

Notice

Environmental Protection Act 1994

Decision to accept an Enforceable Undertaking

This notice is issued by the administering authority pursuant to sections 507 of the Environmental Protection Act 1994 to advise of a decision made on an enforceable undertaking.

Heidelberg Materials Australia Pty Ltd
ACN 009 679 734
Level 14, 35 Clarence Street
SYDNEY NSW 2000

CC: Heidelberg Materials Australia Pty Ltd
PO Box 804
NUNDAH QLD 4012

18 December 2024

Take notice: that under the provisions of the *Environmental Protection Act 1994*, this decision notice advises of the administering authority's decision to accept the application for an Enforceable Undertaking (EU) made by Heidelberg Materials Australia Pty Ltd on 18 December 2024. The administering authority is the Chief Executive of the Department of the Environment, Tourism, Science and Innovation (the department).

A. Application and enforceable undertaking details

On 1 October 2024, the department received an application for an EU from Heidelberg Materials Australia Pty Ltd.

On 18 December 2024, the department received a signed EU from Heidelberg Materials Australia Pty Ltd.

B. Material considered by the department in making the decision

In making the decision, the department had before it;

- a. *Environmental Protection Act 1994*;
- b. *Application Form – Enforceable Undertaking* dated 1 October 2024;
- c. *Various* correspondence between Heidelberg Materials Australia Pty Ltd and the department relating to the terms of the EU;
- d. *Guideline for Enforceable Undertakings under the Environmental Protection Act 1994* (ESR/2016/2272); and
- e. *Department of Environment, Science and Innovation Enforcement Guidelines* (ESR/2021/5549).

C. Application of legislation to the decision

Section 507 of the *Environmental Protection Act 1994* provides that:

- a. the administering authority may accept a written undertaking (Enforceable Undertaking) made by a person in relation to a contravention or alleged contravention by the person of the *Environmental Protection Act 1994*, other than an indictable offence; and
- b. the administering authority must give the person written notice of the administering authority's decision to accept or reject the EU, and the reasons for the decision.

D. Decision

The administering authority has decided to accept the application for an EU made by Heidelberg Materials Australia Pty Ltd. A signed copy of the accepted EU is attached to this decision notice.

E. Reasons for the decision

The administering authority reasonably believes that the EU will:

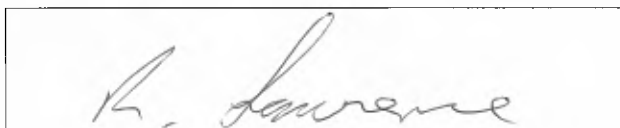
- i. secure compliance with the *Environmental Protection Act 1994*; and
- ii. enhance the protection of the environment.

F. Additional information

Obligations under the *Environmental Protection Act 1994*

In addition to the requirements of the EU and the conditions imposed, you must also meet your obligations under the *Environmental Protection Act 1994*, and the regulations made under the *Environmental Protection Act 1994*. For example:

- you must comply with the following provisions of the Act:
 - general environmental duty (section 319); and
 - duty to notify of environmental harm (sections 320 - 320G);
- you must also ensure that you do not commit offences in relation to the *Environmental Protection Act 1994*, including but not limited to, the following:
 - causing serious or material environmental harm (sections 437 - 439);
 - causing environmental nuisance (section 440);
 - depositing prescribed water contaminants in waters and related matters (section 440ZG); and
 - placing a contaminant where environmental harm or nuisance may be caused (section 443)



Signature

Rob Lawrence
Delegate of the Chief Executive
Department of Environment, Science and Innovation
Environmental Protection Act 1994

18 December 2024

Date

Enquiries:
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