

Notice

Environmental Protection Act 1994

Environmental Protection Order

This environmental protection order is issued by the administering authority pursuant to section 358 of the Environmental Protection Act 1994.

AMH (Chinchilla Coal) Pty Ltd (ACN 124 649 216)
Darling Park Tower 2
Level 18
201 Sussex Street
Sydney NSW 2000

Your reference: EPVX00312113

Our reference: C-CPLRC-100019251

11 September 2020

Dear Directors

Take notice: that under the *Environmental Protection Act 1994* (the Act) this environmental protection order (EPO) is issued to AMH (Chinchilla Coal) Pty Ltd (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Science (the department).

The EPO is issued in respect to the activities of AMH (Chinchilla Coal) Pty Ltd on land described as exploration permit for coal (EPC) 873 (the premises).

A. Grounds

This EPO is issued on the following grounds:

- To secure compliance with condition PG4 of environmental authority EPVX00312113 (the EA)

Condition PG4

The environmental authority holder must comply with each of the Standard Environmental Conditions contained in the Code for Environmental Compliance for exploration and mineral development projects, except condition 13 which is replaced by the conditions of this authority.

The facts and circumstances forming the basis for these grounds are:

- a) You hold EA EPVX00312113.
- b) The EA authorises the following activity at the premises:
 - Non-scheduled mining activity exploration permit coal – EPC.
- c) Condition PG4 states: *The environmental authority holder must comply with each of the Standard Environmental Conditions contained in the Code for Environmental Compliance for exploration and mineral development projects, except condition 13 which is replaced by the conditions of this authority.*
- d) Condition 29 of the Code for Environmental Compliance for exploration and mineral development projects, January 2001, version 0, (the Code) states:
 - *The holder of the environmental authority must decommission all non-artesian drill holes, apart from those still required for monitoring purposes as soon as practical, but no later than 6 months after the hole was drilled by undertaking the following actions:*
 - *Where practical dispose of all unused drill chips to the hole or to a sump pit; and;*
 - *Cap the hole at a depth that is appropriate for the previous land use of the area (unless the landowner stipulates a future use which requires the cap to be placed deeper); and*
 - *Backfill the hole above the cap with soil or material similar to the surrounding soil or material.*
- e) The exploration tenure has been continuously held by you since 31 October 2007 and is currently held by you.
- f) Between Saturday 25 July 2020 and Monday 17 August 2020, the department was advised by landholders on the property “Laguna” located at Nothdurfts Road, Greenswamp, Chinchilla (Lot 2 of Plan RP160500) that water and gas was seeping from four (4) abandoned coal exploration boreholes identified as FM0011, FMC0017, FM0008 and FM0009.
- g) The department understands that bore rectification works have since been conducted by Australia Pacific LNG Pty Limited (APLNG), and these bores are no longer releasing water and/or gas.
- h) On Friday 14 August 2020 and Monday 17 August 2020, the department was advised by the landholders on the property “Lallalindi” located at 653 Greenswamp Road, Greenswamp, Chinchilla (Lot 88 of Plan LY107) of an additional two (2) abandoned coal exploration bore holes identified as FM0012 and FM0014 expressing water and gas.
- i) On 18 August 2020, Department of Natural Resources, Mines and Energy (DNRME) and departmental officers inspected two coal exploration boreholes on the “Lallalindi” property. Departmental officers observed one bore hole (FM0012) was not expressing water, and the second bore hole (FM0014) was expressing gas and water at a low rate and seeping into a small farm dam approximately 70 meters to the east.
- j) In-situ sampling was conducted by departmental officers at the bore hole FM0014 reporting an electrical conductivity of 9500 µS/cm.
- k) The department considers that you have contravened Condition PG4 of the EA by failing to comply with the Code, specifically condition 29, by failing to decommission all non-artesian drill holes.

- l) The decommissioning of drill holes is to ensure the landform is returned to a safe, stable and non-polluting state consistent with the surrounding land use and that this condition can be certified on surrender.
- m) In consideration of the facts and circumstances detailed in this notice, an Environmental Protection Order (EPO) is issued to you under section 358 of the *Environmental Protection Act 1994* to secure compliance with the conditions of the EA.

B. Requirements

In accordance with this EPO, you are required to do the following:

Requirement 1:

On or before **9 October 2020**, you must decommission bore holes identified as FM0012 and FM0014 as per condition 29 of the Code for Environmental Compliance for exploration and mineral development projects, January 2001, version 0. The use of machinery to conduct decommissioning works is permitted within 100m of endangered regional ecosystems for the purposes of decommissioning bore holes FM0012 and FM0014.

Requirement 2:

On or before **9 October 2020**, you must provide records to the department to demonstrate that the bores have been decommissioned as per condition 29 of the Code.

The records must be provided via email to Southwest.ES@des.qld.gov.au.

Requirement 3:

On or before **12 October 2020**, you must submit to the department a shapefile as per the department's Guideline Spatial information submission, ESR/2018/4337, Version 3.01, effective 1 November 2019, displaying the following information:

1. Location of all coal exploration bores on EPC 873; and
2. Decommissioning, rehabilitation or conversion status of exploration drilling disturbance resulting from carrying out the exploration activities on EPC 873; and
3. Dates at which the drill holes were decommissioned.

C. Obligations

If you propose to dispose of the place or business to which the EPO relates, you **must** advise the buyer of the existence of this EPO.

If you cease to carry out the activity to which this EPO relates, you **must** give written notice of ceasing to carry out the activity to the department within 10 days of ceasing the activity.

Take notice:

- the requirements of this order take effect immediately upon service of the order.
- failure to comply with this order is an offence under the Act.
- this order remains in force until further notice from the administering authority.

D. Penalty

Failure to comply with an EPO is an offence.

- The maximum penalty for an individual for wilfully contravening an EPO is 6250 penalty units, totalling \$834,062.50 or five years imprisonment.
- The maximum penalty for a corporation for wilfully contravening an EPO is 31,250 penalty units, totalling \$4,170,312.50.
- The maximum penalty for an individual for contravening an EPO is 4500 penalty units, totalling \$600,525.
- The maximum penalty for a corporation for contravening an EPO is 22,500 penalty units, totalling \$3,002,625.

Section 3 of the Penalties and Sentences Regulation 2015 prescribes the monetary value of a penalty unit.

E. Reviews and appeals

The provisions regarding review of decisions and appeals may be found in sections 519 to 539 of the Act.

A person who is dissatisfied with certain decisions of the department, may be able to apply to have the department review that original decision.

Generally, a request to have a decision reviewed must be made:

- within 10 business days of the decision being notified to the person;
- be supported by enough information to enable the department to decide the application for review; and
- be made using the application for review of an original decision form (EM709).¹

Where an application has been made for a decision to be reviewed, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review.

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

A person whose interests are or would be adversely affected by a decision of the department may also be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

¹ This is the publication number. The publication number can be used as a search term to find the latest version of a publication at www.des.qld.gov.au.

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For further information about reviews and appeals see the Information sheet - internal review and appeal to the Planning and Environment Court (ESR/2015/1572). You may have other legal rights or obligations and should seek your own legal advice.

Should you have any queries in relation to the notice, please contact Sarah Horton on telephone number (07) 4615 3474.



Signature

11 September 2020

Date

Alisha Stewart
Manager (Compliance) Coal
Delegate of the Chief Executive
Department of Environment and Science
Environmental Protection Act 1994

Enquiries:
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