

Variation application under s81A

Variation of conditions of suspension, revocation or surrender of a licence to require other persons to carry out works, programs or activities issued under the *Protection of the Environment Operations Act 1997* (POEO Act).

If you need help completing this form, please contact the Environment Line on 131 555 or by email at [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au).

Once completed and signed by both the applicant (proposed person/s) and the licence holder/s or former licence holder(s), the form should be sent to the EPA (as indicated at the end of this form).

The fee may be prescribed by the regulations. No fee is currently prescribed.

1. Notice to be varied
   1. Suspension, surrender or revocation notice to be varied

|  |  |
| --- | --- |
| Notice no | enter text. |

* 1. Name of licence holder(s) or former licence holder(s)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Full name/s of licence holder/s or former licence holder/s | enter text. | | | |
| ACN/ABN (if applicable) | ACN: | enter text. | ABN: | enter text. |

* 1. Reason/s for variation

|  |  |
| --- | --- |
| Write down the specific reason/s why you are requesting the variation to the conditions of the notice | enter text. |

1. Proposed person other than the licence holder/s or former licence holder/s

A person other than the holder, or former holder, of the licence may apply to the appropriate regulatory authority to vary the condition of a suspension, revocation or surrender of a licence to require the person, instead of or in addition to the holder, or former holder, of the licence to carry out the work or program, provide the financial assurance or do the activity or thing.

* 1. Name of the applicant (proposed person/s)

The person must be an individual/s, a company, body corporate or public authority, but not a partnership, trust or joint venture name.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Full name/s of proposed person/s | enter text. | | | |
| Trading as (if applicable) | enter text. | | | |
| ACN/ABN (if applicable) | ACN: | enter text. | ABN: | enter text. |
| Corporate website address | enter text. | | | |

* 1. Condition/s to be varied

|  |  |
| --- | --- |
| Condition number | Proposed person responsible (Please indicate whether the person is to be responsible *instead of, or in addition to*, the holder, or former holder, of the licence) |
| enter text. | enter text. |
| enter text. | enter text. |
| enter text. | enter text. |
| enter text. | enter text. |
| enter text. | enter text. |

* 1. Date of responsibility for the conditions to the proposed person/s

Please state below the date on which the new person/s will take over responsibility for the conditions from the former licence holder or take on responsibility in addition to the former licence holder.

|  |  |
| --- | --- |
| Date | enter text. |

To help ensure the EPA has time to effect the variation of the notice, you should submit this application at least 30 days before the date you have stated above.

* 1. Occupation and management and control of the premises

Please tick (🗸) ‘Yes’ or ‘No’.

#### Will the proposed person/s be the occupier of the premises to which the notice applies?

Yes  No

#### Will the proposed person/s have management and control of the premises to which the notice applies?

Yes  No

* 1. Postal address of the proposed person/s

|  |  |  |  |
| --- | --- | --- | --- |
| Street address | enter text. | Postcode | enter text. |
| Postal address | enter text. | Postcode | enter text. |
| Phone number | enter text. | | |
| Corporate email address | enter text. | | |

* 1. Contact person for the proposed person/s for EPA enquiries

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Name | Title | enter text. | Given name/s | enter text. | Surname | enter text. |
| Organisation (if different from the proposed person) | enter text. | | | | | |
| Position | enter text. | | | | | |
| Address (if different from postal address in 2.1) | enter text. | | | | Postcode | enter text. |
| Phone number | enter text. | | | | | |
| After hours | enter text. | | | | | |
| Email | enter text. | | | | | |

* 1. Fit and proper person

### Has the proposed person/s (whether a natural person or a corporation) ever:

Please tick (🗸) ‘Yes’ or ‘No’.

#### been convicted or paid a penalty under a penalty notice for an offence under a provision of any environment protection legislation1 or other relevant legislation?2

Yes  No

#### had a licence or other authority suspended or revoked under environment protection legislation[[1]](#footnote-1) or other relevant legislation?[[2]](#footnote-2)

Yes  No

### If the proposed person/s is a corporation, has any director3 of the corporation or director[[3]](#footnote-3) of a related body corporate ever:

Please tick (🗸) ‘Yes’ or ‘No’.

#### been convicted, or paid a penalty under a penalty notice for an offence under a provision of any environment protection legislation1 or other relevant legislation?2

Yes  No

#### had a licence or other authority suspended or revoked under environment protection legislation1 or other relevant legislation?2

Yes  No

#### been a director3 of another body corporate that has convicted or paid a penalty infringement notice under a provision of any environment protection legislation1 or other relevant legislation?2

Yes  No

#### been a director3 of another body corporate which had a licence or other authority suspended or revoked under environment protection legislation1 or other relevant legislation?2

Yes  No

If you answered ‘Yes’ to any of the above questions, please attach a statement setting out the specific circumstances and why you think those circumstances should not prevent you from holding a licence.

Please note that, in determining whether a person is a fit and proper person, the EPA may take into consideration the factors listed in section 83(2) of the POEO Act. See also section 83(4) of the POEO Act regarding contraventions.

1. Signature of proposed new person/s

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 person is: |  | The application must be signed and certified by one of the following: |
| an individual |  | the individual |
| a company |  | the common seal being affixed in accordance with the *Corporations Act 2001* (Cth), 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 |  | the chief executive officer of the public authority, or |
|  | by a person delegated power to apply, or otherwise legally able to apply, in accordance with the public authority’s legislation (Please note: a copy of the relevant instrument of delegation must be attached to this application). |
| a local council |  | council’s authorised delegate under s.377 of the *Local Government Act 1993* (LG Act), or |
|  | the seal of the council being affixed in a manner authorised under the LG Act. |

I/We (the proposed person(s)):

* apply for the variation of the notice as set out Parts 1 and 2 of this application form
* declare that the information in this form (including any attachment) is not false or misleading in any material particular

|  |  |  |  |
| --- | --- | --- | --- |
| Signature | enter text. | | |
| Name (printed) | enter text. | | |
| Position | enter text. | Date | enter text. |
| Signature | enter text. | | |
| Name (printed) | enter text. | | |
| Position | enter text. | Date | enter text. |

Seal (if signing under seal):

1. Consent of the licence holder/s or former licence holder/s

This application may only be made with the written consent of the licence holder(s) or former holder(s) of the licence unless it is not reasonably practicable to obtain their consent. This part of the form must be signed by a person(s) with the legal authority to sign it as, or for, the licence holder(s) or former licence holder(s). 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 it is not reasonably practicable to obtain the consent of the licence holder(s) or former licence holder(s), please provide written information and/or evidence demonstrating this.

|  |  |  |
| --- | --- | --- |
| If the licence holder/s or former licence holder/s is: |  | The application must be signed and certified by one of the following: |
| an individual |  | the individual |
| a company |  | the common seal being affixed in accordance with the *Corporations Act 2001* (Cth), 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. 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 |  | the chief executive officer of the public authority, or |
|  | by a person delegated to sign on the public authority’s behalf in accordance with its legislation (Please note: a copy of the relevant instrument of delegation must be attached to this application). |
| a local council |  | council’s authorised delegate under s.377 of the *Local Government Act 1993* (LG Act), or |
|  | the seal of the council being affixed in a manner authorised under the LG Act. |

I/We (the licence holder/s or former licence holder/s) consent to the variation of the conditions as set out in Parts 1 and 2 of this application form

|  |  |  |  |
| --- | --- | --- | --- |
| Signature | enter text. | | |
| Name (printed) | enter text. | | |
| Position | enter text. | Date | enter text. |
| Signature | enter text. | | |
| Name (printed) | enter text. | | |
| Position | enter text. | Date | enter text. |

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 respect. There is a maximum penalty of $500,000 for a corporation or $250,000 for an individual.
2. Details of the notice variation application and any variation to the notice of suspension, revocation or surrender of a licence will appear on the EPA’s POEO 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:

NSW Environment Protection Authority

Email: [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au) OR

Post: EPA Head Office, Locked Bag 5022, Parramatta NSW 2124

NSW Environment Protection Authority

Email: [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)

Website: [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au/)

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1. ‘Environment protection legislation’is defined in section 3 of the *Protection of the Environment Administration Act 1991*. [↑](#footnote-ref-1)
2. ‘Other relevant legislation’ is defined in section 67 of the Protection of the Environment Operations (General) Regulation 2022.

   3 ‘Director’ also includes a person involved in the management of the affairs of the corporation. [↑](#footnote-ref-2)
3. ‘Director’ also includes a person involved in the management of the affairs of the related body corporate. [↑](#footnote-ref-3)