*Environmental Protection Act 1994*

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| **OFFICIAL USE ONLY**  DATE RECEIVED   |  |  |  | | --- | --- | --- | |  |  |  |   FILE REF   |  | | --- | |  |   PROJECT REF   |  | | --- | |  |   COMPLETE FORM CORRECT AA  ENTERED BY [SIGNATURE]   |  | | --- | |  |   DATE   |  |  |  | | --- | --- | --- | |  |  |  |   Further information, related to contaminated land can be found on the DES website <www.des.qld.gov.au>. | **Landowner submission about notifiable activity or land contamination** | | | |
| This form is provided for the owner of land who has received a *show cause notice* under section 375(1) of the *Environmental Protection Act 1994* (EP Act) about the proposal to include particulars of the land in the Environmental Management Register (EMR).  This form may be used to make a submission under section 376 of the EP Act about whether or not the land the subject of the show cause noticehas been, or is being used, for a notifiable activity or is contaminated land. Only the land owner, or a person(s) with authority to act on their behalf, can make the submission.  The administering authority considers the information provided in the submission when deciding, under section 377 of the EP Act, whether the land must be recorded in the EMR.  For the submission to be considered, the landowner must complete and forward this form to the administering authority by the day stated in the show cause notice, in accordance with section 376(1) of the EP Act.  The submission must be accompanied by—   1. a written declaration by the owner that the owner—    1. has not knowingly included any false or misleading information in the submission; and    2. has given all relevant information to the authority 2. if an investigation of the land has been conducted—a copy of the report prepared about the investigation mentioned in section 375(4) of the EP Act 3. a copy of the show cause notice. | | | |
| **1. Details of the person making the submission**  Please ensure that this information is correct and current.  If you are not the landowner, you must have authority to act on behalf of the landowner in this matter. Also, you must attach evidence, such as a letter of authority from the landowner.  For Company/Organisation, write ‘Not applicable’ if operating under your own name. | | 1. **Details of the person making the submission**   I am the owner of the land to which this submission relates.  I am the person with authority to act on behalf of the landowner in this matter (attach evidence of that authority).   |  |  |  | | --- | --- | --- | | Name | | Title | | Company/Organisation | | | | Position | | | | Registered address | | | | Postal address (write ‘As above’ if the same as registered address) | | | | Telephone (business) | Fax | | | Mobile: | | | | Email (business) | | | | |
| **2. Lot on plan**  The EMR uses the Lot on plan system to register and manage land entered on the database.  The Lot on plan can be obtained from the land title certificate, rates notice or your local government  List all Lots on plan referred to in the show cause notice, and any other(s) that comprise the site.  **Local government**  The local government is the site’s local council. | | 1. **Site details**   Please provide details of the land subject to the show cause notice, including the street address and Lot on plan.   |  |  | | --- | --- | | Full street address of the site | | | Lotnumber | Plan reference | |  |  | |  |  | | Local government for the location of the land subject of the show cause notice. | | |
| **3. Mortgagee**  After your submission has been considered, the department may be legally required to send a copy of the notice of decision to any registered mortgagee. You must provide sufficient contact details of any mortgagee to enable the department to deliver a copy of the notice of decision. | | 1. **Mortgagee**   Is there a registered mortgagee of the land?  Yes  No  If you ticked Yes, you must provide details in the box below of any registered mortgagee of the land subject to the show cause notice.   |  |  |  | | --- | --- | --- | | Name | | Title | | Company/Organisation | | | | Postal address | | | | Telephone (business) | Fax | | | Email (business) | | | |
| **4. Reason for the submission**  Please provide as much information as possible to support your submission. This information is used by the administering authority to determine whether your land should be included on the EMR.  Specifically address the notifiable activity and/or hazardous contaminant listed on the show cause notice.  Also, include any notifiable activity or contamination that you know about but which is not listed on the show cause notice. | | 1. **Reason for the submission**    * 1. Why are you making this submission?   I believe the land should not be included in the EMR.  I believe the grounds stated in the show cause notice are incorrect, and I wish to provide more information.  For the following reason:   * + 1. Has the land the subject of the show cause notice been used, or is it being used, for a notifiable activity (tick one box)?   The land is not, and has not been, used for a notifiable activity.  The land has been, but is no longer, used for a notifiable activity.  The land is being used for one or more notifiable activity, but not in the way stated in the show cause notice.   * + 1. Is the land the subject of the show cause notice contaminated?   The land is not contaminated.  The land is contaminated.  Provide evidence and supporting information as requested in section 5. |
| **5. Evidence and supporting information**  Please provide as much information as possible to support your submission. This information will be used by the administering authority to determine whether your land should be included on the EMR. | | 1. **Evidence and supporting information**   You must provide evidence to support your submission.   1. **Notifiable activities**   In the table below, list any activity that is, or has been, carried out at the site that might be a notifiable activity if it is above a threshold listed in Schedule 3 of the EP Act. Include the level of activity.   |  |  | | --- | --- | | **Notifiable Activity** | **Level of activity (e.g. amount stored, disposed of, or used)** | |  |  |   Provide evidence related to any relevant activities that are being, or have been, carriedout on the land the subject of the show cause notice. For example, a past or current environmental authority for an environmentally relevant activity (ERA); a licence issued under the Flammable and Combustible Liquids Regulation 1994*;* photographs of the site; etc.  Compare the level of activity to the thresholds listed in Schedule 3 of the EP Act, and comment in the box below whether any are above the threshold to be a notifiable activity. Alternatively, attach a separate report about any or all notifiable activity at the site, and provide the title of the report in the box below.   |  | | --- | |  |  1. **Investigation of the land**   Have any investigations, such as a contaminated land investigation, been undertaken of the land at the site?  Yes  No  If any investigation has been undertaken, you are legally required under s. 376(2)(b) of the EP Act to provide a copy of the report with this submission.   1. **Any other evidence or information**   You are required under s. 376(2)(a) of the EP Act to declare that you have given all relevant information to the authority, and have not knowingly included any false or misleading information in the submission. See section 6 of this form for the declaration. Is there any other relevant evidence or information to support your submission?  Yes  No  If you ticked Yes, you must attach the evidence or information to this submission.  Provide a list of all attachments. |
| **6. Required declaration**  Section 375 of the EP Act requires that submissions be accompanied by a declaration from the landowner, or a person with authority to act on their behalf.  **Important information:**  The administering authority cannot consider the submission unless you complete the declaration. | | 1. **Declaration**   ***Environmental Protection Act 1994***  I  of  do declare that:   * I have not knowingly included any false or misleading information in the submission. * I have given all relevant information to the authority.   And I make this declaration conscientiously believing the same to be true, and by virtue of the provisions of section 375(2)(e) of the *Environmental Protection Act 1994*.   |  | | --- | | **Signature of declarant** | | **Date:** | |
| **7. Submitting this form** | | 1. **Submitting this form**   **Forward this form to:**  The Registry  Contaminated Land Unit  Department of Environment and Science  GPO Box 2454  BRISBANE QLD 4001  phone 13 QGOV (13 74 68)  email: [emr.clr.registry@des.qld.gov.au](mailto:emr.clr.registry@des.qld.gov.au)  website: <www.des.qld.gov.au>. |
| **Privacy statement**  The Department of Environmental and Science is committed to protecting the privacy, accuracy and security of your personal information in accordance with the *Information Privacy Act* 2009. Your personal information will be accessed only by authorised personnel for the purposes of considering the submission, as authorised by section 376 of the *Environmental Protection Act* 1994. Your personal information will not be given to any other person or agency unless authorised or required by law. All information supplied on this form may be disclosed publicly in accordance with the *Right to Information Act* 2009 and *Evidence Act* 1977. For queries about privacy matters email: [AdminReview@des.qld.gov.au](mailto:AdminReview@des.qld.gov.au) or phone 13 QGOV (13 74 68). | | 1. **What happens next?**   You will receive a notice about the decision stating whether or not your land is to be included in the EMR. The notice will be given to you within five (5) business days of the administering authority making the decision. The notice will state the reasons for the decision, and your review and appeal rights.  A copy of the notice will also be given to the relevant local government as required by s. 378(b) of the EP Act.  If the decision is to record particulars of the land in the contaminated land register, a copy of the notice will also be given any registered mortgagee of the land as required by s. 378(c) of the EP Act. |