

Cap 5

Annual Return

BRACKEN: LUKE



Environment,
Climate Change
& Water

ANNUAL RETURN

LICENCE NO.	4860
LICENCE HOLDER	BRACKEN: LUKE
REPORTING PERIOD	10-Mar-2009 to 09-Mar-2010

If your licence has been transferred, suspended, surrendered or revoked by the EPA during this reporting period, cross out the dates above and specify the new dates to which this Annual Return relates below:

REVISED REPORTING PERIOD ____ / ____ / ____ to ____ / ____ / ____
 (Note: the revised reporting period also needs to be entered in Section E)

THIS ANNUAL RETURN MUST BE RECEIVED BY THE EPA BEFORE 09-May-2010

Your Annual Return must be completed, including certification in Section E, and submitted to the EPA no later than 60 Days after the end of the reporting period for your licence.

Failure to submit this Annual Return within 60 days after the reporting period ends may result in:

- the issue of a Penalty Notice for \$750 (Individuals) or \$1500 (corporations);

OR

- prosecution.

Please send your completed Annual Return by Registered Post to:

Regulatory and Compliance Support Unit
 Department of Environment, Climate Change and Water
 PO Box A290
 SYDNEY SOUTH NSW 1232

It is an offence to supply any information in this form to the EPA that is false or misleading in a material respect, or to certify a statement that is false or misleading in a material respect.

THERE IS A MAXIMUM PENALTY OF \$250,000 FOR A CORPORATION OR \$120,000 FOR AN INDIVIDUAL.

Details provided in this Annual Return will be available on the EPA's Public Register in accordance with section 308 of the Protection of the Environment Operations Act 1997.

Annual Return

BRACKEN, LUKE



Environment,
Climate Change
& Water

Use the checklist below to ensure that you have completed your Annual Return correctly.
(✓ the boxes)

CHECKLIST	
<input checked="" type="checkbox"/> Section A:	All licence details are correct
<input checked="" type="checkbox"/> Section B1:	You have entered the correct number in the complaints table
<input checked="" type="checkbox"/> Section B2 – B3:	If there are tables, you have provided the required details
<input checked="" type="checkbox"/> Section C:	You have answered question 1, and 2 if applicable
<input type="checkbox"/> Section D: <i>NA</i>	If applicable, you have completed all load calculation worksheets
<input checked="" type="checkbox"/> Section E:	The Annual Return has been signed by appropriate person(s) and, if applicable, the revised reporting period entered
<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	Make a copy of the completed Annual Return and keep it with your licence records
<input type="checkbox"/>	Attach a cheque (unless you have paid separately) for the payment of the administrative fee for the next licence fee period

Please send your completed Annual Return by Registered Post to:

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Annual Return

BRACKEN; LUKE



Environment,
Climate Change
& Water

Statement of Compliance – Licence Details

ALL licence holders must check that the licence details in Section A are correct.

If there are changes to any of these details you must advise the EPA and apply as soon as possible for a variation to your licence or for a licence transfer.

Licence variation and transfer application forms are available on the EPA website at: <http://www.environment.nsw.gov.au/licensing>, or from regional offices of the EPA, or by contacting us on telephone 02 9995 5700.

If you are applying to vary or transfer your licence you must still complete this Annual Return.

A1 Licence Holder

Licence Number 4860

Licence Holder BRACKEN; LUKE

Trading Name (if applicable)
ABN

A2 Type of Licence

Scheduled Activity - Premises Based

A3 Premises to which Licence Applies

common name (if any) BROKEN HEAD QUARRY
premises BROKEN HEAD ROAD, SUFFOLK PARK, NSW

A4 Activities to which Licence Applies

Scheduled Activity
Extractive activities

A5 Other Activities (Not Applicable)

A6 Fee-Based Activity Classifications

Note that the fee based activity classification is used to calculate the administrative fee.

Fee-based activity	Activity scale	Unit of measure
Land-based extractive activity	> 100000 - 500000	T obtained

Annual Return

BRACKEN, LUKE

Assessable Pollutants (Not Applicable)



Environment,
Climate Change
& Water

Annual Return

BRACKEN, LUKE


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Climate Change
& Water**
Monitoring and Complaints Summary**B1 Number of Pollution Complaints**

Number of complaints recorded by the licensee during the reporting period (as required by condition M4 of the licence).

If no complaints were received enter nil.

2

B2 Concentration Monitoring Summary

For each monitoring point identified in your licence, (see licence conditions M2 and R1), complete all the details for each pollutant listed in the tables provided below.

If concentration monitoring is not required by licence conditions M2 and R1, no tables will appear below.

Note that this does not exclude the need to conduct appropriate concentration monitoring of assessable pollutants as required by load-based licensing (if applicable).

Discharge & Monitoring Point 1

Discharge pipe from the Clean Water Dam and labelled as EPA 1 on the map titled "Location of EPA water monitoring points" received by the EPA on 05/12/01.

Pollutant	Unit of measure	No. of samples required by licence	No. of samples you collected and analysed	Lowest sample value	Mean of samples	Highest sample value
Oil and Grease	milligrams per litre	3	3	<5	<5	<5
pH	pH	3	3	4.8	5.26	5.6
Total suspended solids	milligrams per litre	3	3	66	83	111

Monitoring Point 2

150 metres upstream from EPA 1 in the creek feeding the Clean Water Dam and labelled as EPA 2 on the map titled

"Location of EPA water monitoring points" received by the EPA on 05/12/01.

Pollutant	Unit of measure	No. of samples required by licence	No. of samples you collected and analysed	Lowest sample value	Mean of samples	Highest sample value
Total suspended solids	milligrams per litre	3	3	7	14.6	20
pH	pH	3	3	4.6	5.26	5.7

P³ Volume or Mass Monitoring Summary

For each monitoring point identified in your licence, (see licence conditions M6 and R1), complete the details of the volume or mass monitoring indicated in the tables provided below.

If volume or mass monitoring is not required by licence conditions M6 and R1, no tables will appear below.

Licence 4860

256714

Annual Return

BRACKEN, LUKE



Environment,
Climate Change
& Water

Note that this does not exclude the need to conduct appropriate concentration monitoring of assessable pollutants as required by load-based licensing (if applicable).

Annual Return

BRACKEN: LUKE



Environment,
Climate Change
& Water

Statement of Compliance – Licence Conditions

C1 Compliance with Licence Conditions

(✓ the boxes)

- 1 Were all conditions of the licence complied with (including monitoring and reporting requirements)? Yes No
(✓ a box)

- 2 If you answered 'No' to question 1, please supply the following details for each non-compliance in the format, or similar format, provided on the following page.

Please use a separate page for each licence condition that has not been complied with.

- a) What was the specific licence condition that was not complied with?
- b) What were the particulars of the non-compliance?
- c) What were the date(s) when the non-compliance occurred, if applicable?
- d) If relevant, what was the precise location where the non-compliance occurred?

Attach a map or diagram to the Statement to show the precise location.

- e) What were the registration numbers of any vehicles or the chassis number of any mobile plant involved in the non-compliance?
- f) What was the cause of the non-compliance?
- g) What action has been, or will be, taken to mitigate any adverse effects of the non-compliance?
- h) What action has been, or will be, taken to prevent a recurrence of the non-compliance?

3. How many pages have you attached?

Each attached page must be initialised by the person(s) who signs Section E of this Annual Return

NIL.

Annual Return

BRACKEN, LUKE


 Environment,
 Climate Change
 & Water

Details of Non-Compliance with Licence

Licence condition number not complied with	23.1
Summary of particulars of the non-compliance (NO MORE THAN 50 WORDS)	Discharge surface water from the property with a sds concentration, greater than 50mg/lit.
If required, further details on particulars of non-compliance	
Date(s) when the non-compliance occurred, (if applicable)	22/5/09 - 23/06/09 - 8/2/2010.
If relevant, precise location where the non-compliance occurred (attach a map or diagram)	EPA 1.
If applicable, registration numbers of any vehicles or the chassis number of any mobile plant involved in the non-compliance	
NA	
Cause of non-compliance	Significant rainfall events overcome our capacity to hold surface water on the property. 21-22/5/09 - 213mm 18-23/06/09 - 305mm + 1-8/02/10 241mm (56mm on 8/2)
Action taken or that will be taken to mitigate any adverse effects of the non-compliance	NA
Action taken or that will be taken to prevent a recurrence of the non-compliance	Ongoing improvement of our sedimentation ponds/ Silt traps to improve our capacity to retain surface runoff

Annual Return

BRACKEN, LUKE



Environment,
Climate Change
& Water

Statement of Compliance - Load-Based Fee Calculation Worksheets

If you are **not** required to monitor assessable pollutants by your licence (see **A7** on this **Annual Return**), **no worksheets** will appear below. Please go to Section E.

If assessable pollutants have been identified on your licence (see licence condition L2), complete the following worksheets for each assessable pollutant to determine your load-based fee for the licence fee period to which this Annual Return relates.

A load-based licensing online fee calculator is available on the EPA's website at www.environment.nsw.gov.au

Loads of assessable pollutants must be calculated using any of the methods provided in the EPA's Load Calculation Protocol for the relevant activity. A Load Calculation Protocol would have been sent to you with your licence. If you require additional copies you can download the Protocol from the EPA's website or you can contact us on telephone 02 9995 5700.

You are required to keep all records used to calculate licence fees for four years after the licence fee was paid or became payable, whichever is the later date.

PENALTIES APPLY FOR SUPPLYING FALSE OR MISLEADING INFORMATION

D1 – D6 (Not Applicable)

Annual Return

BRACKEN: LUKE



Environment,
Climate Change
& Water

Signature and Certification

This Annual Return may only be signed by a person(s) with legal authority to sign it as set out in the categories below. Please tick (✓) the box next to the category that describes how this Annual Return is being signed.

If you are uncertain about who is entitled to sign or which category to tick, please contact us on telephone 02 9995 5700.

If the licence holder is:		the Annual Return must be signed and certified:
an individual	<input checked="" type="checkbox"/>	by the individual licence holder, or
	<input type="checkbox"/>	by a person approved in writing by the EPA to sign on the licence holder's behalf
a company	<input type="checkbox"/>	by affixing the common seal in accordance with Corporations Act 2001, or
	<input type="checkbox"/>	by 2 directors, or
	<input type="checkbox"/>	by a director and a company secretary, or
	<input type="checkbox"/>	if a proprietary company that has a sole director who is also the sole company secretary – by that director, or
	<input type="checkbox"/>	by a person delegated to sign on the company's behalf in accordance with the Corporations Act 2001 and approved in writing by the EPA to sign on the company's behalf.
a public authority (other than a council)	<input type="checkbox"/>	by the Chief Executive Officer of the public authority, or
	<input type="checkbox"/>	by a person delegated to sign on the public authority's behalf in accordance with its legislation and approved in writing by the EPA to sign on the public authority's behalf.
a local council	<input type="checkbox"/>	by the General Manager in accordance with s.377 of the Local Government Act 1993, or
	<input type="checkbox"/>	by affixing the seal of the council in a manner authorised under that Act.

It is an offence to supply any information in this form that is false or misleading in a material respect, or to certify a statement that is false or misleading in a material respect. There is a maximum penalty of \$250,000 for a corporation or \$120,000 for an individual.

I/We

- declare that the information in the Monitoring and Complaints Summary in section B of this Annual Return is correct and not false or misleading in a material respect, and
- certify that the information in the Statement of Compliance in sections A, C and D and any pages attached to Section C is correct and not false or misleading in a material respect.

If your licence has been transferred, suspended, surrendered or revoked by the EPA during this reporting period, cross out the dates below and specify the new dates to which this Annual Return relates below:

For the reporting period 10-Mar-2009 to 09-Mar-2010 or ___/___/___ to ___/___/___

SIGNATURE: [Signature] SIGNATURE: _____
 NAME: LUKE BRACKEN NAME: _____
 (printed) (printed)
 POSITION: Marketing Director POSITION: _____
 DATE: 23/4/10 DATE: ___/___/___

SEAL (if signing under seal)

PLEASE ENSURE THAT ALL APPROPRIATE BOXES HAVE BEEN COMPLETED AND THAT THE CHECKLIST ON PAGE 2 OF THE ANNUAL RETURN HAS BEEN COMPLETED