that the agreed load has been met.

6. Calculation of estimated total fee reduction

The estimated fee reduction for each nominated pollutant for each licence-fee period is the difference between the fee that would have been paid without the LRA (the fee based on the load from the most recent Annual Return) and the load fee paid under the LRA (the fee based on the agreed load). The estimated total fee reduction is the sum of all fee reductions received for every pollutant during the term of the LRA.

Estimated fee reductions should **not** be calculated simply by multiplying the pre-LRA fees by the number of years of the LRA because this may give an incorrect estimate. If you need any help to calculate your estimated total fee reduction, please contact the Regulatory and Compliance Support Unit on 02 9995 5700.

If the reduction in the total fee reduction for each licence-fee period is less than \$2000, the EPA may decide not to enter into an LRA.

7. Signature of licence holder

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

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

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

/We declare that the information in this licence application form (including any attachment) is not false or misleading in any material particular.

Signature		Signature	
Name (printed)		Name (printed)	
Position		Position	
Date		Date	

Seal (if signing under seal):

Additional information

1. It is an offence to supply any information in this form that is false or misleading in a material particular. There is a maximum penalty of \$22,000 for a corporation or \$11,000 for an individual.
2. Details of the licence application and licence will appear on the EPA's Public Register. The EPA can be asked by any person to provide reasons for refusing or granting a licence application.

Once completed and signed the form should be sent to:

**Regulatory and Compliance Support Unit
 Environment Protection Authority NSW
 PO Box A290
 Sydney South NSW 1232**

EPA 2012/0246
 May 2012