

# CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

## Drayton Valley Estate



**Client: Chemille Pty Ltd and Sologne Pty Ltd**

Range Environmental Consultants  
266 Margaret Street  
Toowoomba Q 4350  
**T** 07 4620 0148  
**E** admin@rangeenviro.com.au

**Project Number: CAS002**  
**Status: Final**  
**Date: 5/11/2017**

**TOOWOOMBA REGIONAL COUNCIL**

**APPROVED DOCUMENT**

referred to in Council's Decision Notice dated

20 September 2017

This plan is subject to conditions of Approval Number

RAL/2015/4008/C

*Angel Kimball*

Assessment Manager



## Important Note

We have prepared this report for the sole purposes of **Chemille Pty Ltd and Sologne Pty Ltd** (the Client) for the specific purpose for which it is supplied (the Purpose). This report is strictly limited for use by the client for the purpose and the facts and matters stated in it and it shall not be used directly or indirectly for any other use.

Third parties may not rely on this report. Range Environmental Consultants waives all liability to any third-party loss, damage, liability or claim arising out of or incidental to a third party publishing, using or relying on the facts, content, opinions or subject matter contained in this report.

We have assumed that all information provided to us by the Client or other third parties which was relied upon, wholly or in part in reporting, was complete, current and accurate at the time of supply. Range Environmental Consultants waives all responsibility for any loss or damage relating to the accuracy, currency and completeness of information provided by the Client or other third parties.

This report and all its components is copyright. All enquiries regarding this report shall be directed to Range Environmental Consultants.

## Document Version Register

Version	Purpose	Lead Author	Reviewer	Approved for Issue	
				Approver	Date
1	Final report	MLD	LMT	LMT	05/11/2017

## Contents

1. Overview .....	1
1.1 Purpose .....	1
1.2 Project.....	1
1.3 Project Approvals and Permits.....	2
1.4 Local Community Awareness .....	2
1.5 Environmental Values and Potential Impacts.....	2
2. Environmental Management Framework.....	3
2.1 Environmental Management Documentation .....	3
2.2 Legal and Other Requirements .....	3
2.3 Environmental Control Plans .....	3
3. Roles and Responsibilities.....	4
4. Communications .....	5
4.1 Complaints Management .....	5
4.2 Communication with Regulatory Authorities .....	5
5. Environmental Hazards, Incidents & Emergencies.....	6
5.1 Categories of Environmental Harm .....	6
5.2 Environmental Hazards, Incidents & Emergencies .....	6
5.3 External Reporting of Material or Serious Environmental Harm.....	7
6. Inspections, Monitoring & Audits.....	8
6.1 Site Inspections .....	8
6.2 Environmental Monitoring .....	8
6.3 Non-conformance & Corrective Actions .....	8
7. Environmental Records.....	9

## Figures

Figure 1 Site Locality .....	1
------------------------------	---

## Tables

Table 1 Scope and application of this CEMP .....	1
Table 2 Environmental values, potential impacts and management measures .....	2
Table 3 Environmental and other project management documents .....	3
Table 4 Roles and responsibilities .....	4



Table 5 Categories of environmental harm ..... 6  
Table 6 External party notification requirements for material or serious environmental harm ..... 7

## Appendices

Appendix A: Environmental Control Plans.....A.1  
Appendix B: Complaint Log.....B.1  
Appendix C: Duty to Notify Guideline.....C.1  
Appendix D: Duty to Notify Form .....D.1

# 1. Overview

## 1.1 Purpose

This Construction Environmental Management Plan (CEMP) provides an environmental management framework for the proposed residential subdivision called Drayton Valley Estate.

**Table 1 Scope and application of this CEMP**

Question	Answer
Who?	This CEMP applies to all personnel (staff, sub-contractors and site visitors) under the control of the Principal Contractor.
What?	This CEMP applies to the Operational Works phase for the Drayton Valley Estate subdivision.  It does not apply to house building works for individual allotments. The individual builders shall be responsible for meeting their legal and other obligations for environmental protection during house building.
When?	This CEMP applies from site enabling/early works through to practical completion.
Where?	This CEMP applies to the project footprint shown in Figure 1 and any necessary external works required for the development.
Why?	The purpose of this CEMP is to minimise the risk of environmental harm and to satisfy the Principal Contractors legal and other obligations for environmental protection during construction of the subdivision.

## 1.2 Project

The proposed Drayton Valley Estate is located at Cambooya, Rudd, Devonshire and Harrow Streets at Drayton (Figure 1). The subdivision includes the reconfiguration of three (3) lots into forty-five (45) lots.



**Figure 1 Site Locality**

## 1.3 Project Approvals and Permits

Toowoomba Regional Council (TRC) approved the development as part of the Development Permit (MCUI/2015/4007/A & RAL/2015/4008A). Condition 71 of the Reconfiguring a Lot (RAL) approval requires that a Construction Environmental Management Plan (CEMP) is prepared to support an Operational Works application.

## 1.4 Local Community Awareness

The site is located in Drayton township. The site is near a number of nearby sensitive receptors such as residential dwellings and a child care centre (Goodstart Early Learning Centre).

## 1.5 Environmental Values and Potential Impacts

Environmental values of the site based on a desktop assessment are summarised below (Table 2). Potential impacts and corresponding management measures are also listed.

**Table 2 Environmental values, potential impacts and management measures**

Value	Description	Potential Impact	Environmental Control Plan (ECP) (refer to Appendix A)
Flora and fauna	<ul style="list-style-type: none"> <li>Site is heavily disturbed from previous rural residential uses.</li> <li>Site is classified as a High Risk Area for protected plants.</li> </ul>	<ul style="list-style-type: none"> <li>Unauthorised damage to protected plants and their habitat that may occur.</li> <li>Unauthorised harm to native animals that may use the site.</li> <li>Introduction of listed weeds.</li> </ul>	ECP 2
Soil and water	<ul style="list-style-type: none"> <li>Stormwater runoff is towards the south to Westbrook Creek (about 300 m south of the site).</li> <li>Soils at the site are black cracking clays.</li> </ul>	<ul style="list-style-type: none"> <li>Loss of soil resources due to erosion.</li> <li>Contamination of soil by fuel or oil spills.</li> <li>Contamination of stormwater runoff by sediment or fuel and oil spills.</li> </ul>	ECP 1, ECP 4 & ECP 5
Air, noise & vibration	<ul style="list-style-type: none"> <li>There are several sensitive receptors in close proximity to the site.</li> </ul>	<ul style="list-style-type: none"> <li>Air, noise &amp; vibration emissions may impact amenity at sensitive receptors.</li> </ul>	ECP 3
Cultural heritage	<ul style="list-style-type: none"> <li>The site has no recorded Aboriginal Cultural Heritage values.</li> </ul>	<ul style="list-style-type: none"> <li>Unauthorised harm to unexpected cultural heritage finds.</li> </ul>	ECP 6
Waste	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Incorrect waste management may cause onsite or offsite pollution.</li> </ul>	ECP 4

## 2. Environmental Management Framework

### 2.1 Environmental Management Documentation

This CEMP is the overarching management plan for a suite of environmental management documents for the Drayton Valley Estate Project (Table 3).

**Table 3 Environmental and other project management documents**

No.	Description	Source	Location
<b>CEMP environmental management documents</b>			
1	Environmental Control Plans (ECPs)	CEMP	Section 2.3 and Appendix A.
<b>Other related environmental management plans and documents</b>			
2	Erosion and Sediment Control Plan (ESCP)	Kehoe Myers	External document
3	Impact Management Plan for Protected Plants and Clearing Permit for Protected Plants <sup>1</sup> .	TBC	TBC

Note: 1 - These documents are only required if the protected plant survey identifies protected plants within 100 m of the development.

### 2.2 Legal and Other Requirements

The provisions of environmental legislation and project specific approvals have been incorporated in this CEMP. At the time of preparation of this CEMP, the only relevant approval was the Development Permit for the MCU/RAL.

### 2.3 Environmental Control Plans

Environmental control plans (ECPs) were developed to document site specific environmental management measures for the subdivision (Appendix A). The ECPs reflect project and site-specific conditions, including obligations and requirements specified in legislation and project approvals and permits.

### 3. Roles and Responsibilities

All personnel, including sub-contractors and visitors are responsible for environmental protection during construction. Responsibilities and reporting lines for environmental matters are described in Table 4.

**Table 4 Roles and responsibilities**

Role	Responsibilities	Reports to
Project Manager	<ul style="list-style-type: none"> <li>• Ensure works comply with all relevant regulatory and project requirements.</li> <li>• Ensure this CEMP is fully implemented, and environmental protection is not secondary to other construction requirements.</li> <li>• Liaise with regulatory authorities as required.</li> <li>• Ensure that all personnel understand, accept and fully carry out their obligations for environmental protection and that they are adequately trained, instructed and resourced to fulfil their obligations.</li> <li>• Seek relevant approvals for any required works or changes to site conditions outside the limits of the applicable project approvals/permits/plans.</li> <li>• Assist with environmental incident investigations as required.</li> <li>• Direct that works be stopped immediately where there is an actual or potential risk of environmental harm.</li> </ul>	Regulatory authorities
Site Foreman	<ul style="list-style-type: none"> <li>• Plan and organise works to reduce the risk of adverse environmental impacts.</li> <li>• Ensure works comply with all relevant regulatory and project requirements.</li> <li>• Ensure this CEMP is fully implemented, and environmental protection is not secondary to other construction requirements.</li> <li>• Participate in pre-start meetings.</li> <li>• Notify the Project Manager of any required works outside the approved limits or unexpected changes to site conditions.</li> <li>• Undertake rainfall based site inspections.</li> <li>• Conduct environmental incident investigations as required.</li> <li>• Direct that works be stopped immediately where there is an actual or potential risk of environmental harm.</li> </ul>	Project Manager
Other personnel (includes staff, sub-contractors and visitors)	<ul style="list-style-type: none"> <li>• Regard environmental protection as a central theme in their actions.</li> <li>• Report to their relevant supervisor any defects in plant or equipment.</li> <li>• Keep work areas in a tidy state.</li> <li>• Undertake works as instructed by their relevant supervisor and in accordance with the CEMP.</li> <li>• Assist with environmental incident investigations as required.</li> <li>• Stop works where there is an actual or potential risk of environmental harm and notify the Site Foreman.</li> </ul>	Site Foreman

## 4. Communications

### 4.1 Complaints Management

All complaints shall be forwarded to the Project Manager who will manage and record complaints in accordance with the following procedure.

1. Complaints received by the Project Manager (either written or verbal) shall be documented in the Complaints Log (Appendix B).
2. The Project Manager shall confirm receipt of the complaint (verbally or in writing) to the complainant within 24 hours of receiving the complaint.
3. Complaints shall be investigated by the Project Manager or their delegate as soon as practicable but no longer than 24 hours after receipt of the complaint.
4. The Project Manager shall identify and implement all reasonable and practicable corrective actions to address a complaint of noise nuisance. Corrective actions shall be implemented as soon as reasonably practicable.
5. The Project Manager shall document the findings of the complaint investigation and the corrective actions implemented in the Complaints Log.
6. The Project Manager shall send a written Complaint Close-out Notice to the complainant advising them of the outcomes of the complaint investigation and the corrective actions implemented. This notice shall be sent within 24 hours of the implementation of the required corrective actions.

### 4.2 Communication with Regulatory Authorities

- There is no requirement for routine communication with regulatory authorities regarding environmental matters.
- Environmental incidents and emergencies will be reported to regulatory authorities in accordance with Section 5.

## 5. Environmental Hazards, Incidents & Emergencies

### 5.1 Categories of Environmental Harm

There are three (3) categories of environmental harm for environmental incidents and emergencies under the *Environmental Protection Act 1994* (Table 5).

**Table 5 Categories of environmental harm**

Category	Definition	Internal reporting required?	External reporting required?
Nuisance	An unreasonable interference or likely interference with an environmental value caused by: <ul style="list-style-type: none"> <li>• Aerosols, fumes, light, noise, odour, particles or smoke; or</li> <li>• An unhealthy, offensive or unsightly condition because of contamination; or</li> <li>• Another way prescribed by regulation.</li> </ul>	Yes	No
Material	Environmental harm that: <ul style="list-style-type: none"> <li>• Is not trivial or negligible in nature, extent or context;</li> <li>• Causes actual or potential loss or damage to property of an amount of, or amounts totalling, \$5K-\$50K; or</li> <li>• Results in costs of \$5K-\$50K for actions to prevent or minimise the harm and rehabilitate or restore the environment to its condition before the harm.</li> </ul>	Yes	Yes
Serious	Environmental harm that: <ul style="list-style-type: none"> <li>• Is irreversible, or a high impact or widespread;</li> <li>• Causes harm to an area of high conservation value or special significance;</li> <li>• Causes actual or potential loss or damage to property of an amount of, or amounts totalling more than \$50K; or</li> <li>• Results in costs of more than \$50K for actions to prevent or minimise the harm and rehabilitate or restore the environment to its condition before the harm.</li> </ul>	Yes	Yes

### 5.2 Environmental Hazards, Incidents & Emergencies

All environmental hazards, incidents and emergencies must be reported to the Project Manager as soon as possible but no longer than 24 hours after becoming aware of the matter.

All hazards, incidents and emergencies shall be investigated by the Project Manager and the Site Foreman to identify root causes and the appropriate course of action taken to prevent a recurrence. Corrective actions are to be evaluated on the basis of the hierarchy of controls with the aim of elimination of the impacts identified. This CEMP may require review and amendment following identification of a hazard or incident.

If a hazard or incident causes or threatens material or serious environmental harm refer to Section 5.3 for external reporting requirements.

### 5.3 External Reporting of Material or Serious Environmental Harm

All persons have a duty to notify the Department of Environment and Heritage Protection (DEHP) of incidents or emergencies that cause or threaten material or serious environmental harm. The Duty to Notify of Environmental Harm Guideline is provided at Appendix C. The standard written notification form to DEHP for material or serious environmental harm is provided at Appendix D.

Environmental incidents or emergencies that cause or threaten material or serious environmental harm shall be reported to in accordance with Table 6.

**Table 6 External party notification requirements for material or serious environmental harm**

By	To	Within	Method
Employees, sub-contractors, or visitors	Site Foreman, or if not available the Project Manager.	24 hours of becoming aware of the matter.	Verbal or written.
	<i>If these parties cannot be contacted, notification must be made directly to DEHP.</i>		Verbal initially followed by written.
Site Foreman	Project Manager	24 hours of becoming aware of the matter.	Verbal.
	<i>If the Project Manager cannot be contacted, notification must be made directly to DEHP.</i>		Verbal initially followed by written.
Project Manager	DEHP	<i>This 24-hour period starts as soon as the Site Foreman is first notified.</i>	Verbal initially followed by written.

## 6. Inspections, Monitoring & Audits

### 6.1 Site Inspections

The Site Foreman shall undertake regular inspections of the site and work practices. This is to determine if any maintenance is required or if there are deficiencies in environmental controls or in the standard of environmental performance that need to be addressed.

### 6.2 Environmental Monitoring

Environmental monitoring requirements for the Drayton Valley Estate are detailed in the ECPs.

All equipment used for environmental monitoring shall be fit for purpose and maintained, operated and calibrated in accordance with the manufacturer's specifications. Where analysis of samples is required, samples shall be submitted to a NATA accredited laboratory.

### 6.3 Non-conformance & Corrective Actions

A non-conformance is defined as failure to comply with the requirements of this CEMP and supporting documentation, regulatory requirements and conditions of approvals and permits. Non-conformances may be identified through monitoring, inspections and incident investigations.

Non-conforming activities shall be stopped by the Site Foreman in consultation with the Project Manager. The activity will not recommence until an appropriate corrective action has been implemented.

For each identified non-conformance a corrective action must be identified and implemented.



## 7. Environmental Records

The Project Manager shall be responsible for managing environmental records for the project in accordance with legislative requirements, and project specific environmental approvals and permits.

All environmental records shall be retained for no less than 5 years and be made available upon request by regulatory authorities.



## Appendix A: Environmental Control Plans

ECP 1 - Soil and Water Management		
Objective		
To minimise the risk of adverse impacts to soil or water resources.		
Management Actions	Responsibility	Timing
<b>Erosion and Sediment Control</b>		
Erosion and sediment control shall be managed in accordance with an Erosion and Sediment Control Plan (ESCP) developed for the Project. The ESCP shall be prepared in accordance with Best Practice Erosion and Sediment Control (Aust IECA 2008) and conditions 26 to 30 of the Development Permit.	Project Manager	Prior to the start of works. Temporary controls shall remain in place until permanent controls are in place and functioning correctly and the site is stable.
The ESCP should focus on the following key elements of erosion and sediment control: 1. DRAINAGE - direct clean water around disturbed areas and control drainage in work areas. 2. EROSION - minimise ground cover disturbance, re-instate 70% ground cover once works are complete. 3. SEDIMENT - implement appropriate sediment controls to treat runoff from the site.	Project Manager	At all times.
<b>Soil and Water Contamination Prevention and Management</b>		
Hazardous substances (including fuel) shall be used and managed in accordance with ECP 5 - Hazardous Substance use and Management to minimise the risk of soil or water contamination.	Site Foreman	At all times.
Wastes shall be managed in accordance with ECP 4 - Liquid and Solid Waste Management to minimise the risk of soil or water contamination.	Site Foreman	At all times.
If soil or water contamination is encountered at the site or occurs during construction, it shall be investigated and managed by a Suitably Qualified Person in accordance with the Environmental Protection Act 1994, National Environmental Protection (Assessment of Site Contamination) Measure 1999 and the Monitoring and Sampling Manual 2009.	Project Manager	As required.
<b>Use of Water Resources</b>		
Preference will be given to the use of non-potable water supplies for dust suppression and construction activities where economically and practically feasible.	Project Manager	During construction planning.
Road watering shall be undertaken when necessary to control dust emissions.	Site Foreman	As required.
Water use for construction purposes, such as concreting and sub-grade compaction, shall be minimised as far as practicable.	Site Foreman	At all times.
<b>Heavy Rainfall or Flooding</b>		
If heavy rainfall or flooding is forecast, the site shall be prepared by: <ul style="list-style-type: none"> <li>Relocating any mobile plant or equipment to higher parts of the site;</li> </ul>	Site Foreman	As required.



**ECP 1 - Soil and Water Management**

- Removing potential contaminants such as wastes or chemicals from site or ensuring that potential contaminants are protected from rainfall or stormwater flows;
- Securing loose equipment and materials, ensure bin covers are secure; and
- Ensuring all erosion and sediment control measures have been maintained and are in place.

Monitoring	Responsibility	Timing
Site inspections shall assess site practices in relation to soil and water management.	Site Foreman	Weekly and before and after 10 mm rainfall in 24 hours.
If soil or water quality testing is required, it shall be undertaken by Suitably Qualified Persons in accordance with National Environmental Protection (Assessment of Site Contamination) Measure 1999 and the Monitoring and Sampling Manual 2009.	Project Manager	As required.

ECP 2 –Flora and Fauna Management		
Objective		
To ensure that construction works minimise negative impacts on local flora and fauna.		
Management Actions	Responsibility	Timing
<b>Weeds</b>		
Control invasive weeds listed under the <i>Biosecurity Act 2014</i> .	Site Foreman	Prior the start of works.
Prior to entry to site, third party weed hygiene certification shall be obtained for any vehicle/plant/equipment that have traversed an area known or likely to be infested with invasive plants listed under the <i>Biosecurity Act 2014</i> . If wash down is required this shall be undertaken at an offsite washdown facility.	Operators	As required
A Weed Hygiene Declaration shall be provided by the supplier for all organic materials (etc. soil, sand, mulch, gravel, road base, seed etc.) brought to site.	Site Foreman	At the time of delivery.
<b>Protected Plants</b>		
A protected plant survey shall be undertaken prior to any Operational Works.	Development Proponent	Before the start of Operational Works.
If the protected plant survey identifies protected plants within 100 m of the site, works must be undertaken in accordance with the Impact Management Plan and Protected Plant Clearing Permit.	Project Manager	During Operational Works.
<b>Clearing &amp; Bulk Earthworks</b>		
No animals, including snakes, shall be deliberately killed or otherwise harmed.	All personnel	At all times.
Prior to clearing all trees to be removed are to be inspected for wildlife (i.e. koalas, possums, birds' nests etc.). If wildlife is present, the tree must not be felled or pruned until the wildlife has left the tree or has been removed by a legislative compliant Fauna Spotter Catcher.	Site Foreman	During clearing
Clearing, including felling, pushing, lopping and grubbing of existing trees and vegetation not identified for retention must be undertaken by a suitably qualified person and must include: <ul style="list-style-type: none"> <li>• Stump grinding to below finished surface level;</li> <li>• Rectification to the finished surface levels and materials;</li> <li>• No damage to other vegetation to be retained; and</li> <li>• No burning of removed vegetation and debris; and</li> <li>• Conclude with the area being stabilised against erosion.</li> </ul>	Site Foreman	During clearing
Any processing of trees or vegetation must be carried out in a safe manner and without exceeding the noise and air emission levels.	Site Foreman	During clearing
<b>Street Tree Protection</b>		
The removal or modification (including any disturbance of the root system within the drip line of the canopy) of a street tree must not be undertaken unless otherwise approved in writing by Council and in accordance with any conditions associated with the granted approval. This may relate to onsite or offsite works and may include but not be limited to: road and footpath works (new works or modifications to existing assets), general site earthworks and service installation.	Site Foreman	During Operational Works
Monitoring	Responsibility	Timing



**ECP 2 –Flora and Fauna Management**

Site inspections shall include inspection of flora and fauna management measures.	Site Foreman	Weekly
---	--------------	--------

**ECP 3 – Air, Noise & Vibration Management**

**Objective**

To prevent the release of dust, noise and vibration emissions from the site that causes nuisance at sensitive receptors.

Management Actions	Responsibility	Timing
Provide a courteous note to residents that neighbour the site by letter box drop advising them of the works. The letter should include a short description of works and justification, project schedule, working hours and a contact details for the person for responsible for responding to concerns/questions/complaints.	Project Manager	At least 1 week prior to the start of works.
Working hours are 6.30 am to 6.30 pm Monday to Saturday. No works on Sundays or Public Holidays unless approved by TRC.	Site Foreman	At all times.
No unnecessary use of horns or other audible signals on mobile plant or equipment.	All personnel	At all times.
No unnecessary revving or idling of engines on mobile and stationary machines and shut down any equipment not in use.		
Maintain all vehicles, plant and equipment to reduce the potential for noise emissions.	Operators	As per manufacturer specifications.
Ensure trucks, trailers and loads are secured to minimise rattling and other noise emissions when on public roads.	Operators	At all times.
Cover loads of organic materials (soil, gravel, sand, mulch) in trucks and trailers travelling on public roads to and from the site.	Operators	At all times.
Remove any material spilled or tracked onto public roads.	Site Foreman	As required.
Cover or revegetate stockpiles of soil that won't be accessed within 20 days.	Site Foreman	As required.
Suppress dust emissions from road surfaces using water, chemical stabilisers/suppressants or gravel.	Site Foreman	As required.
Minimise ground cover disturbance. Only disturb ground cover prior to the start of works to reduce dust emissions (i.e. stage earthworks to minimise ground exposure).	Site Foreman	As required.
Progressively reinstate 70% ground cover with 20 days of completion of works at each part of the site.	Site Foreman	Within 20 days of completion for each part of the site.
Monitoring	Responsibility	Timing
Monitor weather conditions to ensure dust controls are suited to the prevailing weather conditions.	Site Foreman	Daily
Air, noise or vibration monitoring shall be undertaken in response to a complaint if directed to do so in writing by Toowoomba Regional Council. Monitoring shall be undertaken by a suitably qualified person.	Project Manager	If a written request is made by TRC to investigate a complaint of nuisance.

**ECP 4 – Liquid and Solid Waste Management**

**Objective**

To minimise environmental harm by managing all wastes correctly and minimising waste disposal where practicable.

Management Actions	Responsibility	Timing
The site shall be kept in a clean and tidy state at all times.	All personnel	At all times.
Wastes shall be segregated correctly.	All personnel	At all times.
General waste and recycling bins (with lids) shall be provided.	Site Foreman	At all times.
Wastes shall only be transported by appropriately licensed waste transporters to licensed waste facilities.	Site Foreman	As required.
Recyclable wastes from demolition (i.e. concrete/brick and steel) shall be segregated for recycling.	Site Foreman	As required.
Asbestos containing materials in existing houses shall be removed by licenced contractors and disposed of as Regulated Waste by a licensed waste contractor to a landfill that is licensed to accept asbestos waste.	Site Foreman	As required.
Waste oil, oil filters, grease cartridges and oily rags shall be removed from site.	Plant Operators and Service Technicians	As required.
Excess batched concrete shall be returned to the batching plant or hardened on site then removed for recycling.  If hardening on site is adopted a waste concrete hardening pit shall be excavated or a lined skip used. The pit/skip shall be clearly signed. A hardening pit shall be bunded to exclude overland flow. The hardening skip/pit shall be located within the project footprint.  Concrete wash out wastes or other wastes shall not be disposed of in the waste concrete hardening pit/skip.	Concreting staff or contractors	As required.
Concrete wash out wastes shall be contained in an impervious plastic lined pit or skip (not dumped on the ground).  The pit/skip shall be clearly signed. The pit shall be bunded to exclude overland flow. The pit/skip shall be located within the project footprint. Water shall be allowed to evaporate. If dewatering is required this shall be undertaken by a regulated waste contractor.  Excess batched concrete or other wastes shall not be disposed of in the concrete wash out waste pit/skip.	Concreting staff or contractors	As required.
No burning of wastes at the site.	All personnel	At all times.
All waste shall be removed from site at the completion of works.	Site Foreman	Prior to demobilisation.
Monitoring	Responsibility	Timing
Site inspections shall include assessment of waste management practices.	Site Foreman	Weekly

## ECP 5 - Hazardous Substance Use and Management

### Objective

To minimise the risk of environmental contamination or harm by correctly storing, handling, using and disposing of hazardous substances.

Management Actions	Responsibility	Timing
All hazardous substances shall be stored, handled, used and disposed in accordance with the SDS, manufacturer recommendations and applicable regulatory requirements.	All personnel	At all times
Fuel and oil shall be managed in accordance with <i>AS1940 The storage and handling of flammable and combustible liquids</i> .	Site Foreman	At all times
Hazardous substances shall be stored: <ul style="list-style-type: none"> <li>• In bunds that are adequately sized, ventilated and protected from rainfall and stormwater.</li> <li>• Within the project footprint.</li> <li>• With appropriate segregation from incompatible materials.</li> <li>• With no combustible vegetation or refuse within 3 m of the storage area.</li> <li>• Not within 30 m of a stormwater channel or drainage path.</li> </ul>	Site Foreman	At all times
No onsite disposal of chemicals or chemical wastes.	All personnel	At all times
Daily pre-start inspections of plant and equipment to minimise leaks and drips of fuel, oil and other fluids.	Plant Operators	Daily
Spills shall be cleaned up immediately.	All personnel	As required
Appropriate spill kits for the type and quantity of chemicals shall be provided and maintained wherever chemicals are stored and used. Spill kits shall be restocked with 2 business days after use.	Site Foreman	At all times
Appropriate fire extinguishers shall be provided on site for flammable and combustible chemicals.	Site Foreman	At all times
Monitoring	Responsibility	Timing
Site inspections shall include inspection of hazardous substance management measures.	Site Foreman	Weekly.

**ECP 6 – Cultural Heritage Management**

**Objective**

No unauthorised harm to areas or items of cultural heritage value at the site.

Management Actions	Responsibility	Timing
Undertake all works with a cultural heritage duty of care.	All personnel	At all times
<p>If any items (e.g. hearths/fireplaces or artefacts) that are suspected of being of cultural heritage value are found:</p> <ul style="list-style-type: none"> <li>- Immediately cease all works within 30 m of the find;</li> <li>- Barricade the find with star pickets and barrier mesh to prevent any further entry or disturbance;</li> <li>- Photograph the find and GPS the location;</li> <li>- Immediately notify the Project Manager.</li> </ul> <ul style="list-style-type: none"> <li>• Project Manager shall contact DATSIP (Andrew Rutch 0459 840 294) and the representatives from the Western Wakka Wakka People (Adrian Beattie 0417 787 668).</li> <li>• Project Manager shall arrange for clearance to be undertaken by representatives from the Western Wakka Wakka People.</li> <li>• Work can only recommence within the barricaded area when the site has been cleared and approval has been given by DATSIP and the representatives from the Western Wakka Wakka People.</li> </ul>	Project Manager	Immediately in response to a find.
If human remains are found, immediately cease all works on site and Contact the Police (07) 4631 6333.	Site Foreman	Immediately in response to a find.
Monitoring	Responsibility	Timing
Regular site inspections shall include inspection of cultural heritage management measures.	Site Foreman	Weekly.



## Appendix B: Complaint Log

<b>Date &amp; Time Received</b>	<b>Date, Time &amp; Method of Acknowledgment</b>	<b>Complaint Name &amp; Contact Details</b>	<b>Nature of Complaint</b>	<b>Investigation Findings</b>	<b>Corrective Actions Identified</b>	<b>Date Corrective Actions Implemented</b>	<b>Date of Complaint Close-out Notice</b>

<b>Date &amp; Time Received</b>	<b>Date, Time &amp; Method of Acknowledgment</b>	<b>Complaint Name &amp; Contact Details</b>	<b>Nature of Complaint</b>	<b>Investigation Findings</b>	<b>Corrective Actions Identified</b>	<b>Date Corrective Actions Implemented</b>	<b>Date of Complaint Close-out Notice</b>



## Appendix C: 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 Heritage Protection of certain events, including those that may cause serious and material environmental harm, under ss. 320 to 320G of the Environmental Protection Act 1994.*

#### Table of contents

Introduction .....	2
When does the duty to notify arise? .....	2
What is environmental harm?.....	3
<b>Action not limited to when environmental harm is caused or threatened .....</b>	<b>4</b>
When is notification not required? .....	4
Who has a duty to notify?.....	4
<b>Particular employees .....</b>	<b>5</b>
<b>Employers .....</b>	<b>5</b>
<b>Other persons .....</b>	<b>6</b>
<b>Owner, occupier or auditor .....</b>	<b>7</b>
<b>Local government .....</b>	<b>7</b>
<b>Notice to occupiers of affected land .....</b>	<b>7</b>
<b>Notice to the department .....</b>	<b>8</b>
Penalties for failing to notify .....	9
<b>Reasonable excuse .....</b>	<b>9</b>
<b>Defence for failing to notify owners or occupiers .....</b>	<b>9</b>
<b>A written notice cannot be used as evidence in court proceedings.....</b>	<b>10</b>
Providing joint notice.....	10
Phoning the pollution hotline .....	10
Notification by emergency services .....	10
How to notify .....	10
Definitions .....	11

## Introduction

Sections 320 to 320G of the *Environmental Protection Act 1994* (the Act) outline the requirements for the duty to notify of **environmental harm**. Pollution incidents and activities that cause or threaten to cause **serious environmental harm** or **material environmental harm** must be reported quickly to the Department of Environment and Heritage Protection (the **department**), as well as to local governments in some situations, so appropriate action can be taken to prevent or limit possible environmental harm. In some cases, the owner or occupier of the land must also be notified.

The duty to notify requires a person or a company to give notice where serious or material environmental harm (that is not authorised under the Act) is caused or threatened. The duty to notify also requires an auditor, the owner or occupier of **contaminated land**, or a local government, to give notice to the department if they become aware of an event or change in the condition of contaminated land that is causing, or is reasonably likely to cause, serious or material environmental harm.

The duty to notify under the Act does not negate any notification requirements in other Queensland legislation or the common law. 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.

## When does the duty to notify arise?

The duty to notify arises in the following circumstances:

Who	When does the duty to notify arise?
Person <sup>1</sup>	<p>While carrying out an activity (the primary activity), becomes 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 primary activity, or another activity carried out in association with the primary activity</p> <p>While carrying out a <b>resource activity</b> other than a mining activity, becomes aware of the happening of one or both of the following events:</p> <ul style="list-style-type: none"> <li>• The activity has negatively affected, or is reasonably likely to negatively affect, the water quality of an aquifer; or</li> <li>• The activity has caused the connection of two or more aquifers.*</li> </ul> <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 contaminated land <sup>2</sup>	<p>Becomes aware of:</p> <ul style="list-style-type: none"> <li>• The happening of an event involving a hazardous contaminant on the contaminated land; or</li> <li>• A change in the condition of the contaminated land; or</li> <li>• A notifiable activity having been carried out, or being carried out, on the contaminated land.</li> </ul>
An auditor performing an auditor's function	<p>Becomes aware of:</p> <ul style="list-style-type: none"> <li>• The happening of an event involving a hazardous contaminant on the</li> </ul>

<sup>1</sup> Section 320A(1) of the *Environmental Protection Act 1994*.

<sup>2</sup> Section 320A(1A) of the *Environmental Protection Act 1994*.

under section 568(b) of the Act <sup>3</sup>	contaminated land; or <ul style="list-style-type: none"> <li>• A change in the condition of the contaminated land; or</li> <li>• A notifiable activity having been carried out, or being carried out, on the contaminated land.</li> </ul>
Local government <sup>4</sup>	Becomes aware: <ul style="list-style-type: none"> <li>• That a notifiable activity has been, or is being carried out on land in the local government area; or</li> <li>• Of:             <ul style="list-style-type: none"> <li>○ The happening of an event involving a hazardous contaminant in the local government area; or</li> <li>○ A change in the condition of contaminated land in the local government area;</li> </ul> </li> </ul> that is causing, or is reasonably likely to cause, serious or material environmental harm.

### What is environmental harm?

Whether an act or omission leading to an incident or event 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.

Where a person is in doubt as to whether their activities or the activities of another person is likely to have caused or threatened serious or material environmental harm, it is better to be cautious and provide notice in accordance with this guideline, and satisfy the duty to notify requirements.

Sometimes the full impact of an event is not known until sometime after the event has occurred. In these circumstances, the duty to notify will trigger as soon as the person becomes aware that the event is now threatening serious or material environmental harm.

<sup>3</sup> Section 320A(1A) of the *Environmental Protection Act 1994*.

<sup>4</sup> Section 320A(1B) of the *Environmental Protection Act 1994*.

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

In some circumstances these events may not represent a widespread threat to life and property, and are therefore categorised at a lower level than more serious incidents that require an immediate response. Incidents that are categorized at a lower level 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**

Where a person undertakes an activity or becomes aware of the actions of another person that have caused environmental harm which falls short of serious or material environmental harm, they may still be required to take action to prevent the continuance of environmental harm or mitigate the environmental harm.

The requirement to take such further action may arise because of a condition of an environmental authority, development approval, code of environmental compliance or other type of environmental approval, or may arise under the general environmental duty<sup>5</sup>. General environmental duty applies to all persons, and imposes an obligation not to carry out any activity that causes or is likely to cause environmental harm unless we take all reasonable and practicable measures to prevent or minimise the harm.

Actions taken at an early stage in response to an incident may result in the environmental harm falling short of the threshold at which it would be considered to have caused or threatened serious or material environmental harm.

### **When is notification not required?**

The duty to notify does not apply to an event that is authorised under the Act. 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 development condition of a development approval; or
- a prescribed condition for carrying out a small scale mining activity; or
- an emergency direction; or
- an accredited environmental risk management plan.<sup>6</sup>

### **Who has a duty to notify?**

The Act sets out obligations on the following persons to give notification of an event **within 24 hours** after becoming aware of the event:

- particular employees;
- employers;
- other persons;

---

<sup>5</sup> Section 319 of the *Environmental Protection Act 1994*.

<sup>6</sup> Section 320A(4) of the *Environmental Protection Act 1994*.

## The duty to notify of environmental harm

- owners, occupiers or auditors (for the purposes of a contaminated land event); or
- local governments.

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 an event 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.

**Note:** the duty to notify of an environmental harm event still applies to persons who are:

- holders of environmental authorities;
- operating under a registration certificate, development approval or environmental code of compliance;
- carrying out an activity for which an environmental approval is not required.

A condition of an environmental authority, development approval, code of environmental compliance or other type of environmental approval may include a separate requirement to notify the department in certain circumstances. This is separate, and in addition to, the duty to notify. An approval condition that requires the operator to notify the department will generally be more prescriptive and may require different information to be provided to that required under the duty to notify.

### Particular employees<sup>7</sup>

Who	When does the duty to notify arise?
Particular employees	<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"> <li>• notify their employer of the event, its nature, and the circumstances in which it happened; or</li> <li>• if the employer cannot be contacted, give the department written notice of the event, its nature and the circumstances in which it happened.</li> </ul>

#### 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 of the material and volume lost 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.

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

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.

### Employers<sup>8</sup>

Who	When does the duty to notify arise?
Employer	After an employer has been informed of a notifiable event, the employer must,

<sup>7</sup> Section 320B of the *Environmental Protection Act 1994*.

<sup>8</sup> Section 320D of the *Environmental Protection Act 1994*.

The duty to notify of environmental harm

	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"> <li>• an occupier of the affected land; or</li> <li>• any registered owner of the affect land.</li> </ul>
	A person must give public notice of the event, its nature, and the circumstances in which it happened to person son the affected land.

**Example:**

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.

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 as soon as possible.

The employer will need to determine the best way to notify the owners or occupiers who may be affected by the event. The employer would need to consider many factors, including the scope of the spill, the area of the spill and the owners and occupiers who are likely to be affected, and the nature of the material that was lost.

**Other persons<sup>9</sup>**

“Other” persons are deemed to be a person not carrying out the primary activity during the course of employment or engagement by, or as the agent of, someone else.

Who	When does the duty to notify arise?
Other persons	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.
	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: <ul style="list-style-type: none"> <li>• any occupier of the affected land; or</li> <li>• any registered owner of the affected land.</li> </ul>
	A person must give public notice of the event, its nature, and the circumstances in which it happened to persons on the affected land <sup>10</sup> if written notice is unable to be given.

<sup>9</sup> Section 320C of the *Environmental Protection Act 1994*.

<sup>10</sup> Section 320C(3)(b) of the *Environmental Protection Act 1994*.

## The duty to notify of environmental harm

**Owner, occupier or auditor<sup>11</sup>**

Who	When does the duty to notify arise?
Owner, occupier or auditor	An owner, occupier or auditor must, within 24 hours after becoming aware of the happening of an event, 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.
	Within 20 business days after becoming aware that a notifiable activity has been, or is being carried out on the contaminated land, that is causing, or is likely to cause, serious or material environmental harm, give the department written notice of the activity, unless the person has a reasonable excuse.

The written notice must state the nature of the event or change in condition, and the circumstances in which the event or change happened.

**Local government<sup>12</sup>**

Who	When does the duty to notify arise?
Local government	A local government must, within 20 business days, after becoming aware that a notifiable activity has been, or is being, carried out on land in the local government area, that is causing, or is reasonably likely to cause, serious or material environmental harm, give the department written notice of the activity.
	<p>Within 24 hours after becoming aware of a notifiable event, or the change in condition of contaminated land in the local government area, that is causing, or is likely to cause, serious or material environmental harm, give the department written notice of:</p> <ul style="list-style-type: none"> <li>• the nature of the event or change in the condition; and</li> <li>• the circumstances in which the event or change happened or is happening.</li> </ul>

**Example:**

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 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 event, the local government has a duty to notify the department in writing within 20 business days.

**Notice to occupiers of affected land<sup>13</sup>**

Where the notifiable event occurs on the person's own land and does not spread beyond that land, there will be no owners or occupiers to notify. Where the notifiable event occurs on land which is not owned by the person, or spreads beyond the boundary of that land, there will be owners or occupiers to notify. The intention of notice is

<sup>11</sup> Section 320DA of the *Environmental Protection Act 1994*.

<sup>12</sup> Section 320DB of the *Environmental Protection Act 1994*.

<sup>13</sup> Section 320E of the *Environmental Protection Act 1994*.

## The duty to notify of environmental harm

---

to ensure persons likely to be exposed to any adverse impacts of a notifiable event have adequate time to respond to the event. The ways in which a person or employer may give written notice to an occupier of affected land is not limited. However, a person or employer is taken to have given written notice to an occupier of affected land if the notice is:

- 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 occupiers of affected land may be, it is appropriate to give public notice.

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, the duty to notify the department and the owners or occupiers 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 employer 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 notices and radio or television broadcasts, to provide notice to the widest possible audience in the shortest possible timeframe.

**Notice to the department**

The standard form - [Duty to Notify of Environmental Harm](#) may be used for providing written notice to the department. 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 required by law, however providing the information specified in the template will assist person's giving notice, to meet the requirements of the Act.

Where a decision is made to give public notice, the notice should, as a minimum, contain the same information as required in a written notice.

## Penalties for failing to notify

Penalties exist for failing to notify as follows:

Offence	Max Penalty
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 an event or change in the condition of the land	500 penalty units

As an alternative to prosecution, and in accordance with the department's [enforcement guidelines](#) the department may issue a penalty infringement notice (PIN) for the offence of contravening a clean-up notice.

The State Penalties Enforcement Regulation 2014 prescribes the number of penalty units for an offence. Section 3 of the Penalties and Sentences Regulation 2015 prescribes the monetary value of a penalty unit.

## 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 is a legal point to be decided by a Judge or Magistrate. It will depend on the circumstances and facts of each case and will be considered on a case by case basis. A concern that notification might tend to incriminate the person is not a reasonable excuse for not complying with the duty to notify.

### 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.

Where harm was threatened, however the person was able to quickly take action to remove the threat of the harm before any harm was actually caused. This too may amount to a reasonable excuse.

## Defence for failing to notify owners or occupiers<sup>14</sup>

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

<sup>14</sup> Section 320F of the *Environmental Protection Act 1994*.

### **A written notice cannot be used as evidence in court proceedings**

A written notice given by a person or employer is not admissible as evidence against the person or employer 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 or employer 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:

1. To notify the department of the happening of an event or a change in the condition of the land (including contaminated land), submit written notification to the department by:
  - Email: <pollutionhotline@ehp.qld.gov.au>      Include **“Duty to notify of environmental harm”** in the subject line and include details of the event, its nature and the circumstances in which the event happened or attach a completed copy of the *Duty to Notify of Environmental Harm* notice (EM468)
  - Fax: (07) 3330 5875
2. By way of registered post, provide written notice including details of the event, its nature and the circumstances in which the event happened or a completed copy of the form - [Duty to Notify of Environmental Harm](#) to:
  - Permit and Licence Management
  - Department of Environment and Heritage Protection
  - GPO Box 2454
  - Brisbane QLD 4001

## 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.

**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 (\$5000), but less than the maximum amount (\$50,000); or
- that results in costs of more than the threshold amount (\$5000) but less than the maximum amount (\$50,000) being incurred in taking appropriate action to:
  - prevent or minimise the harm; and
  - rehabilitate or restore environment to its condition before the harm.

**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;
- that causes actual or potential loss or damage to property of an amount of, or amounts totalling, more than the threshold amount (\$50,000); or
- that results in costs of more than the threshold amount (\$50,000) being incurred in taking appropriate action to:
  - prevent or minimise harm; and
  - rehabilitate or restore the environment to its condition before harm.

**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 at section 107 of the Act.

**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 Heritage Protection 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.

**Approved by:**

Kathrin Sherman  
Director, Strategic Compliance  
Department of Environment and Heritage Protection  
Date: 4 December 2015

**Enquiries:**

Permit and Licence Management  
Ph: 13 QGOV (13 74 68)  
Fax: (07) 3330 5875  
Email: [palm@ehp.qld.gov.au](mailto:palm@ehp.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.



## Appendix D: Duty to Notify Form

# Notice

## Environmental Protection Act 1994

### Duty to notify of environmental harm

This form is to be used for notifying the administering authority about events or changes in condition of land causing or threatening serious or material environmental harm, in accordance with the duty to notify provisions contained in sections 320 to 320G, Chapter 7 Part 1 of the Environmental Protection Act 1994 (the EP Act).

This Notice should be completed having regard to the guidance in:

- Guideline: The duty to notify of environmental harm (ESR/2016/2271)
- Guideline: The duty to notify for contaminated land (ESR/2016/2155)<sup>1</sup>

The details provided should address the nature of the event or change in condition as relevant. The notice 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.

If a notice is being given with respect to a notifiable activity, the Template for giving written notice about a notifiable activity (ESR/2015/1845) should be used. Circumstances could arise in which notice of a related event or change in condition of land also needs to be provided.

#### Office use only

Date entered in Ecotrack:		Relevant regional manager:	
Ecotrack reference number:		Date sent to regional manager:	
Relevant regional area:		Officer actioning this item:	

#### 1. Person giving notice

NAME	TELEPHONE (BUSINESS HOURS )
	TELEPHONE (AFTER HOURS )
COMPANY/ORGANISATION NAME (IF APPLICABLE)	
POSITION IN COMPANY/ORGANISATION (IF APPLICABLE)	
POSTAL ADDRESS	

<sup>1</sup> Guidelines area available at [www.qld.gov.au](http://www.qld.gov.au) using the publication number as a search term.

EMAIL	FACSIMILE
-------	-----------

**2. Who is giving notice about an event or change of condition**

**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
- Other (specify)

**2.2. Please provide details of your involvement**

For example, what is your involvement as an employer or employee or as a representative of a local government?

**3. Details of the affected land where the event or change in condition has occurred**

**3.1. Please provide details of the lot and plan description at which the event or change in condition has taken place (and full street address if available).**

NAME BY WHICH THE PROPERTY IS KNOWN	
FULL STREET ADDRESS OF THE SITE	
ANY OTHER INFORMATION THAT WILL ASSIST IN QUICKLY LOCATING THE LOCATION WHERE AN EVENT OR ACTIVITY HAS OCCURED	
LOT(S)	PLAN(S)
GRID REFERENCES NORTHING	EASTING
LOCAL GOVERNMENT AUTHORITY	

**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 origin of contamination or area harmed or both?**

Is the affected land (as described above) the land on which the contamination originated, caused harm (impacts) or both?

Origin       Harmed       Both

**4. Activity that has led to the event or change in condition**

**4.1. Nature of activity**

- Is the activity a notifiable activity listed under Schedule 3 of the EP Act (if it is then use the template ESR/2015/1845) or another activity that has caused or may cause serious or material environmental harm?  Notifiable       Other
- Is the activity a resource activity?  Yes       No
- Is the activity currently occurring or did it occur previously?  Current       Previous

**4.2. Describe the nature of the activity**

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

**4.3. State whether the primary activity that led to the event was being carried out under:**

- an environmental protection policy  Yes
- a transitional environmental program  Yes
- an environmental protection order  Yes
- an environmental authority (use ESR/2015/1845)  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 accredited environmental risk management plan  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.**

**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. Nature and circumstances of how event has occurred**

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

**6.1. 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.

**6.2. Provide any additional information that may be relevant to this notification of an event**

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

**6.3. 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 _____ |  |

**6.4. 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 _____      |   |

**6.5. 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 _____         |   |                                       |  |

**6.6. Details of contaminants (if known):**

Substance(s): \_\_\_\_\_  
Quantity: \_\_\_\_\_ Litres/Kilograms/Tonnes/<other>  
Area/extent affected: \_\_\_\_\_ m by \_\_\_\_\_ m

**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                     | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
| • Dispersal of contaminants in groundwater              | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
| • Dispersal of contaminants in surface waters           | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
| • Accumulation of gases or vapour in soil or structures | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
| • Change in surface features (e.g. vegetation)          | <input type="checkbox"/> No | <input type="checkbox"/> Yes |

**7.2. Details of change in the condition of the land**

Describe what the change in condition involves

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

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

--

**7.5. Type of environment affected:**

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

- |   |                                      |                                      |                                     |
|---|--------------------------------------|--------------------------------------|-------------------------------------|
| <input type="checkbox"/> Waterway/drain     | <input type="checkbox"/> Marine      | <input type="checkbox"/> Estuarine   | <input type="checkbox"/> Freshwater |
| <input type="checkbox"/> Land contamination | <input type="checkbox"/> Urban area  | <input type="checkbox"/> Air/fallout | <input type="checkbox"/> Vegetation |
| <input type="checkbox"/> Protected area     | <input type="checkbox"/> Other _____ |                                      |                                     |

**8. How and when did you become aware of the event or change of condition**

**8.1. What was the source of information about the event or change in condition**

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

**8.2. When did you first became aware of the event or change in condition for which notice is given**

TIME	DATE
------	------

**9. 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.

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

- No
- Yes (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	TELEPHONE
POSTAL ADDRESS	
DESCRIPTION OF HOW NOTICE WAS GIVEN	

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

## 10. 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 application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

NOTIFYING PERSON'S SIGNATURE	TIME / DATE
------------------------------	-------------

## 11. Sending the written notice

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

**Pollution hotline 13000 130 372**

**AND** written notification via email, fax or registered post:

**Email:** <pollutionhotline@ehp.qld.gov.au>

**Fax:** (07) 33330 5875

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

**Registered post:**

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

## 12. 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.

## 13. Further information

The latest version of this publication is available at [www.qld.gov.au](http://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 Heritage Protection (EHP) will use the personal information collected on this form to investigate an incident that potentially caused or threatened to cause serious or material environmental harm, as provided for under ss. 320 -320G of the *Environmental Protection Act 1994*. The information will only be accessed by authorised employees within EHP. The information provided on this form will not be otherwise be used or disclosed unless required or authorised by law. For information about privacy matters email: For queries about privacy matters email: [privacy@ehp.qld.gov.au](mailto:privacy@ehp.qld.gov.au) or telephone: (07) 3330 6270.