

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.

Santos Toga Pty Ltd
Ground Floor, Santos Centre
60 Flinders Street
Adelaide SA 5000

Our reference: C-CPLRC-100430512, E-100458375

27/03/2024

Dear Directors

Take notice: that under the *Environmental Protection Act 1994* (the Act) this environmental protection order (EPO) is issued to Santos Toga Pty Ltd (Santos), ACN 077 536 871 (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment, Science and Innovation (the department).

The EPO is issued with respect to the activities of Santos conducted under Environmental Authority (EA) EPPG00928713 on land described as ATP2012, ATP526, PL100, PL1017, PL232, PL233, PL234, PL235, PL236, PL420, PL421, PL440, PL90, PL91, PL92, PL99, PPL76, PPL92 (the premises).

A. Grounds

This EPO is issued on the following grounds:

1. The department requires you to take reasonable measures to secure compliance with the “general environmental duty” pursuant to section 358(d)(i) of the Act. The general environmental duty is detailed in s319 of the Act as follows:

‘A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm (the general environmental duty).’

2. The department requires you to take reasonable measures to secure compliance with the following conditions Environmental Authority EPPG00928713, pursuant to section 358(d)(iii) of the Act:

- (i) Condition H20 which states:

*‘Each regulated structure must be inspected each calendar year by a ¹**suitably qualified and experienced person**’; and*

- (ii) Condition H21 which states:

‘At each annual inspection, the condition and adequacy of all components of the regulated structure must be assessed and a suitably qualified and experienced person must prepare an annual inspection report containing details of the assessment and include a recommendations



section, with any recommended actions to ensure the integrity of the regulated structure or a positive statement that no recommendations are required’.

Note 1. Definition from *EPPG00928713 SCHEDULE L – DEFINITIONS*:

“A **Suitably Qualified and Experienced Person** in relation to regulated structures means a person who is a Registered Professional Engineer of Queensland (RPEQ) under the provisions of the *Professional Engineers Act 2002*, and has demonstrated competency and relevant experience:

- for regulated dams, an RPEQ who is a civil engineer with the required qualifications in dam safety and dam design
- for regulated levees, an RPEQ who is a civil engineer with the required qualifications in the design of flood protection embankments.

Note: It is permissible that a suitably qualified and experienced person obtain subsidiary certification from an RPEQ who has demonstrated competence and relevant experience in either geomechanics, hydraulic design or engineering hydrology”.

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

1. You are the holder of Environmental Authority (EA) EPPG00928713 (the EA) which authorises the operation of regulated structures (dams) associated with your environmentally relevant activities (ERA’s).
2. The department is satisfied that you are the entity operating the regulated dams authorised under the EA and are responsible for the operation and maintenance of the regulated dams.
3. Condition H20 of the EA requires each regulated structure to be inspected each calendar year by a suitably qualified and experienced person (SQEP).
4. Condition H21 of the EA requires, at each annual inspection, the condition and adequacy of all components of the regulated structure must be assessed and a SQEP must prepare an annual inspection report containing details of the assessment and include a recommendations section, with recommended actions to ensure the integrity of the regulated structure or a positive statement that no recommendations are required.
5. The EA states that a “Suitably Qualified and Experienced Person” in relation to regulated structures means a person who is a Registered Professional Engineer of Queensland (RPEQ) under the provisions of the *Professional Engineers Act 2002*, and has demonstrated competency and relevant experience:
 - for regulated dams, an RPEQ who is a civil engineer with the required qualifications in dam safety and dam design.
6. In correspondence to you, dated 29 August 2022 (WARN-E-100240873), the department raised concerns about you not having addressed recommendations of the 2021 annual regulated dam inspection report and about your advice that report recommendations (made by the RPEQ who carried out the annual inspection) can be subject to secondary evaluation against the Santos Risk Matrix. The correspondence to you advised that:
 - I. for all annual regulated dam inspections, commencing with the 2022 annual inspection report, the recommendations section must contain either:
 - (a) actions recommended by the certifying RPEQ that are considered necessary to ensure the integrity of the regulated structure, including an assessment of priority and a recommended timeframe to have completed each recommended action; or
 - (b) a positive statement that no recommendations are required.

NB *The secondary evaluation of RPEQ recommendations (via the Santos Risk Matrix) does not meet the EA requirement for a SQEP to assess the condition and adequacy of regulated structures and to make recommendations based on this assessment.*

7. The department considers that all recommendations of the 2022 annual regulated dam inspection report have been determined by a SQEP to be necessary to ensure the integrity of the relevant regulated dam.
8. On 4 May 2023, you submitted the list of recommendations (and proposed Santos actions) from the report entitled *2022 Annual Inspection Report for Regulated Dams – Eastern QLD*, dated 04 April 2023 (the 2022 inspection report), reference Appendix 1. The list of recommendations included 28 recommended actions for regulated dams authorised under the EA; the majority (>20) of the 2022 inspection report recommendations have been carried forward from both the 2021 and 2020 annual inspection reports, reference Appendix 2.
9. On 24 May 2023 you provided the department with a full copy of the 2022 inspection report; The 2022 inspection report Certification included the following statements:
 - (i) all relevant material relied upon for the 2022 inspection report is provided in the report; and
 - (ii) the 2022 inspection report:
 - identifies whether operation has been undertaken in accordance with the operational plan; and
 - references the operational plan on which a regulated structure performance relies, together with information about the extent to which the regulated structure has been operated in accordance with the operational plan over the last year; and
 - includes any potential implications of non-conformance with the operational plan.
10. According to the 2022 inspection report, you were provided with a draft copy of the report for review on 15 February 2023 and the final 2022 inspection report was issued to you on 4 April 2023.
11. On 10 November 2023, the department issued you with pre-enforcement correspondence requesting you provide a response in relation to potential non-compliance(s) with EA conditions and matters of concern relating to the 2022 regulated dam list of recommendations.
12. On 15 December 2023 you responded to the pre-enforcement letter in writing, including advice that the 2022 inspection report referenced an outdated version of the operational plan and that some of the requirements referenced by the inspecting RPEQ were therefore not applicable at the time of the 2022 annual inspection.
13. In the pre-enforcement response on 15 December 2023, you included a memorandum from Engeny reviewing the adequacy and timing of actions proposed by Santos to address seven (7) of the 2022 inspection report recommendations. The Engeny memorandum advised that the proposed actions are generally appropriate, except in relation to two (2) of the recommendations (for which Engeny provided additional advice in the memorandum).
14. The department has considered the information and commitments provided by you in the pre-enforcement response received 15 December 2023 and the requirements and timeframes of this EPO have been developed with consideration to this.

Potential environmental harm

15. Section 2.1 of the *Manual for assessing consequence categories and hydraulic performance of structures 2016* (the Manual) states all structures associated with operation of an ERA must have their consequence category assessed based on the **potential environmental harm** that would result from the failure event scenarios. A structure is only a regulated structure where the consequence category is assessed as 'significant' or 'high' and requirements of this Notice pertain to regulated structures (dams).
16. s14 of the Act states—

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.

Environmental harm may be caused by an activity—

- a) Whether the harm is a direct or indirect result of the activity; or
 - b) Whether the harm results from the activity alone or from the combined effects of the activity and other activities or factors.
17. s9 of the Act defines **environmental value** as—
- a) A quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or
 - b) Another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.
18. Following the 2020, 2021, and 2022, annual regulated dam inspections, you provided the department with the respective inspection report recommendations and your proposed actions to address the recommendations, the majority of which have not been implemented; that is, a significant number of recurring recommendations, first made following the 2020 annual regulated dam inspection had not been addressed at the time of the 2022 annual inspection.
19. Environmental values potentially impacted are land, water, native vegetation and essential habitat, including regulated vegetation on a defined watercourse, regulated vegetation 100m from a wetland, regulated vegetated on defined watercourses, and wildlife habitat for endangered or vulnerable species.
20. An SQEP (RPEQ) has prepared an annual inspection report (2022 inspection report) which includes recommended actions to ensure the integrity of the regulated structures operated by you.
21. Based on the information set out in facts and circumstances, the department is of the view that you must take all reasonable and practical measures to prevent or minimise the risk of environmental harm associated with operation of regulated dams, in particular you must:
- promptly implement recommendations of the annual regulated structure (dam) report made by the inspecting RPEQ to insure integrity of regulated structures.
 - ensure only a SQEP assesses the condition and adequacy of components of a regulated structure.
22. The department considers that it is appropriate to require you to take reasonable measures to comply with your general environmental duty and secure compliance with your EA conditions, including to complete the actions recommended in the 2022 annual inspection report within the timeframes specified in this Notice.

B. Requirements

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

1. You must complete the actions detailed in Table 1 below of this Notice, within the timeframes specified in Table 1.

NB for some of the recommendations there is an alternative action available in the form of a signed positive statement from the inspecting SQEP, who has carried out an inspection of the regulated structure.

Table 1. List of actions and timeframes under Requirement 1 of this EPO

Regulated Dam (2022 report recommendation No.)	RPEQ Recommendation - 2022 report	EPO Actions and Timeframes
AWAF 1 Feed Buffer Dam		
AWAF 1 Feed Buffer Dam (R-010)	Update Operations and Maintenance Manual to reflect outcomes of seepage investigation and repair works including recommended seepage monitoring requirements and TARPs. Commence recording / reporting of leakage / seepage rate data for inclusion in future annual inspection programs.	<p>By Friday 1 July 2024, you must either: complete all the actions detailed in items (i), (ii) and (iii) below inclusively; or alternatively, complete the actions detailed in item (iv) below:</p> <ul style="list-style-type: none"> (i) Update the current operational plan to reflect outcomes of seepage investigation and repair works including recommended normal operating procedures, seepage monitoring requirements and trigger action response plans (TARPs); and (ii) Have the updated operational plan independently certified by a SQEP; and (iii) commence recording / reporting of leakage / seepage rate data for inclusion in future annual inspection programs; or (iv) provide the department with a signed positive statement, from an inspecting SQEP, which states both of the following: <ul style="list-style-type: none"> (a) it is not necessary to update the current operational plan to reflect outcomes of seepage investigation and repair works to include the recommended seepage monitoring requirements and trigger action response plans (TARPs); and (b) it is not necessary to commence reporting of leakage / seepage rate data for inclusion in future annual inspection reports.
AWAF 1 Feed Buffer Dam (R-008)	Implement strategy to address / manage geomembrane liner integrity issues and potential future leakage through the dam geomembrane liner reporting to the seepage detection pit at AWAF 1 Feed Buffer Dam (i.e. install permanent seepage detection pit return system).	By Friday 27 September 2024 you must install a permanent seepage detection pit return system at the AWAF 1 Feed Buffer Dam.

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Regulated Dam (2022 report recommendation No.)	RPEQ Recommendation - 2022 report	EPO Actions and Timeframes
AWAF 1 Feed Buffer Dam (R-006)	Undertake detailed design / works as required to meet spillway hydraulic performance criteria of the Manual.	By Monday 30 June 2025 , you must have completed the detailed design works required to meet spillway hydraulic performance criteria of the manual; that is, to accommodate the required 1:10 AEP wind wave run-up allowance required by the Manual in addition to the design flood (Engeny, 2022).
AWAF 1 Feed Buffer Dam (R-009)	Repair piping erosion / hole features (x2 locations) located mid downstream batter approximately at location of the seepage pit.	By Monday 26 April 2024 , you must provide Certification from an inspecting SQEP, that the piping erosion / hole features in the AWAF 1 Feed Buffer Dam Embankment have been repaired.
Bottle Tree Brine Dam A		
Bottle Tree Brine Dam A (R-013)	Complete outstanding items contained in interim certification letter and obtain final certification.	By Friday 1 July 2024 you must: <ul style="list-style-type: none"> (i) engage the inspecting SQEP to review the following two (2) documents: <ul style="list-style-type: none"> (a) Golder Technical Memorandum entitled "Santos: Bottle Tree Dam Upgrade - Interim As-constructed certification", Reference No.18111675-011-M-Rev0, dated 12 December 2019 (interim certification); and (b) Golder Technical Memorandum entitled "Santos Bottle Tree Brine Dam As-constructed certification", Project No. 18111675-013-L-Rev0, dated 24 August 2020 (final certification); and (ii) provide a signed statement, stating that: <ul style="list-style-type: none"> (a) outstanding items contained in the interim certification have been completed; and (b) the final certification meets the minimum 'As constructed' certification requirements of the 'Manual for assessing consequence categories and hydraulic performance of structures (ESR/2016/1933)'.
Bottle Tree Brine Dam A (R-014)	Repair detached water level sensor pipe and re-calibrate sensor if required.	By Friday 1 July 2024 you must: <ul style="list-style-type: none"> (i) repair the detached water level sensor pipe; and (ii) re-calibrate the water level sensor if required.
Bottle Tree Brine Dam A (R-016)	Update Operations and Maintenance Manual to reflect recommended seepage monitoring requirements and TARPs. Commence recording / reporting of leakage / seepage rate data for inclusion in future annual inspection programs.	By Friday 1 July 2024 , you must either: complete all the actions detailed in items (i), (ii) and (iii) below inclusively; or alternatively, complete the actions detailed in item (iv) below:

Regulated Dam (2022 report recommendation No.)	RPEQ Recommendation - 2022 report	EPO Actions and Timeframes
		<ul style="list-style-type: none"> (i) Update the current operational plan to reflect outcomes of seepage investigation and repair works including recommended normal operating procedures, seepage monitoring requirements and trigger action response plans (TARPs); and (ii) Have the updated operational plan independently certified by a SQEP; and (iii) commence recording / reporting of leakage / seepage rate data for inclusion in future annual inspection programs; or (iv) provide the department with a signed positive statement, from an inspecting SQEP, which states both of the following: <ul style="list-style-type: none"> (a) it is not necessary to update the current operational plan to reflect outcomes of seepage investigation and repair works to include the recommended seepage monitoring requirements and trigger action response plans (TARPs); and (b) it is not necessary to commence reporting of leakage / seepage rate data for inclusion in future annual inspection reports.
F-HCS-04 Associated Water Dam		
F-HCS-04 Associated Water Dam (R-017)	Install seepage return / monitoring system for leakage sump.	By Friday 1 July 2024 , you must install a seepage return / monitoring system for the seepage detection sump at the F-HCS-04 Associated Water Dam.
F-HCS-04 Associated Water Dam (R-018)	Update Operations and Maintenance Manual to reflect outcomes of seepage investigation and repair works including recommended seepage monitoring requirements and TARPs. Commence recording / reporting of leakage / seepage rate data for inclusion in future annual inspection programs.	<p>By Friday 1 July 2024, you must either: complete all the actions detailed in items (i), (ii) and (iii) below inclusively; or alternatively, complete the actions detailed in item (iv) below:</p> <ul style="list-style-type: none"> (i) Update the current operational plan to reflect outcomes of seepage investigation and repair works including recommended normal operating procedures, seepage monitoring requirements and trigger action response plans (TARPs); and (ii) Have the updated operational plan independently certified by a SQEP; and (iii) commence recording / reporting of leakage / seepage rate data for inclusion in future annual inspection programs; or (iv) provide the department with a signed positive statement, from an inspecting SQEP, which states both of the following: <ul style="list-style-type: none"> (a) it is not necessary to update the current operational plan to reflect outcomes of seepage investigation and repair works to include the recommended seepage monitoring requirements and trigger action response plans (TARPs); and

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Regulated Dam (2022 report recommendation No.)	RPEQ Recommendation - 2022 report	EPO Actions and Timeframes
		(b) it is not necessary to commence reporting of leakage / seepage rate data for inclusion in future annual inspection reports.
F-HCS-04 Remote Brine Pond A		
F-HCS-04 Remote Brine Pond A (R-020)	Update Operations and Maintenance Manual to reflect outcomes of seepage investigation and repair works including recommended seepage monitoring requirements and TARPs. Commence recording / reporting of leakage / seepage rate data for inclusion in future annual inspection programs.	<p>By Friday 1 July 2024, you must either: complete all the actions detailed in items (i), (ii) and (iii) below inclusively; or alternatively, complete the actions detailed in item (iv) below:</p> <ul style="list-style-type: none"> (i) Update the current operational plan to reflect outcomes of seepage investigation and repair works including recommended normal operating procedures, seepage monitoring requirements and trigger action response plans (TARPs); and (ii) Have the updated operational plan independently certified by a SQEP; and (iii) commence recording / reporting of leakage / seepage rate data for inclusion in future annual inspection programs; or (iv) provide the department with a signed positive statement, from an inspecting SQEP, which states both of the following: <ul style="list-style-type: none"> (a) it is not necessary to update the current operational plan to reflect outcomes of seepage investigation and repair works to include the recommended seepage monitoring requirements and trigger action response plans (TARPs); and (b) it is not necessary to commence reporting of leakage / seepage rate data for inclusion in future annual inspection reports.
F-HCS-04 Remote Brine Pond B		
F-HCS-04 Remote Brine Pond B (R-022)	Repair (seal) longitudinal cracks in crest asphalt.	By Friday, 26 April 2024 , you must repair (seal) longitudinal cracks in crest asphalt at F-HCS-04 Remote Brine Pond B.
F-HCS-04 Remote Brine Pond B (R-026)	Undertake works to secure seepage return pipes in correct position.	By Monday 26 April 2024 , you must provide Certification from an inspecting SQEP, that the works required to secure the seepage return pipes in the correct position at the F-HCS-04 Remote Brine Pond B have been completed.
F-HCS-04 Remote Brine Pond B (R-024)	Update Operations and Maintenance Manual to reflect outcomes of seepage investigation and repair works including recommended seepage monitoring requirements and TARPs. Commence recording / reporting of leakage / seepage rate data for inclusion in future annual inspection programs.	<p>By Friday 1 July 2024, you must either: complete all the actions detailed in items (i), (ii) and (iii) below inclusively; or complete the actions detailed in item (iv) below:</p> <ul style="list-style-type: none"> (i) Update the current operational plan to reflect outcomes of seepage investigation and repair works including recommended normal operating procedures, seepage monitoring requirements and trigger action response plans (TARPs); and

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Regulated Dam (2022 report recommendation No.)	RPEQ Recommendation - 2022 report	EPO Actions and Timeframes
		<ul style="list-style-type: none"> (ii) Have the updated operational plan independently certified by a SQEP; and (iii) commence recording / reporting of leakage / seepage rate data for inclusion in future annual inspection programs; or (iv) provide the department with a signed positive statement, from an inspecting SQEP, which states both of the following: <ul style="list-style-type: none"> (a) it is not necessary to update the current operational plan to reflect outcomes of seepage investigation and repair works to include the recommended seepage monitoring requirements and trigger action response plans (TARPs); and (b) it is not necessary to commence reporting of leakage / seepage rate data for inclusion in future annual inspection reports.
F-HCS-04 Remote Brine Pond B (R-023)	Remove detached floating access-egress matting from the dam prior to operating the dam at elevated water levels.	By Friday 27 September 2024 you must remove detached floating access-egress matting from F-HCS-04 Remote Brine Pond B.
F-HCS-04 Remote Brine Pond C		
F-HCS-04 Remote Brine Pond C (R-029)	Undertake works to secure seepage return pipes in correct position, R-029.	By Monday 26 April 2024 , you must provide Certification from an inspecting SQEP, that the works required to secure the seepage return pipes in the correct position at the F-HCS-04 Remote Brine Pond C are complete.
F-HCS-04 Remote Brine Pond C (R-027)	Update Operations and Maintenance Manual to reflect outcomes of seepage investigation and repair works including recommended seepage monitoring requirements and TARPs. Commence recording / reporting of leakage / seepage rate data for inclusion in future annual inspection programs.	By Friday 1 July 2024 , you must either: complete all the actions detailed in items (i), (ii) and (iii) below inclusively; or complete the actions detailed in item (iv) below: <ul style="list-style-type: none"> (i) Update the current operational plan to reflect outcomes of seepage investigation and repair works including recommended normal operating procedures, seepage monitoring requirements and trigger action response plans (TARPs); and (ii) Have the updated operational plan independently certified by a SQEP; and (iii) commence recording / reporting of leakage / seepage rate data for inclusion in future annual inspection programs; or (iv) provide the department with a signed positive statement, from an inspecting SQEP, which states both of the following: <ul style="list-style-type: none"> (a) it is not necessary to update the current operational plan to reflect outcomes of seepage investigation and repair works to include the recommended seepage monitoring requirements and trigger action response plans (TARPs); and

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Regulated Dam (2022 report recommendation No.)	RPEQ Recommendation - 2022 report	EPO Actions and Timeframes
		(b) it is not necessary to commence reporting of leakage / seepage rate data for inclusion in future annual inspection reports.
F-HCS-04 Remote Brine Pond D		
F-HCS-04 Remote Brine Pond D (R-031)	Repair (seal) longitudinal cracks in crest asphalt.	By Friday, 26 April 2024 , you must repair (seal) longitudinal cracks in crest asphalt at F-HCS-04 Remote Brine Pond D.
F-HCS-04 Remote Brine Pond D (R-032)	Update Operations and Maintenance Manual to reflect outcomes of seepage investigation and repair works including recommended seepage monitoring requirements and TARPs. Commence recording / reporting of leakage / seepage rate data for inclusion in future annual inspection programs.	By Friday 1 July 2024 , you must either: complete all the actions detailed in items (i), (ii) and (iii) below inclusively; or alternatively, complete the actions detailed in item (iv) below: (i) Update the current operational plan to reflect outcomes of seepage investigation and repair works including recommended normal operating procedures, seepage monitoring requirements and trigger action response plans (TARPs); and (ii) Have the updated operational plan independently certified by a SQEP; and (iii) commence recording / reporting of leakage / seepage rate data for inclusion in future annual inspection programs; or (iv) provide the department with a signed positive statement, from an inspecting SQEP, which states both of the following: (a) it is not necessary to update the current operational plan to reflect outcomes of seepage investigation and repair works to include the recommended seepage monitoring requirements and trigger action response plans (TARPs); and (b) it is not necessary to commence reporting of leakage / seepage rate data for inclusion in future annual inspection reports.
F-HCS-04 Remote Brine Pond D (R-030)	Remove detached floating access-egress matting from the dam prior to operating the dam at elevated water levels.	By Friday 27 September 2024 you must remove detached floating access-egress matting from F-HCS-04 Remote Brine Pond D.
Mount Kingsley Dam		
Mount Kingsley Dam (R-037)	Repair piping erosion features at multiple locations on embankment crest. (Refer photos for locations).	By Friday 1 July 2024 you must repair the piping erosion features at multiple locations on the Mount Kingsley Dam embankment crest.

2. By **Friday 29 August 2025** you must provide a Final Report to the department via email widebay.esr@des.qld.gov.au summarising the works completed to address the requirements of this Notice, the report must:
- a) Be prepared by an independent SQEP; and
 - b) Be **Certified** by the SQEP: and
 - c) Include a summary of the actions taken to meet the requirements of this Notice. The summary of actions must include the following information for each of the requirements in Table 1:
 - (i) the extent to which the required works have been carried out and;
 - (ii) whether the completed works satisfy the 2022 inspection report recommendation for that action.

Definitions for this Notice:

1. **Certify or Certified or Certification** in relation to the Final Report required under this Notice, has the same meaning as in the EA for any matter other than a design plan, 'as constructed' drawings or an annual report regarding dams; and means:

"a Statutory Declaration by a suitably qualified person or suitably qualified third party accompanying the written document stating:

- The person's qualifications and experience relevant to the function;
- that the person has not knowingly included false, misleading or incomplete information in the document;
- that the person has not knowingly failed to reveal any relevant information or document to the administering authority; that the document addresses the relevant matters for the function and is factually correct; and
- that the opinions expressed in the document are honestly and reasonably held."

NB There are separate specific requirements, under the EA and in the Manual, for certifying the following: a design plan, 'as constructed' drawings, or an annual report regarding dams.

2. A **Suitably Qualified and Experienced Person (SQEP)** in relation to regulated structures has the same meaning as in the EA, which is:

"a person who is a Registered Professional Engineer of Queensland (RPEQ) under the provisions of the Professional Engineers Act 2002, and has demonstrated competency and relevant experience:

- for regulated dams, an RPEQ who is a civil engineer with the required qualifications in dam safety and dam design.
- for regulated levees, an RPEQ who is a civil engineer with the required qualifications in the design of flood protection embankments.

NB It is permissible that a suitably qualified and experienced person obtain subsidiary certification from an RPEQ who has demonstrated competence and relevant experience in either geomechanics, hydraulic design or engineering hydrology."

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

It is important that you know the impact to you personally as an individual or as a corporation for not meeting your obligations.

Failure to comply with an EPO is an offence.

- The maximum penalty for wilfully contravening an EPO is 6250 penalty units, totalling \$ 967,500 or five years imprisonment for an individual or \$ 4,837,500 for a corporation.
- The maximum penalty for contravening an EPO is 4500 penalty units, totalling \$ 696,600 for an individual or \$ 3,483,000 for a corporation.

Failure to provide written notice to the buyer of the existence of the order is an offence.

- The maximum penalty is 50 penalty units, totalling \$ 7,740, for an individual or \$ 38,700 for a corporation.

Failure to provide written notice to the department within 10 business days of ceasing the activity to which an environmental protection order relates is an offence.

- The maximum penalty is 50 penalty units, totalling \$ 7,740 for an individual or \$ 38,700 for a corporation.

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

E. Reviews and appeals

The provisions regarding reviews of decisions and appeals are found in sections 519 to 539 of the Act.

A person who is dissatisfied with an original decision made by the Department of Environment, Science and Innovation (the department) may apply to have that decision internally reviewed.

Information about initiating an appeal in relation to this notice is contained within the [Internal Reviews and Appeals Information Sheet](#) (available at www.qld.gov.au using the publication number ESR /2015/1742 as a search term)

A request for review or appeal is to be made using the approved form '[Application for review of original decision](#)' (available at www.qld.gov.au using the publication number ESR/2015/1573 as a search term).

Applications for reviews are to be sent to Permit and Licence Management, Department of Environment, Science and Innovation: via email at palm@des.qld.gov.au , or by mail to the following address: GPO. Box 2454, Brisbane, QLD, 4001.

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 to 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 be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

You may have other legal rights or obligations and should seek your own legal advice.

Pursuant to section 540 of the Act, the department is required to maintain a register of certain documents and information authorised under the Act. A copy of this document will be kept on the public register. The register is available for inspection by members of the public who are able take extracts, or copies of the documents from the register. Documents that are required to be kept on the register are published in their entirety, unless alteration is required by the Act. There is no general discretion allowing the department to withhold documents or information required to be kept on the public register. For more information on the department's public register, search 'public register' at www.qld.gov.au. For queries about privacy matters please email privacy@des.qld.gov.au or telephone 13 74 68.

Should you have any queries in relation to the notice, please contact Carol Hardy, Senior Environmental Officer of the Maryborough Compliance Centre on 07 4302 8589 telephone number.



Signature

27 March 2024

Date

Dayna Claybourn

Manager Compliance

Delegate of the Chief Executive

Department of Environment, Science and Innovation

Environmental Protection Act 1994

Enquiries: Carol Hardy

COMPLIANCE CENTRE: Maryborough

Ph: (07) 4302 8589

Email: widebay.esr@des.qld.gov.au