

Review of Effluent and Stormwater Management

Laidley Sale Yards

CLIENT: LOCKYER VALLEY REGIONAL COUNCIL

PROJECT NO. J001362
STATUS FINAL
DATE 5/05/2023

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Document Control

Version	Purpose	Lead Author	Reviewer	Approved by	Date
1.	Draft Report for Client comment	MJW	LMT	LMT	5/05/2023
2.	Final Report	MJW	LMT	LMT	5/05/2023

Executive Summary

- A site inspection was undertaken on 23 March 2023 by Range Environmental at the Laidley Saleyards to identify potential effluent migration offsite and site constraints to the implementation of effluent management measures.
- The release of contaminants was identified across the site, including evidence of effluent migration from the selling and holding pens and leakage from the cattle dip.
- Recommendations were supplied to minimise risks to stormwater quality from effluent by creating a controlled drainage area to divert stormwater around the saleyards and manage runoff from pens to minimise offsite releases of effluent. These included:
 - Clean stormwater diversion around the site.
 - Increased pen cleaning frequency.
 - Improving on site drainage and maintenance of unsealed areas.
 - Filter fencing and a vegetative buffer on the downgradient side of the pens to minimise the release of effluent to the Lagoon Creek catchment.
- Our assessment determined that LVRC have a duty to notify the DES of the following:
 - Potential material environmental harm may have been caused by effluent contaminated runoff from the site.
 - The presence of the cattle dip on Lots 803 & 804 on L171 and Lot 1 on SP288143.

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1 Introduction

Range Environmental Consultants (Range Environmental) were engaged by Lockyer Valley Regional Council (LVRC) to provide environmental support in relation to effluent and stormwater management for the Laidley Saleyards located at 2107 Rosewood-Laidley Road, Laidley (hereafter 'the site') (Figure 1). The site occurs across the following land parcels: Lots 1 & 4 on SP288143, Lots 5 & 7 L1742, Lots 407 & 802-804 on L171 and Lot 186 on L1731. The site is located within the Lagoon Creek catchment. Lagoon Creek is located approximately 590 m west of the site (Figure 1).

This review was conducted in response to uncontrolled releases of effluent¹ contaminated stormwater from the site following heavy rainfall events and to address related matters of concern identified during a site audit by EnviroAg Australia in 2022.

1.1 Objectives

The objectives of the review were to:

1. Undertake a review of the previous releases of effluent contaminated stormwater from the site with respect to LVRC's Duty to Notify and General Environmental Duty provisions of the *Environmental Protection Act 1994* (EP Act).
2. Provide pragmatic, risk-based recommendations to address potential compliance issues with the current effluent and stormwater management practices at the site.

¹ The term effluent in this report refers to runoff from the operational areas of the saleyards (holding pens, selling pens, cattle dip) which may contain prescribed water contaminants under Schedule 10 of the Environmental Protection Regulation 2019 such as cattle urine and manure, soil/sediment, and contaminants from the cattle dip.



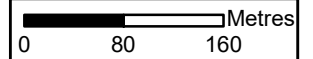
Figure 1 Study Area

Project: Review of
Effluent and
Stormwater Management





Client: Lockyer Valley
Regional Council

Project No.: J001362

Compiled by: MJW Date: 4/05/2023
Approved by: LMT Date: 4/05/2023



Legend

-  Cadastre
-  Roads
-  Watercourse
-  Site boundary

The content of this document includes third party data. Range Environmental Consultants does not guarantee the accuracy of such data.

Source: Cadastral data sourced from DNRME (2023). Aerial imagery sourced from MetroMap (2023).



2 Site Description

2.1 Existing Site Condition

A site inspection was undertaken on 23 March 2023 by Range Environmental. The Bureau of Meteorology recorded 4mm of rainfall prior to the site inspection (22 March 2023) at the University of Queensland Gatton weather station (ID: 040082) which is approximately 15km north-west of the site.

The purpose of the site inspection was to determine the site's constraints to effluent and stormwater management and identify evidence of releases of effluent contaminated stormwater.

Photographs and descriptions of key site features and evidence of effluent contaminated stormwater migration at and off the site is provided at Table 1 below. No effluent or stormwater management measures were observed during the site inspection (e.g., diversion drains, catch drains, sedimentation systems, holding ponds, etc.). This was consistent with the site audit findings reported by EnviroAg Australia (2022).

2.2 Previous Audit Findings

A site audit was conducted by EnviroAg Australia (2022) to determine compliance of the site with legislative requirements. The following environmental issues in relation to effluent and stormwater management were identified:

- The cattle dip is leaking and runoff from the drip pad of the cattle dip is evident.
- Due to minimal stormwater and effluent controls at the site, stormwater is mixing with wastewater and effluent from the site and flowing into the receiving environment.
- Effluent that does not leave the site is pooling in multiple locations in the selling pens due to inadequate drainage.
- The stormwater pit located at the northern side of the yards is filled with solid effluent.

EnviroAg Australia (2022) recommended the relocation of the saleyard operations to LVRC owned land uphill from the existing site. The following recommendations in relation to effluent and stormwater management were provided for implementation at a new site:

- The implementation of a controlled contaminated water storage facility for the flow of contaminated stormwater discharge.
- A new cattle dip with two (2) drainage pens and weather protection.

The site audit did not investigate potential or actual offsite impacts of effluent and contaminated stormwater releases and did not identify a duty to notify.

2.3 Saleyard Operations and Maintenance

The site is used for the holding and selling of cattle and horses, with sales being undertaken every second Thursday. The number of stock auctioned at the site varies; at the most recent sale on 27 April 2023, 447 head were yarded.

Maintenance of the site includes the following:

- The site operator undertakes general maintenance and yard cleaning as required.
- The Austrans Group (QLD) Pty Ltd were commissioned by LVRC on 7 September 2021 for a period of two (2) years to undertake necessary repairs and replacements, filling, and removal of waste at the site every four (4) months. The following equipment is used by Austrans for these works:
 - Dozer.
 - Grader.
 - Excavator.

- Posi track.
- Roller.

2.4 Site Constraints

The following constraints for the implementation of typical effluent management measures for a saleyard were identified during the site inspection:

- The site drains towards the north and under Laidley Rosewood Road. As the site is built to the northern boundary, and due to the proximity of Laidley Rosewood Road, there is no available space on the downgradient side of the saleyard for controls such as effluent/sediment ponds. Further to this, there is no space on site for effluent irrigation.
- Topography of the local area directs stormwater runoff from properties to the south of the site directly into the selling pens and holding pens at the site.

Table 1 Site photographs and descriptions

Photograph	Description
	<ul style="list-style-type: none"> Algae was present at the stormwater drains on either side of the driveway access at the site. This may be due to elevated nutrients in runoff from the site. Hay and manure that had migrated off the site was identified at the stormwater drain located north-east of the site in the road parcel.
	

Stormwater drains located on either side of the driveway access at the site.

View of the stormwater drain north-east of the site.

- Evidence of effluent migration from the holding pens and selling pens was identified at multiple locations at the site.





- Evidence of effluent migration from the selling pens was evident along the informal stormwater drainage channels at the site.



- A cattle dip was located south of the selling pens at the site (Figure 1). The dip was in relatively good structural condition but no evidence of cleaning practices for the dip were evident.
- Sludge from the cattle dip was observed to have migrated out of the dip and into the selling pens at the site.
- Some sludge that had migrated from the dip had been caught on the fence surrounding the dip.
- There was also evidence of contaminants migrating off the drip pad into the surrounding selling pens.



3 Environmental Values of The Local Area

The site is located at 2107 Rosewood-Laidley Road, Laidley and occurs across the following land parcels: Lots 1 & 4 on SP288143, Lots 5 & 7 L1742, Lots 407 & 802-804 on L171 and Lot 186 on L1731. The site is zoned as Industrial under the Laidley Shire Council Planning Scheme 2003 and Residential and farm infrastructure under the Queensland Government's State-wide land use map.

Surrounding land zoning and land uses included:

- North: Urban Residential – residential dwellings.
- East: Industrial – Bremer Stockfeeds and Boral Concrete.
- South: Industrial – BQCC Fire Ant Eradication Program (state government office).
- West: Urban Residential – Brave Companion Dog Rescue Inc. and residential dwellings.

The key environmental values of the local area in relation to runoff from the saleyards were identified as:

- Environmental values of surface waters in the Lagoon Creek catchment (as per Schedule 1 under the Environmental Protection (Water and Wetland Biodiversity) Policy 2019 for South East Queensland region) when considering the entrainment of prescribed water contaminants² in stormwater runoff from the site.
- Local amenity such as odour and visual amenity when considering offsite deposition of effluent from the saleyards in public areas. It is understood that complaints regarding odour from effluent in offsite areas have been received by LVRC.
- Public health in relation to potential exposure to effluent or contaminated stormwater in runoff from the site.

² Prescribed water contaminants are defined at Schedule 10 of the Environmental Protection Regulation 2019.

4 Legislative Requirements for Effluent and Stormwater Management at Saleyards

LVRC have the following obligations pertaining to the management of effluent at the site:

- Whilst operating a saleyard is not a prescribed Environmentally Relevant Activity (ERA) under the EP Act (an activity that is considered to have potential environmental risks), LVRC have a General Environmental Duty under the EP Act to take all reasonable and practicable measures to prevent or minimise environmental harm from the activity.
- Animal excreta (i.e., cattle manure and urine) is a prescribed water contaminant under the Environmental Protection Regulation 2019 (EP Regulation). It is an offence under the EP Act to deposit a prescribed contaminant in waters or at another place (i.e., deposit animal excreta on offsite properties or in creeks or effluent drains). This means that LVRC must implement all reasonable and practicable measures to manage effluent runoff from the site.

4.1 Standard Industry Requirements

Standard industry requirements for effluent management at saleyards includes:

- The *Australian Saleyard Code of Practice* (SOA, 2007) requires that a saleyard has waste disposal systems that are sufficient to manage all liquid and solid wastes in accordance with the relevant environmental regulations to prevent environmental harm.
- There is no formal guidance for environmental management of saleyards in Queensland. There are the *Draft Environmental Guidelines for Off-Farm Livestock Holding Facilities in Queensland* (DPIF, 2004) (hereafter 'the draft guidelines'), however, they have not been finalised or formally adopted and therefore have no legislative power. The draft guidelines were developed to guide saleyard operators on how to achieve good environmental practice and compliance with their regulatory obligations under the EP Act (i.e., they include what are considered to be examples of reasonable and practicable environmental management measures). The requirements of the draft guidelines are consistent with similar guidance for saleyards and stockyards in both South Australia (EPA, 2007) and Western Australia (DoW, 2006).
- The draft guidelines clearly state that they may not be suitable in all circumstances and that compliance with them is not mandatory. Therefore, it may be possible for LVRC to demonstrate compliance with their General Environmental Duty using other methods or approaches. However, in the event of legal proceedings, LVRC would need to demonstrate that they have taken all reasonable and practicable measures to prevent or minimise environmental harm.
- Based on research conducted as part of this review, the draft guidelines were adopted as the benchmark for this review of effluent management at the site.

4.1.1 Draft Guidelines Effluent Management System Requirements

The draft guidelines recommend the implementation of the 'controlled drainage area' principle for effluent management at saleyards. This includes:

- Diversion drains - to divert runoff from clean areas around the saleyards.
- Catch drains - to convey runoff from the saleyards to the effluent quality management system.
- Sedimentation system - to remove solids entrained in effluent.
- Holding pond - to store effluent for irrigation or evaporation.

The draft guidelines also detail recommended design criteria for the various elements of the effluent quality management system to provide an acceptable level of protection for the receiving environment by minimising the potential for unplanned releases (i.e., releases of contaminated effluent that may occur during wet weather). Effluent management systems also need to be of low permeability to prevent leakage to groundwater and structurally stable to prevent embankment failure. The draft guidelines provide details of low permeability linings for holding ponds, sedimentation systems and catch drains, embankment heights, freeboard allowances and spillway requirements.

However, it is important to note that the draft guidelines also recognise that smaller and less frequently used saleyards, such as the site which only hosts sales on a fortnightly basis, present a lower environmental risk and may not require the same standard of environmental protection.

5 Recommendations

The site does not currently contain any of the elements of a 'controlled drainage area' system recommended by the draft guidelines, which has resulted in release of effluent from the site.

5.1 Effluent and Stormwater Management Measures

The below recommended effluent management measures were based on the draft guidelines as a benchmark in the absence of other relevant guidance. Compliance with the draft guidelines is not mandatory and they clearly state that they may not be suitable in all situations, especially given the small nature of the site with respect to frequency of use (refer to Section 4.1.1). It must be noted that the below list must be implemented in conjunction with one another. The following management measures are recommended to provide a 'controlled drainage area' at the site:

- The implementation of vegetated stormwater diversion bunds/flow diversion banks/channels to divert clean stormwater around the selling and holding pens (see indicative location in Figure 2). These should be installed and maintained in accordance with IECA's Best Practice Erosion and Sediment Control guideline (2008).
- The implementation of filter fencing to capture effluent runoff from the selling and holding pens at the site (see indicative location in Figure 2). This shall be installed and maintained in accordance with the specifications provided at Appendix A. Reducing offsite transport of manure and sediment will assist in reducing nutrient concentrations in runoff from the site.
- The implementation of a vegetative buffer north of the selling and holding pens at the site (see indicative location in Figure 2) will further reduce nutrient concentrations in runoff from the site that passes through the filter fencing.
- Existing drainage at the site (see indicative location in Figure 2) shall be formalised to better capture stormwater runoff and direct it away from 'dirty' areas at the site and to the stormwater drain located north of the site. The drainage shall be formalised and maintained in accordance with IECA's Best Practice Erosion and Sediment Control guideline (2008).
- Routine maintenance of unsealed areas used by vehicles for manoeuvring and parking to maintain the gravel cap to prevent erosion.
- More regular cleaning of both the selling and holding pens to keep contaminant loads as low as possible. The draft guidelines recommend, for facilities that do not have runoff holding ponds, for more frequent cleaning (e.g., after every sale), to ensure that the concentration of contaminants in the runoff is minimised. In smaller yards, machinery such as a small skid-steer loader (e.g., bob cats) should be used to scrape up the manure rather than by hosing or flushing.

Regardless of the approach chosen to manage effluent at the site, it must be demonstrated that all reasonable and practicable measures have been taken to prevent or minimise environmental harm. This is to ensure compliance with the EP Act.

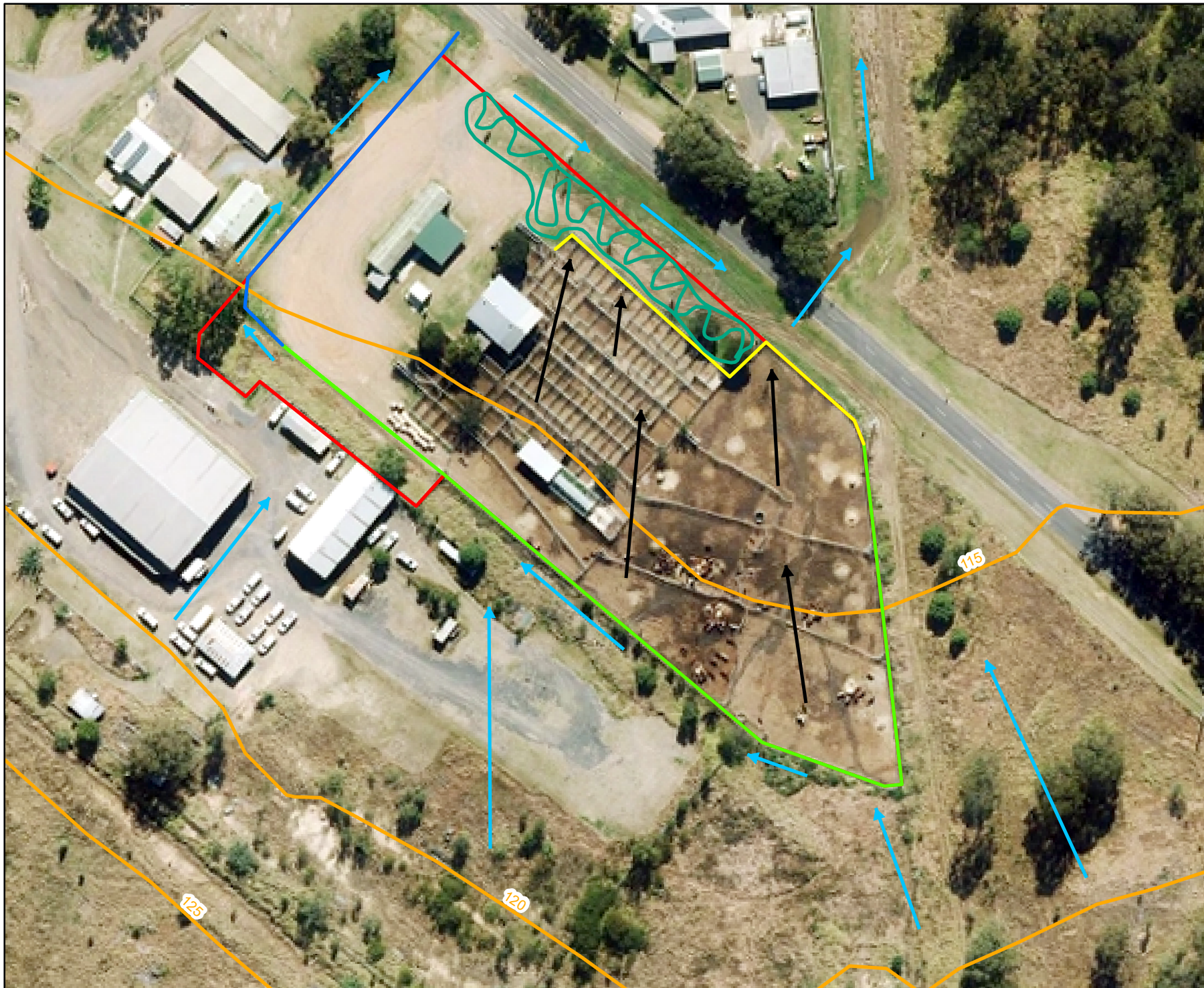


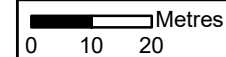
Figure 2
Effluent and
stormwater
management
measures

Project: Review of
 Effluent Management

Client: Lockyer Valley
 Regional Council

Project No.: J001362

Compiled by: MJW Date: 5/05/2023
 Approved by: LMT Date: 5/05/2023



Legend

- Site boundary
- 5m Contours
- Clean stormwater
- Effluent runoff
- Effluent + Stormwater Management Controls**
- Diversion bund/bank
- Filter fence
- Formalised drainage
- Vegetative buffer

The content of this document includes third party data. Range Environmental Consultants does not guarantee the accuracy of such data.

Source: Cadastral data sourced from DNRME (2023). Aerial imagery sourced from MetroMap (2023).



5.2 Cattle Dip Management

The site inspection undertaken by Range Environmental identified poor management of the onsite cattle dip. The following management measures shall be employed to reduce the risk of contaminants migrating from the dip:

- Clean-up all sludge that has migrated from the dip (identified in Section 2.1) and dispose of to a licensed waste facility that can lawfully receive of the waste.
- Repair any cracks or damage to the cattle dip/splash boards to ensure sludge cannot escape from the dip and the structural integrity of the dip is maintained.
- Ensure the drainage pad is adequate and controlled to direct runoff back into the cattle dip.
- Maintain the cleanliness of the dip and replace chemical treatments as required under the *DAF Guideline for the use of chemical treatments on cattle tick carriers*.

6 Duty to Notify

6.1 Environmental Harm

All persons have a duty under the EP Act to notify the Department of Environment and Science (DES) of incidents or emergencies that cause or threaten material or serious environmental harm. Our assessment is that LVRC would have a Duty to Notify the DES of the effluent runoff from the site as it has the potential to cause material environmental harm. Material environmental harm is defined at Section 16 of the EP Act and is presented below:

Material environmental harm is environmental harm (other than environmental nuisance):

- that is not trivial or negligible in nature, extent or context;
- that causes actual or potential loss or damage to property of an amount of, or amounts totalling, more than the threshold amount (\$10,000), but less than the maximum amount (\$100,000); or
- that results in costs of more than the threshold amount (\$10,000) but less than the maximum amount (\$100,000) being incurred in taking appropriate action to:
 - prevent or minimise the harm; and
 - rehabilitate or restore environment to its condition before the harm.

The threshold amount will increase by the consumer price index at the start of each new financial year.

Runoff of effluent contaminated stormwater from the site has the potential to cause material environmental harm because:

- Runoff of effluent contaminated stormwater from the site is unlikely to have been a single event and would likely have occurred over the life of the saleyard.
- Runoff from heavy rain events may cause migration of solid wastes such as manure, but the smaller, more frequent rainfall events may permit offsite migration of dissolved fractions of contaminants in stormwater.
- Runoff of effluent contaminated stormwater from the site has the potential to adversely impact the key environmental values of the local area.
- There are limited controls in place to manage effluent and stormwater. The cost of implementing all necessary controls would likely exceed the threshold amount (\$10,000).

6.2 Notifiable Activity

The cattle dip at the site is *Notifiable Activity 22 Livestock dip or spray race operations – operating a livestock dip or spray race facility* under Schedule 3 of the EP Act. Land that is subject to a Notifiable Activity will typically be listed on the Environmental Management Register (EMR) by the DES.

Only Lot 186 on L1731 is listed on the EMR for Notifiable Activity 22, no other land parcels that comprise the site are listed on the EMR (Appendix D). As shown in Figure 1 the cattle dip is located on Lots 803 & 804 on L171 and Lot 1 on SP288143. The cattle dip is not located on Lot 186 on L1731.

LVRC are required to notify the DES in the approved form within 20 business days that Notifiable Activity 22 is being undertaken on Lots 803 & 804 on L171 and Lot 1 on SP288143.

The standard written notification form for a Notifiable Activity is provided at Appendix E. This form can also be downloaded from the [DES website](#).

7 Summary

- A site inspection was undertaken on 23 March 2023 by Range Environmental at the Laidley Saleyards to identify potential effluent migration offsite and site constraints to the implementation of effluent management measures.
- The release of contaminants was identified across the site, including evidence of effluent migration from the selling and holding pens and leakage from the cattle dip.
- Recommendations were supplied to minimise risks to stormwater quality from effluent by creating a controlled drainage area to divert stormwater around the saleyards and manage runoff from pens to minimise offsite releases of effluent. These included:
 - Clean stormwater diversion around the site.
 - Increased pen cleaning frequency.
 - Improving on site drainage and maintenance of unsealed areas.
 - Filter fencing and a vegetative buffer on the downgradient side of the pens to minimise the release of effluent to the Lagoon Creek catchment.
- Our assessment determined that LVRC have a duty to notify the DES of the following:
 - Potential material environmental harm may have been caused by effluent contaminated runoff from the site.
 - The presence of the cattle dip on Lots 803 & 804 on L171 and Lot 1 on SP288143.

8 References

Department of Environment and Science. 1994. Environmental Protection Act. State of Queensland. Brisbane, Queensland.

Department of Primary Industries and Fisheries. 2004. Draft Environmental Guidelines for Off-Farm Livestock Holding Facilities in Queensland. Unpublished. State of Queensland.

Department of Water. 2006. Water Quality Protection Note – Stockyards. WQPN 80. Government of Western Australia.

EnviroAg Australia. 2022. Site Audit – Design and Safety. Version 1.

Environmental Protection Authority. 2007. Environmental Assessment Guide for Planners – Saleyards. Government of South Australia.

IECA. 2008. Best Practice Erosion & Sediment Control. International Erosion Control Association (Australasia). Picton, New South Wales.

Saleyards Operators Australia (SOA). 2007. Australian Code of Practice for the Selling of Livestock. Forbes, New South Wales.

Appendices

Appendix A Filter Fencing Specifications

MATERIALS

GEOTEXTILE FABRIC: NON-WOVEN FILTER CLOTH (MINIMUM 'BIDIM' A34 OR THE EQUIVALENT), WIDE STRIP TENSILE STRENGTH (AS3706.2) MINIMUM 15kN/m IN BOTH DIRECTIONS, PORE SIZE (EOS, O95, AS 3706.7) LESS THAN 110mm, MASS PER UNIT AREA (AS3706.1) MINIMUM 200GSM.

SUPPORT POSTS/STAKES: 1500mm² (MIN) HARDWOOD, 2500mm² (MIN) SOFTWOOD, OR 1.5kg/m (MIN) STEEL STAR PICKETS SUITABLE FOR ATTACHING FABRIC.

BACKING MESH: PLASTIC OR STEEL MESH WITH A MAXIMUM MESH OPENING OF 200mm.

INSTALLATION

1. REFER TO APPROVED PLANS FOR LOCATION, AND CONSTRUCTION DETAILS. IF THERE ARE QUESTIONS OR PROBLEMS WITH THE LOCATION OR METHOD OF INSTALLATION, CONTACT THE ENGINEER OR RESPONSIBLE ON-SITE OFFICER FOR ASSISTANCE.

2. UNLESS OTHERWISE DIRECTED BY THE RESPONSIBLE ON-SITE OFFICER, EXCAVATE A 200mm WIDE BY 200mm DEEP TRENCH ALONG THE PROPOSED ALIGNMENT OF THE FILTER FENCE, PLACING THE EXCAVATED MATERIAL UP-SLOPE OF THE FENCE.

3. IF THE FILTER FENCE IS TO BE STAKED WITHOUT A MESH BACKING, THEN SECURE THE SUPPORT POSTS INTO THE GROUND AT A SPACING NO GREATER THAN 1.5m.

4. IF THE FILTER FENCE IS TO BE STAKED WITH A MESH BACKING, SECURE THE SUPPORT POSTS INTO THE GROUND AT A SPACING NO GREATER THAN 2.0m, THEN SECURELY ATTACH THE BACKING MESH TO THE UP-SLOPE SIDE OF THE SUPPORT POSTS FROM A CONTINUOUS LENGTH OF MESH. EXTEND THE MESH INTO THE EXCAVATED TRENCH.

5. IF THE FILTER FENCE IS TO BE SUPPORTED BY STRAW BALES, THEN AFTER SUITABLE ANCHORING THE BOTTOM 300mm OF FABRIC, PLACE A CONTINUOUS ROW OF STRAW BALES IMMEDIATELY DOWN-SLOPE OF THE FABRIC AND WRAP THE FABRIC OVER THE TOP OF THE STRAW BALES. SECURELY ANCHOR THE FILTER FENCE WITH A SINGLE STAKE DRIVEN THROUGH THE FABRIC AND CENTRE OF EACH BALE.

6. USING A CONTINUOUS LENGTH OF NON-WOVEN GEOTEXTILE, SECURELY ATTACH THE FABRIC TO THE UP-SLOPE SIDE OF THE SUPPORT POSTS OR BACKING MESH, WITH THE FABRIC EXTENDED AT LEAST 200mm INTO THE TRENCH.

7. BACKFILL THE TRENCH AND TAMP THE FILL TO FIRMLY ANCHOR THE BOTTOM OF THE FABRIC TO PREVENT DISPLACEMENT OF THE FABRIC AND TO PREVENT THE FREE MOVEMENT OF WATER UNDER THE FABRIC.

8. IN ALL CASES, INSTALL THE FILTER FENCE IN A MANNER THAT WILL MINIMISE THE RISK OF SEDIMENT-LADEN WATER FLOWING AROUND THE FENCE.

MAINTENANCE

1. INSPECT THE FILTER FENCE REGULARLY AND AT LEAST DAILY DURING DE-WATERING OPERATIONS. MAKE REPAIRS AS NEEDED TO THE FABRIC AND SUPPORT FRAME.

2. INSPECT THE FABRIC FOR OBVIOUS LEAKS RESULTING FROM HOLES, TEARS OR JOINT FAILURE IN THE FABRIC.

3. CHECK THAT WATER HAS NOT OVERTOPPED THE FENCE AT LOW POINTS.

4. REPAIR ANY TORN SECTIONS WITH A CONTINUOUS PIECE OF FABRIC PLACED INSIDE THE OLD FABRIC, EXTENDING AT LEAST FROM SUPPORT POST TO SUPPORT POST.

5. CHECK FOR MATERIALS LEANING UP AGAINST THE FILTER FENCE. MAKE REPAIRS AS NEEDED TO THE FABRIC AND SUPPORT FRAME.

REMOVAL

1. REMOVE ALL ACCUMULATED SEDIMENT AND DISPOSE OF IT IN A SUITABLE MANNER THAT WILL NOT CAUSE AN EROSION OR POLLUTION HAZARD.

2. REMOVE ALL MATERIALS AND REPAIR DAMAGE TO THE GROUND SURFACE AS NECESSARY.

3. APPROPRIATELY REHABILITATE (E.G. REVEGETATE) THE GROUND AS NECESSARY TO MINIMISE THE RISK OF AN ONGOING EROSION HAZARD.

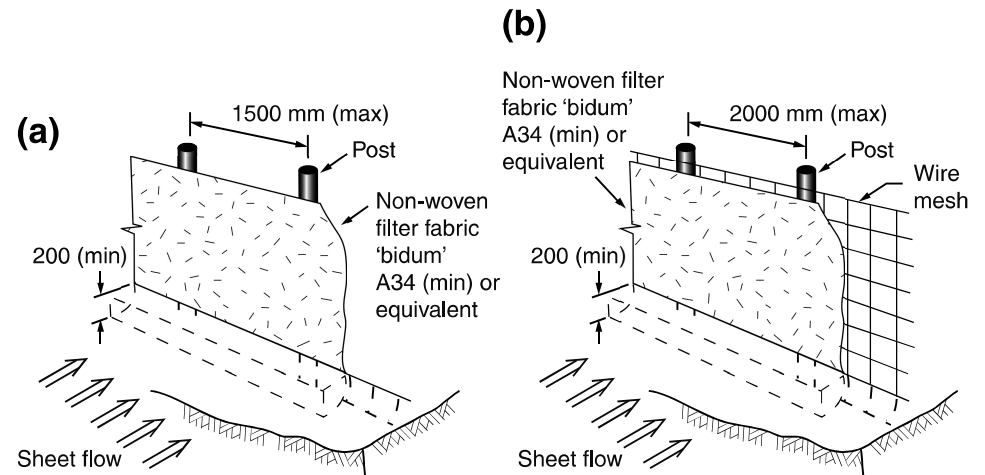


Figure 1 - Various installation methods

Drawn:	Date:		
GMW	Apr-10	Filter Fence	FF-01

Appendix B Duty to Notify Guideline

Guideline

Environmental Protection Act 1994

The duty to notify of environmental harm

This guideline provides information regarding the duty to notify the Department of Environment and Science about matters listed in section 320A of the Environmental Protection Act 1994 (the EP Act), including those that may cause serious and material environmental harm, in accordance with the duty to notify provisions contained in sections 320 to 320G of the EP Act.

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Introduction

What is the duty to notify?

Sections 320 to 320E of the *Environmental Protection Act 1994* (the Act) outline the requirements for the duty to notify of **environmental harm**. Section 320 of the Act sets out the matters that require notification, including:

- impacts to acquirers (from resource activities such as CSG/petroleum and greenhouse gas storage (GHG));
- **pollution incidents** and activities (not authorised under the Act) that are causing or threatening to cause **serious environmental harm** or **material environmental harm**;
- a change in the condition of contaminated land that is causing or threatening to cause **serious environmental harm** or **material environmental harm**; or
- a notifiable activity under Schedule 3 of the Act.

A person is obligated to notify the Department of Environment and Science (the department) within 24 hours of becoming aware of these matters, with the exception of notifiable activities which must be notified with 20 business days. Notification can be made to the department by phone, and then followed up in writing, either by email or registered post (see [how to notify](#)).

Please note that the duty to notify under sections 320 to 320G of the Act applies in addition to any other obligations that may arise under the Act, for example under an environmental authority (EA).

It is also noted that the duty to notify under the Act does not negate any other notification requirements under other Queensland legislation. Similarly, because a person has met the notification requirements under other Queensland legislation does not mean the notification requirements under this Act have been met. You must always notify the department if there has been a **pollution incident** that will cause, or threatens to cause environmental harm.

What is environmental harm?

Whether a **pollution incident** or change in the condition of contaminated land is likely to cause or threaten **serious or material environmental harm** will depend on the scale and nature of the impacts on the receiving environment and a range of variable factors, including:

- chemical characteristics;
- toxicity and reactivity;
- amount or volume of release;
- extent of area impacted;
- pathways for contaminant release and spread;
- weather conditions at the time of the event or incident including exacerbating or mitigating factors like rain or temperature;
- proximity of urban areas; and
- proximity, size, value and sensitivity of adjacent environmental areas.

Short and long term impacts need to be considered, including contamination of land and waters, toxic effects on biota, such as plants and animals, and public health risks from exposure to chemicals.

Sometimes the full impact of a **pollution incident** or event is not known until sometime after the event has occurred. In these circumstances, the duty to notify will be triggered as soon as the person becomes aware that the event is causing or threatening **serious or material environmental harm**.

The duty to notify of environmental harm

If you are unsure as to whether an incident or event is likely to have caused or threatened **serious or material environmental harm**, we recommend you provide notice to the department in accordance with this guideline.

Emergency

Emergency incidents, such as those involving the release of **hazardous contaminants** from fires, vehicle accidents, and the spillage of explosive, flammable or toxic chemicals, often involve public safety matters and require an immediate response from emergency services. As well as posing a public safety risk, these types of incidents may also threaten or cause **serious or material environmental harm**.

In circumstances where emergency events may not represent a widespread threat to life and property, and are categorised at a lower level, it is important to consider that the event may still cause or threaten **serious or material environmental harm** and should therefore not be discounted from the duty to notify requirements.

Action not limited to when environmental harm is caused or threatened

Actions taken at an early stage in response to an incident may result in the **event** falling short of the threshold at which it would be considered to have caused or threatened **serious or material environmental harm**. While the duty to notify may not apply to these circumstances, other actions to prevent the harm or mitigate the impacts may be required.

The requirement to take such action may arise under a condition of an environmental authority, development approval, ERA standards (former code of environmental compliance), Codes of Practice, or other type of environmental approval or may arise under the general environmental duty¹. The general environmental duty applies to all persons carrying out an activity and imposes an obligation not to carry out any activity that causes or is likely to cause **environmental harm** unless all reasonable and practicable measures to prevent or minimise the harm are taken. Also, any person carrying out an activity that involves a **relevant industrial chemical** is taken not to comply with the general environmental duty unless the person complies with any risk management measures for the chemical under a scheduling decision under the *Industrial Chemicals Environmental Management (Register) Act 2021* (Cwlth).

An approval condition that requires an operator to notify the department of an event will generally be more prescriptive (there will be more specific detail on information to provide) than the duty to notify provision in the Act and may require different information to be provided than that required under this guideline.

When does the duty to notify arise?

The duty to notify the department arises in the following circumstances:

Role	When does the duty to notify arise?
Person ²	While carrying out an activity (the primary activity), you become aware that an event has happened that causes or threatens serious or material environmental harm , because of an act or omission in carrying out the

¹ Section 319 of the *Environmental Protection Act 1994*.

² Section 320A(1) of the *Environmental Protection Act 1994*.

The duty to notify of environmental harm

This could be you as an employee, employer, the owner of the land, the occupier, a tradesperson or an operator or anyone carrying out the activity.	primary activity, or another activity carried out in association with the primary activity.
	<p>While carrying out a resource activity other than a mining activity, you become aware of the happening of one or both of the following events:</p> <ul style="list-style-type: none"> • The activity has negatively affected, or is reasonably likely to negatively affect, the water quality of an aquifer; or • The activity has caused the connection of two or more aquifers.* <p>*Note: This requirement does not negate the need for a person to notify in relation to a resource activity that is not related to an aquifer event.</p>
Owner or occupier of land ³	<p>Becomes aware of:</p> <ul style="list-style-type: none"> • The presence of, or happening of an event involving a hazardous contaminant on the contaminated land, causing or reasonably likely to cause serious or material environmental harm; or • A change in the condition of the contaminated land causing or reasonably likely to cause serious or material environmental harm; or • A notifiable activity having been carried out, or being carried out, on the land.
An auditor performing an auditor's function under section 568(b) of the Act ⁴	<p>Becomes aware of:</p> <ul style="list-style-type: none"> • The presence of, or happening of an event involving a hazardous contaminant on the contaminated land, causing or reasonably likely to cause serious or material environmental harm; or • A change in the condition of the contaminated land, causing or reasonably likely to cause serious or material environmental harm; or • A notifiable activity⁵ having been carried out, or being carried out, on the land.
Local government ⁶	<p>Becomes aware of:</p> <ul style="list-style-type: none"> • The presence of, or happening of an event involving, a hazardous contaminant in the local government area, causing or reasonably likely to cause serious or material environmental harm; • A change in the condition of contaminated land in the local government area, causing or reasonably likely to cause serious or material environmental harm; or

³ Section 320A(2) of the *Environmental Protection Act 1994*.

⁴ Section 320A(2) of the *Environmental Protection Act 1994*.

⁵ See Schedule 3 of the *Environmental Protection Act 1994*.

⁶ Section 320A(3) of the *Environmental Protection Act 1994*.

The duty to notify of environmental harm

	<ul style="list-style-type: none"> • A notifiable activity⁷ has been, or is being carried out on land in the local government area.
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Who has a duty to notify?

In circumstance where the duty to notify arises, the Act sets out obligations on the following persons to give notification **within 24 hours** after becoming aware of the event:

- employees;
- employers;
- other persons such as an employer or company principal;
- owners or occupiers;
- auditors (for the purposes of a contaminated land event);
- local governments; and
- rehabilitation auditors.

In some situations, the duty to notify extends beyond notifying the department, to notifying owners and occupiers of the affected land as well. This is to ensure that any potentially affected persons are aware of the occurrence of a **pollution incident, change in the condition of contaminated land or a notifiable activity being carried out on the land**, which exposes them, or their land, to potentially adverse impacts, and gives them an opportunity to take the appropriate action to respond to the situation and comply with their notification requirements.

Note: The duty to notify of a these matters also applies to persons who:

- hold an environmental authority; and/or
- operate under a development approval; and/or An ERA standard; and/or
-
- carry out an activity for which an environmental approval is not required.

Examples

In order to assist, below are some examples of how the duty to notify may apply to you.

Employees⁸

Role	When does the duty to notify arise?
Employees ⁹	<p>If a person is carrying out a primary activity during the person's employment, the person must, no later than 24 hours after becoming aware of the event:</p> <ul style="list-style-type: none"> • notify their employer of the event, its nature, and the circumstances in which it happened; or

⁷ See Schedule 3 of the *Environmental Protection Act 1994*.

⁸ Section 320B of the *Environmental Protection Act 1994*.

⁹ If the person is carrying out the primary activity as an auditor, performing auditor's functions mentioned in section 568, these requirements do not apply.

The duty to notify of environmental harm

	<ul style="list-style-type: none"> if the employer cannot be contacted, provide the department with written notice of the event, including its nature and the circumstances in which it happened.
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Example:

A truck carrying a container of regulated waste has arrived at its destination and the truck driver has become aware that a substantial volume of waste has leaked from the transport container along the route from the point of origin. The nature and volume of the leaked material is such that it is likely to cause or threaten serious or material environmental harm.

At the point at which the driver becomes aware of the event (i.e. the leakage of the material), the driver has a duty to notify their employer no later than 24 hours after becoming aware of the event.

If the driver cannot contact their employer within 24 hours after becoming aware of the event, the driver must provide written notice to the department.

The notice given to the employer does not have to be in writing but must contain sufficient detail of the event, its nature and the circumstances in which it happened. An employee should always keep a record of when and to whom they gave notice of an environmental harm event.

Other persons¹⁰

Role	When does the duty to notify arise?
Employer who observes the pollution incident but is not carrying out the primary activity.	The person must, no later than 24 hours after becoming aware of the event, give the department written notice of the event, its nature, and the circumstances in which it happened.
	<p>The person must also, as soon as reasonably practicable after becoming aware of the event, give written notice of the event, its nature, and the circumstances in which it happened to:</p> <ul style="list-style-type: none"> any occupier of the affected land; or any registered owner of the affected land; or give public notice to persons on the affected land.

Example:

A small business transports regulated waste around the state. The business owner drives a truck carrying a container of regulated waste and upon arrival at the destination becomes aware that a substantial volume of waste has leaked from the transport container along the route from the point of origin.

At the point at which the business owner becomes aware of the event (i.e. the leakage of the material), they have a duty to notify the department within 24 hours after becoming aware of the event. The business owner must also notify the owners or occupiers of the affected land as soon as reasonably practicable.

¹⁰ Section 320C of the *Environmental Protection Act 1994*.

The duty to notify of environmental harm

Employers¹¹

Role	When does the duty to notify arise?
Employer - becomes aware of an event after being informed by an employee.	After an employer has been informed of a notifiable event by an employee, the employer must, no later than 24 hours after becoming aware of the event, give the department written notice of the event, its nature and the circumstances in which it happened.
	An employer must, as soon as reasonably practicable after becoming aware of the notifiable event, give written notice of the event, its nature, and the circumstances in which it happened to: <ul style="list-style-type: none"> • an occupier of the affected land; or • any registered owner of the affected land; or • give public notice to persons on the affected land
<p>Example:</p> <p>A company transports regulated waste around the state. A person, employed as a truck driver for the company, has reported to the company that 12 hours earlier a substantial volume of waste leaked from the transport container along the route from the point of origin.</p> <p>As the employer is now aware of the event (i.e. the leakage of the material), the employer has a duty to notify the department in writing within 24 hours, and also has a duty to notify owners or occupiers of the potentially affected land as soon as possible.</p> <p>The employer will need to determine the best way to notify the owners or occupiers of the affected land who may be impacted by the event. This can be done by written notice to the owner or occupier or by way of public notice to persons on the affected land.</p>	

Owner, occupier or auditor¹²

Role	When does the duty to notify arise?
Owner, occupier or auditor	<p>An owner, occupier or auditor must, within 24 hours after becoming aware of the presence of, or happening of an event involving a hazardous contaminant, or a change in the condition of contaminated land, that is causing, or is reasonably likely to cause, serious or material environmental harm, give the department written notice.</p> <p>Note that land includes—</p> <p>(a) the airspace above land; and</p> <p>(b) land that is, or is at any time, covered by waters; and</p> <p>(c) waters.</p> <p>The written notice must include:</p>

¹¹ Section 320D of the *Environmental Protection Act 1994*.

¹² Section 320DA of the *Environmental Protection Act 1994*.

The duty to notify of environmental harm

	<ul style="list-style-type: none"> the nature of the matter mentioned in section 320A(2)(b)(i) or (ii); and the circumstances in which the person became aware of the matter.
	<p>Within 20 business days after becoming aware that a notifiable activity has been, or is being carried out on the land give the department written notice of the activity, unless the person has a reasonable excuse.</p>
<p>Example:</p> <p>An auditor is engaged to prepare an environmental report. During the course of the audit the auditor becomes aware that contaminated groundwater has migrated beyond the boundary of the site onto adjoining land and is causing or is reasonably likely to cause serious or material environmental harm. The auditor must give the department written notice within 24 hours of becoming aware of the event.</p> <p>The written notice must state the nature of the event and the circumstances in which the event or change happened.</p>	

Local government¹³

Who	When does the duty to notify arise?
Local government	<p>A local government must, within 24 hours after becoming aware of the presence of, or happening of an event involving a hazardous contaminant (in the local government area), or a change in the condition of contaminated land, that is causing, or is reasonably likely to cause, serious or material environmental harm, give the department written notice.</p> <p>Note that <i>land</i> includes—</p> <ul style="list-style-type: none"> (a) the airspace above land; and (b) land that is, or is at any time, covered by waters; and (c) waters. <p>The written notice must include:</p> <ul style="list-style-type: none"> the nature of the matter mentioned in section 320A(3)(a) or (b); and the circumstances in which the local government became aware of the matter.
	<p>A local government must, within 20 business days, after becoming aware that a notifiable activity¹⁴ has been, or is being, carried out on land in the local government area, give the department written notice of the activity.</p>
<p>Example:</p> <p>A local government becomes aware of a property that appears to have an historical unlicensed landfill in an urban suburb. Upon inspection of the site, the local government officers identified buried waste of multiple types approximately 5m from a nearby creek. The officers also noticed the</p>	

¹³ Section 320DB of the *Environmental Protection Act 1994*.

¹⁴ As defined in Schedule 3 of the *Environmental Protection Act 1994*.

colour of the water at a point in the creek nearest to the buried waste was yellow in colour indicating likely discharge of leachate from the landfill site.

As the local government is now aware of this notifiable activity, the local government has a duty to notify the department in writing within 20 business days.

When is notification not required?

The duty to notify does not apply to an event that is authorised under the Act¹⁵. An event is authorised under the Act if it is authorised to be caused under:

- an environmental protection policy; or
- a transitional environmental program; or
- an environmental protection order; or
- an environmental authority; or
- a progressive rehabilitation and closure plan (PRCP) Schedule; or
- a development condition of a development approval; or
- a prescribed condition for carrying out a small scale mining activity; or
- an emergency direction; or
- an agricultural ERA standard; or
- temporary emissions licence.

Notice to occupiers of affected land¹⁶

Where the event occurs on land which is not owned by the person undertaking the primary activity, the owner and/or occupier of the affected land must be notified of the harm or threatened harm. The intention of notifying the owner/occupier is to ensure persons likely to be exposed to any adverse impacts of an event have adequate time to respond to the event. The ways in which a person may give written notice to an owner or occupier of affected land is not limited. However, a person is taken to have given written notice to an occupier or owner of affected land if the notice is:¹⁷

- left with someone who is apparently an adult living or working on the affected land; or
- if there is no-one on the affected land or the person has been denied access to the affected land, left on the affected land in a position where it is reasonably likely to come to the occupier's attention; or
- posted to the affected land.

Written notice that is posted to, or left at, affected land may be addressed to 'The Occupier'.

In circumstances where it is reasonable to believe that there are large numbers of registered owners or occupiers of the affected land, or there is uncertainty as to whom the registered owners or

¹⁵ Section 320A(4) of the *Environmental Protection Act 1994*.

¹⁶ Section 320E of the *Environmental Protection Act 1994*.

¹⁷ Section 320E of the *Environmental Protection Act 1994*.

The duty to notify of environmental harm

occupiers of affected land may be, it is appropriate to give public notice rather than individually notifying each owner/occupier.

Public notice has not been defined in the Act, however a common-sense approach should be adopted when deciding to give public notice. A public notice may include the following methods as a guide:

- radio or television broadcast to ensure there is rapid communication of the information;
- publishing of a written notice of the event in a newspaper;
- the erection of appropriately sized signs in the vicinity of the affected area.

Example:

An explosion and subsequent fire occurs at a chemical factory resulting in the output of a large volume of noxious odours, fumes and gases causing or threatening serious or material environmental harm. Consequently, notification to the department and the owners or occupiers of affected land is required.

The contaminants would be initially airborne and likely to disperse over a wide area, resulting in a large number of potential owners or occupiers to whom notice would be required to be given. The person must, as soon as reasonably practicable after becoming aware of the event, give public notice of the event, including details of its nature and the circumstances in which it happened, to owners or occupiers in the area. Under such circumstances it would be appropriate to give public notice by press notice and radio or television broadcast, to provide notice to the widest possible audience in the shortest possible timeframe.

Defence for failing to notify owners or occupiers¹⁸

Where failure to give notice to owners or occupiers occurs, it is a defence for a person to prove that, despite failing to give notice, the person made reasonable efforts to identify the affected land and give written notice to each registered owner or occupier of the affected land. As with notifying the department, it is not a defence for a person or employer to fail to comply with a duty to give notice on the grounds that the written notice, or the giving of the written notice, might incriminate the person.

Notice to the department

The standard form – *Duty to Notify of Environmental Harm* may be used for providing written notice to the department. This document is available on the Queensland Government website at www.qld.gov.au using the publication number (ESR/2016/2230) as a search term. The form may also be used where a person is required to give written notice to owners or occupiers.

Use of the department's standard form is not mandatory, however providing the information specified in the template will assist persons giving notice, to meet the requirements of the Act.

Penalties for failing to notify

Penalties exist for failing to notify as follows:

Offence	Max Penalty
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¹⁸ Section 320F of the *Environmental Protection Act 1994*.

The duty to notify of environmental harm

An employee failing to notify their employer or the department	100 penalty units
An employer or other person failing to notify the department – primary activity	500 penalty units
An employer or other person failing to notify the department – resource activity	100 penalty units
An employer or other person failing to notify particular owners or occupiers of the affected land – primary activity	500 penalty units
An employer or other person failing to notify particular owners or occupiers of the affected land – resource activity	100 penalty units
An owner, occupier or auditor failing to notify the department of a matter mentioned in section 320A(2)(b)	500 penalty units

The *Environmental Protection Act 1994* prescribes the penalty units for the offences against the sections of the Act the offence is associated with.

- The *Penalties and Sentences Act 1992* (the PS Act), administered by the Department of Justice and Attorney-General, provides the definition of a penalty unit and a legislative mechanism for annual indexation increases to the value of a penalty unit.
- Section 3 of the *Penalties and Sentences Regulation 2015* prescribes the current monetary value of a penalty unit. The prescribed value increases on July 1 of each year.
- Schedule 1 of the *State Penalties Enforcement Regulation 2014* prescribes the offences for which Penalty Infringement Notices (PINs) can be issued and their corresponding penalty unit amounts used to calculate the fine.

For more information visit the Queensland legislation website at www.legislation.qld.gov.au and search for the above-mentioned Acts and regulations.

Reasonable excuse

A person will not be guilty of an offence for failing to comply with the duty to notify, where they have a reasonable excuse. Whether an excuse is a reasonable excuse will depend on the circumstances and facts of each case. Failing to comply with the duty to notify because notification may incriminate you does not constitute a reasonable excuse.

Example:

Where an incident occurred in an isolated area of the state and it was not physically possible to provide written notice to the department within 24 hours, this will amount to a reasonable excuse. However, all reasonable efforts should be made to notify the department within 24 hours in all circumstances. For example, where access to a computer or internet is not possible, a phone call to the Pollution Hotline should be made.

A written notice cannot be used as evidence in court proceedings

A written notice given by a person is not admissible as evidence against the person in a prosecution for an offence against the Act, in relation to the event about which the notice is given. However, other

evidence obtained because of the written notice, or the giving of the written notice, can be admitted as evidence against the person in any legal proceeding.

Providing joint notice

In some circumstances the duty to notify may arise for a number of different people concerning the same event. In such circumstances a number of persons may comply with their individual duty to notify by jointly issuing one notice advising of the event, where this can be achieved within the timeframes. To comply with the duty to notify, the notice should clearly state on whose behalf the notice is given.

If the notice does not clearly state by whom the notice is given, then it may not be sufficient to verify at a later date that a person has complied with their statutory requirement to give notice.

Phoning the Pollution Hotline

In addition to providing the written notice, if a person becomes aware of an event which has caused, or threatens, **serious or material environmental harm**, the person should immediately call the Pollution Hotline on **1300 130 372** and report the event. Reporting the event through the Pollution Hotline allows the department to take necessary measures to prevent further harm and to mitigate the effects of an incident or event.

In addition to notifying the department, it is good practice to notify the relevant local government for the area where the event has occurred.

Notification by emergency services

For major incidents that require response from emergency services, procedures are in place for Queensland Fire and Rescue Services (QFRS) to notify the department through the Pollution Hotline. Where notification is given by QFRS, the department will provide advice on appropriate actions and determine whether it is necessary to attend the site.

How to notify

Written notification to the department must be given by one of the following methods:

- To notify the department of **pollution incidents**, activities (not authorised under the Act) or a change in the condition of contaminated land, submit written notification to the department by:
 - Email: pollutionhotline@des.qld.gov.au - Include **“Duty to notify of environmental harm”** in the subject line and include details as required by the relevant duty to notify provision or attach a completed copy of the *Duty to Notify of Environmental Harm* form available on the Queensland Government website at www.qld.gov.au using the publication number (ESR/2016/2230) as a search term.
- To notify the department of a notifiable activity having been carried out, or being carried out, on the land, submit written notification to the department by:
 - Email: emr.clr.registry@des.qld.gov.au - Include **“Written notice of a notifiable activity”** in the subject line and include details of the notifiable activity or attach a completed copy of the form *Notifiable Activity* available on the Queensland Government website at www.qld.gov.au using the publication number (ESR/2016/1845) as a search term.

- By way of registered post, provide written notice including details as required by the relevant duty to notify provision or a completed copy of the form *Duty to Notify of Environmental Harm* (ESR/2016/2230) to:

Permits and Licencing

Department of Environment and Science

GPO Box 2454

Brisbane QLD 4001

In addition to any written notification, pollution incidents can be reported 24 hours a day, 7 days a week by phoning the 24/7 Pollution Hotline—1300 130 372 (option 2).

Definitions

Contaminated land means land contaminated by a hazardous contaminant.

Environmental harm is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

Hazardous contaminant is a contaminant, other than an item of explosive ordnance, that if improperly treated, stored, disposed of or otherwise managed, is likely to cause serious or material environmental harm.

Material environmental harm is environmental harm (other than environmental nuisance):

- that is not trivial or negligible in nature, extent or context;
- that causes actual or potential loss or damage to property of an amount of, or amounts totalling, more than the threshold amount (\$10,000), but less than the maximum amount (\$100,000); or
- that results in costs of more than the threshold amount (\$10,000) but less than the maximum amount (\$100,000) being incurred in taking appropriate action to:
 - prevent or minimise the harm; and
 - rehabilitate or restore environment to its condition before the harm.
- The threshold amount will increase by the consumer price index at the start of each new financial year

Pollution incident includes, for example, an event involving a hazardous contaminant.

Relevant industrial chemical means:

- (a) a particular industrial chemical; or
- (b) a particular class of industrial chemicals.

As per section 7 of the *Industrial Chemicals Environmental Management (Register) Act 2021* (Cwlth).

Serious environmental harm is environmental harm (other than environmental nuisance):

- that is irreversible, of a high impact or widespread;
- caused to an area of high conservation value or special significance, such as the Great Barrier Reef World Heritage Area;

The duty to notify of environmental harm

- that causes actual or potential loss or damage to property of an amount of, or amounts totalling, more than the threshold amount (\$100,000); or
- that results in costs of more than the threshold amount (\$100,000) being incurred in taking appropriate action to:
 - prevent or minimise harm; and
 - rehabilitate or restore the environment to its condition before harm.
- The threshold amount will increase by the consumer price index at the start of each new financial year

Resource activity means an activity that involves a geothermal activity, a greenhouse gas (GHG) storage activity, a mining activity or a petroleum activity as set out in section 107 of the *Environmental Protection Act 1994*.

Enquiries:

Permit and Licence Management: Ph: 13 QGOV (13 74 68)

Email: palm@des.qld.gov.au

Version history

Version	Effective date	Description of changes
1.00	4 December 2015	Initial upload
2.00	5 July 2016	The document template, header and footer have been updated to reflect current Queensland Government corporate identity requirements and comply with the Policy Register.
2.01	26 August 2016	Links to the Duty to Notify Standard form.
2.02	24 September 2018	The document template, header and footer have been updated to reflect current Queensland Government corporate identity requirements and comply with the Policy Register.
2.03	26 June 2020	Incorporates guideline 'The duty to notify for contaminated land, EM1430' and examples for clearer understanding.
3.00	17 May 2021	Major additions including auditor requirements.
3.01	18 July 2022	Fix typing errors and currency review
4.00	16 April 2023	Major update for the <i>Environmental Protection and Other Legislation Amendment Act 2023</i> (EPOLA Act 2023).

Disclaimer While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action. This document will be reviewed on an ongoing basis and is subject to change without notice.

Appendix C Duty to Notify Form – Environmental Harm

Notification

Environmental Protection Act 1994

Duty to notify of environmental harm

This form is to be used for notifying the administering authority about matters listed in section 320A of the Environmental Protection Act 1994 (the EP Act), in accordance with the duty to notify provisions contained in sections 320 to 320G of the EP Act.. This form may also be used where a person is required to give written notice to owners or occupiers.

This form should be completed having regard to the guidance found in the Guideline: **The duty to notify of environmental harm**. This Guideline can be found by going to [Queensland Government \(www.qld.gov.au\)](http://www.qld.gov.au) and searching "ESR/2016/2271". The details provided should address the nature of the matter as relevant. The form should be completed as fully as practicable in the circumstances. Indicate any sections of the notice that are not applicable or for which information is not currently available.

Circumstances could arise in which you are also obligated to provide a notice to the administering authority of a Notifiable Activity that has been, or is being carried out under Schedule 3 of the EP Act. If the Notifiable Activity has not been notified to the administering authority previously, please use the template for giving written notice about a notifiable activity, available by going to [Queensland Government \(www.qld.gov.au\)](http://www.qld.gov.au) and searching "ESR/2015/1845".

If the notification is in relation to meeting environmental authority notification requirements for non-mining resource activities, including petroleum and gas, greenhouse gas storage and geothermal activities use the template Incident notification (resource activities other than mining), available by going to [Queensland Government \(www.qld.gov.au\)](http://www.qld.gov.au) and searching "ESR/2015/1753".

Circumstances could also arise in which notice of a related event or change in condition of the land relating to contaminated land needs to be provided under the EP Act. This information is available by going to [Queensland Government \(www.qld.gov.au\)](http://www.qld.gov.au) and searching for "ESR/2023/6639".

Office use only

Date entered in Dynamics:	Click here to enter text.	Relevant regional manager:	Click here to enter text.
Dynamics reference #:	Click here to enter text.	Date sent to regional manager:	Click here to enter text.
Relevant regional area:	Click here to enter text.	Officer actioning this item:	Click here to enter text.

1. Person/Company/ Organisation giving notice

NAME Click or tap here to enter text.	TELEPHONE (BUSINESS HOURS) Click or tap here to enter text.
	TELEPHONE (AFTER HOURS) Click or tap here to enter text.
COMPANY/ORGANISATION NAME (IF APPLICABLE) INCLUDE THE ACN NUMBER Click or tap here to enter text.	
POSITION IN COMPANY/ORGANISATION (IF APPLICABLE) CLICK OR TAP HERE TO ENTER TEXT.	

POSTAL ADDRESS Click or tap here to enter text.	
EMAIL Click or tap here to enter text.	FACSIMILE Click or tap here to enter text.

2. Who is giving notice about the matter

2.1. In what capacity are you giving notice?

Tick relevant box

- I am the owner of the land
- I am an occupier (e.g. lessor or tenant) of the land
- I am a representative of a local government
- I am an auditor performing an auditor's function under EP Act
- I am an employer
- I am an employer of someone carrying out an activity
- I am an employee carrying out an activity and have not been able to contact my employer
- Environmental Authority (EA) holder
- Other (specify) [Click or tap here to enter text.](#)

2.2. Please provide details of your involvement

For example, If you are a representative of a local government, describe the nature of the matter and how the local government became aware of the matter.

[Click or tap here to enter text.](#)

3. Details of the affected land

3.1. Please provide details of the lot and plan description (and full street address if available).

NAME BY WHICH THE PROPERTY IS KNOWN CLICK OR TAP HERE TO ENTER TEXT.	
FULL STREET ADDRESS OF THE SITE CLICK OR TAP HERE TO ENTER TEXT.	
ANY OTHER INFORMATION THAT WILL ASSIST IN QUICKLY LOCATING THE LOCATION ASSOCIATED WITH THE RELEVANT MATTER CLICK OR TAP HERE TO ENTER TEXT.	
LOT(S) CLICK OR TAP HERE TO ENTER TEXT.	PLAN(S) CLICK OR TAP HERE TO ENTER TEXT.
GRID REFERENCES NORTHING CLICK OR TAP HERE TO ENTER TEXT. EASTING CLICK OR TAP HERE TO ENTER TEXT.	
LOCAL GOVERNMENT AUTHORITY CLICK OR TAP HERE TO ENTER TEXT.	

3.2. Is a map or locality plan attached to this notification?

- No Yes

A map or locality plan that shows the affected land may greatly assist the processing of this notification.

3.3. Is the affected land the source of contamination?

Yes No

3.4. What land has been impacted by the contamination?

Source Adjacent land Both

4. Details of the matter being notified

4.1. Type of matter listed in s.320A EP Act

- Is the matter related to an activity that is a resource activity (other than mining)?
 Yes No
If yes, please go to section 5
- Is the matter related to an event that causes or threatens to cause serious or material environmental because of an act or omission in carrying out a primary activity?
 Yes No
If yes, please go to section 6
- Is the matter related to the presence of, or happening of an event that involves a hazardous contaminant causing (or reasonably likely to cause) serious or material environmental harm?
 Yes No
If yes, please go to section 6
- Is the matter related to a change in the condition of contaminated land that is causing (or is reasonably likely to cause) serious or material environmental harm?
 Yes No
If yes, please go to section 7
- Is the matter related to Notifiable Activity listed under Schedule 3 of the EP Act?
 Yes No Unsure

If it is a notifiable activity that you are undertaking you are obligated to provide more information by going to [Queensland Government \(www.qld.gov.au\)](http://www.qld.gov.au) and searching (ESR/2015/1845).

Can you provide more information about the notifiable activity?
 Yes No

If Yes, please provide more information here.
- Is the activity/event/matter currently occurring or did it occur previously? Current Previous

4.2. Describe the nature of the matter being notified

If you require additional space attach the information on a separate sheet and make reference to that sheet here.

Click or tap here to enter text.

4.3. State whether any activity (related to the matter) was being carried out under:

- an environmental protection policy Yes
- a transitional environmental program Yes
- an environmental protection order Yes
- an environmental authority Yes
- a progressive rehabilitation and closure plan (PRCP) Schedule Yes
- a development condition of a development approval Yes
- a prescribed condition for carrying out a small scale mining activity Yes
- an emergency direction Yes
- an agricultural ERA standard Yes
- a temporary emissions licence Yes

4.4. Please provide the identifying details of the relevant approval or authority for carrying out the activity (if known). If possible attach a copy of the relevant document.

Click or tap here to enter text.

5. Special requirement for resource activities (petroleum and gas, geothermal and greenhouse gas storage activities but not a mining activity)

Does this notice relate to notification of an event that has occurred while carrying out a resource activity that has:

- negatively affected, or is reasonably likely to negatively affect, the water quality of an aquifer; or No Yes
- has caused the connection of two or more aquifers No Yes

6. Matters relating to events

If it is an event involving the release of contaminants, the following information should be provided

6.1. When did the event occur/start?

Time: Click or tap here to enter text. Click or tap to enter a date.

Is this time and date: accurate approximate

6.2. Describe the circumstances in which the event has occurred.

Please provide details of the circumstances that led up to the event, any factors that may make the effects of the event worse, any preventive measures or cleanup up action taken and any other matters that may be relevant. If you require additional space attach the information on a separate sheet and make reference to that sheet here.

Click or tap here to enter text.

6.3. Provide any additional information that may be relevant to this notification

If additional space is required attach the information on a separate sheet and make reference to that sheet here.

Click or tap here to enter text.

6.4. Event type:

- | | | | |
|--------------------------------|------------------------------------|--------------------------------------|--|
| <input type="checkbox"/> Spill | <input type="checkbox"/> Discharge | <input type="checkbox"/> Leakage | <input type="checkbox"/> Exposure/uncovering |
| <input type="checkbox"/> Fire | <input type="checkbox"/> Fishkill | <input type="checkbox"/> Other _____ | |

6.5. Source of release:

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> Vehicle spill | <input type="checkbox"/> Vessel spill | <input type="checkbox"/> Pipeline breach | <input type="checkbox"/> Dam/pond failure |
| <input type="checkbox"/> Drain outlet | <input type="checkbox"/> Bulk/tank | <input type="checkbox"/> Vessel sinking | <input type="checkbox"/> Dumping |
| <input type="checkbox"/> Sewage discharge | <input type="checkbox"/> Industrial activity | <input type="checkbox"/> Cattle/sheep dip | <input type="checkbox"/> Horticulture |
| <input type="checkbox"/> Excavation | <input type="checkbox"/> Landfill | <input type="checkbox"/> Other _____ | |

6.6. Contaminants (if known):

- | | | | |
|--|---|---------------------------------------|--|
| <input type="checkbox"/> Solid chemicals | <input type="checkbox"/> Liquid chemicals | <input type="checkbox"/> Hydrocarbons | <input type="checkbox"/> Gas/vapour |
| <input type="checkbox"/> Pesticide/herbicide | <input type="checkbox"/> Nutrients | <input type="checkbox"/> BOD/COD | <input type="checkbox"/> Dangerous goods |
| <input type="checkbox"/> Other _____ | Click or tap here to enter text. | | |

6.7. Details of contaminants (if known):

Substance(s): _____ Click or tap here to enter text.

Quantity: _____ Click or tap here to enter text. Litres/Kilograms/Tonnes/<other>

Area/extent affected: _____ m by _____ m

6.8 How did you become aware of the event

Click or tap here to enter text.

6.9. What was the source of information about the event

- own observation
- information provided by a person with relevant competencies
- information provided by an employee

6.10. When did you first become aware of the event for which notice is given

<small>TIME</small> Click or tap here to enter text.	<small>DATE</small> Click or tap to enter a date.
---	--

7. Change in condition of land

If it is a change in the condition of land that is being notified, the following information should be provided.

7.1. Nature of change in the condition of the land (that has caused or is reasonably likely to cause or involve serious or material environmental harm)

- Dispersal of contaminants in soil No Yes
- Dispersal of contaminants in groundwater No Yes
- Dispersal of contaminants in surface waters No Yes
- Accumulation of gases or vapour in soil or structures No Yes
- Change in surface features (e.g. vegetation) No Yes

7.2. Details of change in the condition of the land

Describe what the change in condition involves

Click or tap here to enter text.

If additional space is required attach the information on a separate sheet and make reference to that sheet here.

7.3. Cause of change in condition (if known)?

Describe the known factors that have led to the change in condition

Click or tap here to enter text.

If additional space is required attach the information on a separate sheet and make reference to that sheet here.

7.4. Timeframe of change in condition

Outline what is known of the timeframe in which the change in condition has occurred

Click or tap here to enter text.

7.5. Type of environment affected:

What is the type of environment that has been affected by the matter or change in condition?

- Waterway/drain Marine Estuarine Freshwater
 Land contamination Urban area Air/fallout Vegetation
 Protected area Other ___ Click or tap here to enter text.

7.6 How did you become aware of the change of condition

Click or tap here to enter text.

7.7. What was the source of information about change in condition

- own observation
 information provided by a person with relevant competencies
 information provided by an employee

7.8. When did you first became aware of the change in condition for which notice is given

TIME Click or tap here to enter text.	DATE Click or tap to enter a date.
--	---------------------------------------

8. Details of registered owners or occupiers of affected land to which notice has been given

Note: Registered owners or occupiers of affected land do not need to be notified before notifying the administering authority.

8.1. Have any registered owners or occupiers of affected land been notified of this incident?

I am the sole owner/occupier of the land Yes No

*If no, please provide details of the occupiers and registered owners of land affected, or potentially affected, by this incident including details of how notice to those persons was given.

NAME Click or tap here to enter text.	TELEPHONE Click or tap here to enter text.
POSTAL ADDRESS Click or tap here to enter text.	
DESCRIPTION OF HOW NOTICE WAS GIVEN Click or tap here to enter text.	

If you require additional space you may attach the information on a separate sheet.

9. 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. I understand that it is an offence under s. 480 of the *Environmental Protection Act 1994* to give to the administering authority or an authorised person a document containing information that I know is false, misleading or incomplete in a material particular.

I understand that all information supplied on or with this notification form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

NOTIFYING PERSON'S SIGNATURE Click or tap here to enter text.	DATE Click or tap to enter a date.
--	---------------------------------------

10. Phoning the pollution hotline

In addition to providing the written notice if you become aware of a matter which has caused or threatens serious or material environmental harm you should immediately call the pollution hotline on **1300 130 372** and report the matter. Reporting the matter through the pollution hotline allows the administering authority to take necessary measures to prevent further harm and to mitigate the effects of an incident or event.

In addition to notifying the administering authority, and where that is not the relevant local government, it is good practice to notify the local government for the area where the event has occurred.

11. Sending the written notice

Please return the completed notice to Permit and Licence Management at the Department of Environment and Science by:

Pollution hotline 1300 130 372

AND written notification via email, or registered post:

Email: pollutionhotline@des.qld.gov.au

Note: Include '**Duty to notify of environmental harm**' in the subject line of the email and attach a completed copy of the template.

Registered post:

Permit and Licence Management
Department of Environment and Science
GPO Box 2454
Brisbane QLD 4001

12. Further information

The latest version of this publication is available at www.qld.gov.au using the publication number ESR/2015/2230 as a search term or by contacting Permit and Licence Management on 13 QGOV (13 74 68).

Privacy statement

The Department of Environment and Science (DES) will use the personal information collected on this form in accordance with the Information Privacy Act 2009. The information will only be accessed and used by authorised employees within DES in the context of the disclosure and will not be otherwise used or disclosed unless required or authorised by law. For queries about privacy matters email: privacy@des.qld.gov.au or telephone: 13 74 68.

Pursuant to section 540 of the Environmental Protection Act 1994 (EP Act), DES is required to maintain a register of certain documents and information authorised under the EP Act. The register is available for inspection by members of the public who are able take extracts, or copies of the documents from the register. Documents or information that are required to be kept on the register are published in their entirety unless alteration is required by the EP Act. For more information on the Department's public register, follow the link or search 'public register' at www.qld.gov.au.

Appendix D EMR Certificates



Department of Environment and Science (DES)
ABN 46 640 294 485
400 George St Brisbane, Queensland 4000
GPO Box 2454, Brisbane QLD 4001, AUSTRALIA
www.des.qld.gov.au

SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Madeline Warnick
Unit 1, 7 Birubi Street
Coorparoo QLD 4151

Transaction ID: 50848330 EMR Site Id: 28 March 2023
Cheque Number:
Client Reference:

This response relates to a search request received for the site:

Lot: 1 Plan: SP288143
2107 ROSEWOOD LAIDLEY RD
LAIDLEY

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if DES has not been notified
2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if DES has not been notified

If you have any queries in relation to this search please email emr.clr.registry@des.qld.gov.au

Administering Authority



Department of Environment and Science (DES)
ABN 46 640 294 485
400 George St Brisbane, Queensland 4000
GPO Box 2454, Brisbane QLD 4001, AUSTRALIA
www.des.qld.gov.au

SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Madeline Warnick
Unit 1, 7 Birubi Street
Coorparoo QLD 4151

Transaction ID: 50848329 EMR Site Id: 28 March 2023
Cheque Number:
Client Reference:

This response relates to a search request received for the site:

Lot: 4 Plan: SP288143
2107 ROSEWOOD LAIDLEY RD
LAIDLEY

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
The EMR/CLR does NOT include:-

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GPO Box 2454, Brisbane QLD 4001, AUSTRALIA
www.des.qld.gov.au

SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Madeline Warnick
Unit 1, 7 Birubi Street
Coorparoo QLD 4151

Transaction ID: 50848328 EMR Site Id: 28 March 2023
Cheque Number:
Client Reference:

This response relates to a search request received for the site:

Lot: 7 Plan: L1742
ROSEWOOD LAIDLEY RD
LAIDLEY

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if DES has not been notified
2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if DES has not been notified

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www.des.qld.gov.au

SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Madeline Warnick
Unit 1, 7 Birubi Street
Coorparoo QLD 4151

Transaction ID: 50848327 EMR Site Id: 28 March 2023
Cheque Number:
Client Reference:

This response relates to a search request received for the site:

Lot: 5 Plan: L1742
ROSEWOOD LAIDLEY RD
LAIDLEY

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

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The EMR/CLR does NOT include:-

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2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if DES has not been notified

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www.des.qld.gov.au

SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Madeline Warnick
Unit 1, 7 Birubi Street
Coorparoo QLD 4151

Transaction ID: 50848326 EMR Site Id: 28 March 2023
Cheque Number:
Client Reference:

This response relates to a search request received for the site:

Lot: 804 Plan: L171
ROSEWOOD LAIDLEY RD
LAIDLEY

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

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The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if DES has not been notified
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www.des.qld.gov.au

SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Madeline Warnick
Unit 1, 7 Birubi Street
Coorparoo QLD 4151

Transaction ID: 50848325 EMR Site Id: 28 March 2023
Cheque Number:
Client Reference:

This response relates to a search request received for the site:

Lot: 803 Plan: L171
ROSEWOOD LAIDLEY RD
LAIDLEY

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
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SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Madeline Warnick
Unit 1, 7 Birubi Street
Coorparoo QLD 4151

Transaction ID: 50848324 EMR Site Id: 28 March 2023
Cheque Number:
Client Reference:

This response relates to a search request received for the site:

Lot: 802 Plan: L171
ROSEWOOD LAIDLEY RD
LAIDLEY

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if DES has not been notified
2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if DES has not been notified

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SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Madeline Warnick
Unit 1, 7 Birubi Street
Coorparoo QLD 4151

Transaction ID: 50848323 EMR Site Id: 28 March 2023
Cheque Number:
Client Reference:

This response relates to a search request received for the site:

Lot: 801 Plan: L171
ROSEWOOD LAIDLEY RD
LAIDLEY

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
The EMR/CLR does NOT include:-

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2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if DES has not been notified

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SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Madeline Warnick
Unit 1, 7 Birubi Street
Coorparoo QLD 4151

Transaction ID: 50848322 EMR Site Id: 28 March 2023
Cheque Number:
Client Reference:

This response relates to a search request received for the site:

Lot: 407 Plan: L171
ROSEWOOD LAIDLEY RD
LAIDLEY

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if DES has not been notified
2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if DES has not been notified

If you have any queries in relation to this search please email emr.clr.registry@des.qld.gov.au

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SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Madeline Warnick
Unit 1, 7 Birubi Street
Coorparoo QLD 4151

Transaction ID: 50848321 EMR Site Id: 6510 28 March 2023
Client Reference:
Cheque Number:

This response relates to a search request received for the site:
Lot: 186 Plan: L1731

EMR RESULT

The above site IS included on the Environmental Management Register.
Lot: 186 Plan: L1731
Address: LAIDLEY-ROSEWOOD ROAD
LAIDLEY 4341

The site has been subject to the following Notifiable Activity or Hazardous Contaminant.
LIVESTOCK DIP OR SPRAY RACE - operating a livestock dip or spray race facility.

For the majority of rural properties only a small area may be affected by the chemicals used in livestock dips and spray races. The Department of Environment and Science may hold further information relating to the location of the dip site within this property.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if DES has not been notified
2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if DES has not been notified

If you have any queries in relation to this search please email emr.clr.registry@des.qld.gov.au

Administering Authority

Appendix E Duty of Notify Form – Notifiable Activities

Notice

Environmental Protection Act 1994

Notifiable Activity

This template is for use by land owners, occupiers, auditors or local government authorities when giving written notice to the administering authority that a notifiable activity has been, or is being, carried out on land under section s.320A of the Environmental Protection Act 1994 (the EP Act).

Please complete all fields below. You can use this template to provide notification of multiple land parcels and/or multiple instances of a notifiable activity. Where this is the case, please clearly identify which land parcel or notifiable activity the information relates to.

GUIDE

Please ensure that all information is current and correct.

In some circumstances the duty to notify about a notifiable activity may arise for a number of different people.

In such circumstances a number of persons may comply with their individual duty to notify by jointly providing this notice.

Lot and plan details can be obtained from the land title certificate, rates notice or your local government (local council).

If you do not know the lot and plan, please provide sufficient information about the land to enable it to be identified.

1. Details of person(s) giving notice

- I am the **owner** of the land
- I am the **occupier** of the land (e.g. tenant)
- I am a representative of the **local government authority** for the land
- I am an **auditor** performing an auditor's function for the land
- A joint notification is being provided by more than 1 person, the details of each person are attached.

FULL NAME		TITLE
COMPANY/ORGANISATION/LOCAL GOVERNMENT AUTHORITY		
POSTAL ADDRESS		POSTCODE
PHONE	FAX	
EMAIL		

2. Details of land subject to the notification

STREET ADDRESS
LOCAL/PROPERTY NAME (IF APPLICABLE)

Notifiable Activity

This should be a map, aerial photograph or GPS coordinates (e.g. MGA-Easting/Northing or GDA-Latitude/Longitude) which illustrate the actual location of the notifiable activity and any potential contamination on the property.

Notifiable activities are listed in Schedule 3 of the EP Act.

Example

14 Engine reconditioning works—carrying out engine reconditioning work at a place where more than 500 litre (L) of any of the following are stored:

- (a) halogenated and non-halogenated hydrocarbon solvents
- (b) dangerous goods in class 6.1 under the dangerous goods code
- (c) industrial degreasing solutions.

Where relevant state the subtype(s), the actual volume being stored/used/manufactured/disposed etc and other specifics about the activity

More information about notifiable activities can be found on the Queensland Government website www.qld.gov.au

LOT ON PLAN

LOCAL GOVERNMENT AUTHORITY

3. Map, locality plan or GPS coordinates

Provide a map, locality plan or GPS coordinates of the location of the notifiable activity

- Map attached
- Locality plan attached
- GPS coordinates provided below

4. Details of notifiable activity

If providing notification of multiple notifiable activities, provide answers to each of the questions below for each notifiable activity. Additional information can be included as attachments.

- The details of multiple notifiable activities are attached.

State the number and subtype of the activity as listed in Schedule 3 of the *Environmental Protection Act 1994*

When did the notifiable activity commence?

Month:

Year:

Is the notifiable activity still being carried out?

- Yes
- No

If no, when did the notifiable activity cease?

Month:

Year:

Specific details of the notifiable activity (i.e. threshold amounts, type(s) of chemicals of dangerous goods being stored on the site)

Actual volume(s) (where applicable)

Notifiable Activity

5. Evidence and supporting information

Examples of the types of evidence that could be provided include (but are not limited to):

- If any investigation of the nature and extent of contamination has been undertaken on the site, provide details of the method used, sampling results and any recommendations about the future management of the contamination. If a written report about the contamination is available, please provide a copy of the report and maps where available.
- Any licences or approvals issued relevant to the activity being notified, for example licence or approvals under the EP Act or the Flammable and Combustible Liquids Regulation 1994.
- Evidence of relevant notifiable activities that are being or have been carried out on the land, e.g. business documentation outlining the activities being undertaken on the site or photographs of industrial activities.
- The results of any compliance monitoring done in relation to notifiable activities or possible contamination of the site.

PROVIDE DETAILS OF EVIDENCE AND SUPPORTING INFORMATION INCLUDING TITLES OF ANY ATTACHMENTS

6. Details of land owner

If you are not the landowner, provide the details of the owner of the property (if known).

FULL NAME		TITLE
POSTAL ADDRESS		POSTCODE
PHONE	FAX	
EMAIL		

Notifiable Activity

If a joint notification is being provided by more than one person a signed declaration by each person must be attached.

7. Declaration

I declare that:

- The information I have provided within this form is true and correct to the best of my knowledge.
- I understand that all information within or attached to this written notice may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.
- I understand that it is an offence under section 480 of the *Environmental Protection Act 1994* to give the administering authority a document containing information that I know is false, misleading or incomplete in a material particular.

NAME
SIGNATURE
DATE

Please submit this notice using one of the following methods:

Email: emr.clr.registry@des.qld.gov.au

The email subject line should state 'Written notice of a notifiable activity'.

The file size limit for submission via e-mail is 14MB. Any submission via email which exceeds 14 MB will need to be broken down into separate emails, with each email clearly Part X of X (e.g. Part 1 of 2), included in the subject line of the email.

Post to:

Permit and Licence Management
 Department of Environment and Science
 GPO Box 2454
 BRISBANE QLD 4001

Privacy Statement

The Department of Environment and Science (DES) is assessing information provided on this form as notified under Section 320A of the *Environmental Protection Act 1994* to make a determination whether a site is to be listed on the Environmental Management Register (EMR). This register is publicly available. This information may be provided to other parties, including the owner of land, the local government authority and other government departments, under Chapter 7, Part 8 of the *Environmental Protection Act 1994* for the purposes of including land in a relevant land register. The information provided on this form will not otherwise be used or disclosed unless required or authorised by law. For queries about privacy matters email: privacy@des.qld.gov.au or telephone: 13 74 68.



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