

Notice

Environmental Protection Act 1994

Direction Notice

This direction notice is issued by an authorised person pursuant to section 363B of the Environmental Protection Act 1994.

Chum Street Pty Ltd, ACN 644 908 421
1 Chum Street
NEW CHUM QLD 4303

CC: Joanne Salmon
joanne.salmon@ardent-group.com.au

Our reference: STAT-E-100525580 C-CPLRC-100491660

26 October 2023

Dear Sir/ Madam,

Take notice: that under the *Environmental Protection Act 1994* (the Act) a direction notice is issued to Chum Street Pty Ltd, ACN 644 908 421 (you) by an authorised person under section 363B of the Act, on behalf of the administering authority. The administering authority is the Chief Executive of the Department of Environment and Science (the department).

The direction notice is issued in relation to the activities of Chum Street Pty Ltd at places described in table below (the premises):

Tenure ID	Lot/ Plan
ML 4553	Lot 271 SP207443 Lot 273 RP866881 Lot 1 RP895110 Lot 2 SP207444
ML 4559	Lot 2 SP207444 Lot 25 SP220030 Lot 27 SP220033
ML 4714	274 SP207442
ML 50077	Lot 89 RP90564

A direction was provided by an authorised person to Joanne Salmon Senior Environmental Consultant on behalf on Chum Street Pty Ltd on 26 October 2023 at 9:42am via phone call. This Direction Notice confirms the oral directions provided at that time.

A. Grounds

The direction notice is issued on the grounds that the authorised person reasonably believes that:

- you have contravened a prescribed provision, being section 440 Offence of causing environmental nuisance in circumstances that make it likely the contravention will continue or be repeated; and
- the matter relating to the contravention can be remedied and it is appropriate to give you an opportunity to remedy the matter.

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

- On 25 October 2023, Authorised officers Brooke Crawford and Micheal Thouard attended a sensitive receptor where they remained for approximately one hour.
- Officers observed heavy machinery operating on the site which created plumes of dust.
- Officers felt dust striking their faces which had released from the Chum Street site and noted the dust control measures appeared to be inadequate.
- The dust emissions at the sensitive receptor were unreasonable and the site and, in my opinion, represent an unreasonable impact on the amenity of the sensitive place and has therefore caused an unlawful environmental nuisance.
- There is no statutory instrument in place permitting you to cause environmental nuisance by the release of dust.
- The department believes it is likely given our observations and experiences that the dust emissions are likely to continue.
- The department considers this notice an appropriate step to mitigate environmental nuisance and works with the potential to generate dust are ceased until appropriate measures are applied.

B. Reasonable Steps

The authorised person considers that the following reasonable steps are necessary to avoid further contravention of the prescribed provision:

- You must immediately stop, and do not recommence, any activity generating dust on the premises until such time as you have implemented sufficient control measures to prevent the movement of dust from the site to any sensitive receptors.

Take notice:

- The requirements commenced immediately upon the issue of the verbal direction at 9:42am on 26 October 2023;
- This notice formalises the verbal direction.
- This notice remains in force until further notice from the department.

C. 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 and Science (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 and Science: 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.

D. Public Register

Pursuant to section 540 of the EP Act, the Department is required to maintain a register of certain documents and information authorised under the EP 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 EP 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.

E. Penalties

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

Under section 363E of the Act, is an offence to fail to comply with a Direction Notice unless the person has a reasonable excuse.

- The maximum penalty for wilfully contravening a direction notice is 1665 penalty units, totalling \$257,742 for an individual, or \$1,288,710 for a corporation.
- The maximum penalty for contravening a direction notice is 600 penalty units, totalling \$92,880 for an individual, or \$464,400 for a corporation.

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

The department may also consider alternative compliance or enforcement action in relation to the offences that are the subject of this notice.

Should you have any queries in relation to the notice, please contact Brooke Crawford on telephone number 3894 8173.



Signature

26 October 2023

Date

Brooke Crawford

Senior Environmental Officer

Department of Environment and Science

Environmental Protection Act 1994

Enquiries:

Compliance Centre: **Ipswich**

Mail: PO Box 2578 NORTH IPSWICH QLD
4305

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

Telephone: 3894 8153