

APPENDIX F
SECTION 143 NOTICE TEMPLATE FOR LANDOWNERS



ORIGINAL: TO BE COMPLETED BY LANDOWNER AND GIVEN TO WASTE TRANSPORTER OR DISPLAYED AT WASTE FACILITY

APPROVED NOTICE UNDER SECTION 143

PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

WARNING: If you sign this notice it could be used as a defence by a transporter if they deposit waste on your land. It does not give you a defence. It is an offence to provide false or misleading information about waste (section 144AA)

I (full name)

am the owner and/or occupier (delete if not applicable) of (insert street address and/or folio identification number of place):

.....
.....

certify that this place can lawfully be used as a waste facility for the **waste(s) specified** in the following table.

(Note: you must clearly state the exact type. Do not use terms like 'fill' or 'clean fill'.)

Table of specified wastes

Type of waste e.g. virgin excavated natural material	Classification of waste e.g. general solid waste	Amount of waste e.g. 50 tonnes
.....
.....
.....
.....

Before signing this notice you should read the back of this form for important information about offences.

Signature	Signature
Name	Name
Position title (e.g. director, owner, occupier)	Position title (e.g. director, owner, occupier)
ACN	ACN
Date	Date

Note that only one signature is required if the person signing this notice is **not** signing on behalf of a company.



Lawful authority to use place as waste facility for the specified waste

The place can lawfully be used for the types of waste described in the notice **because** (Delete whichever is not applicable):

A. This use is permitted by EPA licence number:

Or

An EPA licence is not required (for example, a resource recovery exemption may apply)

And because (Delete whichever is not applicable):

B. The place has consent or approval under the *Environmental Planning and Assessment Act 1979* for the uses described in the table above.

Or

The place can be used as a waste facility without consent or approval under the *Environmental Planning and Assessment Act 1979*.

The use(s) for the waste at the place are:

Land owners and occupiers should note that it is an offence to use land as a waste facility without lawful authority, see section 144 of the *Protection of the Environment Operations Act 1997* (POEO Act). It is also an offence to carry out an activity listed in Schedule 1 to the POEO Act without an Environment Protection Licence when one is required (see section 48). Offences carry a maximum penalty of \$250,000 for an individual and \$1,000,000 for a corporation. In the case of a continuing offence, a further penalty applies for each day the offence continues, being \$60,000 for an individual and \$120,000 for a corporation.

Regardless of this notice, any person who carries out any development or activity on land involving waste must ensure they comply with any planning requirements including obtaining any planning consent or approval and complying with any conditions attached to that consent or approval

Information about this notice

Waste is a very broad concept under the law and covers many types of materials you may not think of as waste; for example, it covers waste tyres, building and demolition materials and virgin excavated natural material.

Under the POEO Act, a waste facility includes any premises used for storage, treatment, processing, sorting or disposal of waste. For example, if you are planning to build a road or dam, or fill a gully, this could involve using your place as a waste facility.

Section 143 of the POEO Act makes it an offence to transport waste to a place that cannot lawfully be used as a waste facility for that waste. The notice above is the approved notice under section 143 (3A) of the POEO Act. If you sign this notice it may be used as a defence by a transporter if they are charged with unlawfully transporting or depositing waste on your land. It does not give you a defence to using your land as a waste facility without lawful authority.

If you sign this notice, you should give it to the transporter or display it at the waste facility. The transporter should keep the original and you should keep a copy.

If the landowner or occupier signing this notice is a company, the full name of the company and ACN should be used and the notice must be executed in accordance with the Corporations Law.

If you operate an unlicensed landfill site for business or commercial purposes you should contact the EPA to discuss reporting and operating requirements.

If you are not sure if you require an EPA licence you can ring the Environment Line on 131 555.

You are likely to need development consent to use your land as a waste facility. If you are not sure if you require development consent you should contact your local council.



COPY: TO BE KEPT BY LANDOWNER AND KEPT FOR RECORDS

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