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.

Hopegate Pty Ltd ACN 056 293 746

30 – 60 (45) Gilston Road

Nerang, QLD, 4211

Your reference: EPPR00238913

Our reference: C-CPLRC-100144197/ C-CPLRC-100066251 / STAT-E-100527992

14/03/2024

Dear Mr Tony Harris,

Take notice: that under the *Environmental Protection Act 1994* (EP Act) this environmental protection order (EPO) is issued to Hopegate Pty Ltd ACN 056 293746 (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 environmentally relevant activity (ERA) 25 – meat processing on land described as Lot 2 on RP210515 and Lot 1 on RP102492 situated at 30 - 60 Gilston Road, Nerang (the premises).

A. Grounds

This EPO is issued on the following grounds:

1. Under section 358(c) of the EP Act, the administering authority may issue an environmental protection order if the authority is satisfied, because of an environmental evaluation conducted or commissioned by the person, unlawful environmental harm is being, or is likely to be, caused.
2. Section 14(1) of the EP Act defines environmental harm as *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.***
3. Under section 358(d) of the EP Act, the administering authority may issue an environmental protection order to secure compliance with a condition of an environmental authority. Hopegate hold environmental authority EPPR00238913 for the activity carried out at the premises. The department requires you to take reasonable measures to secure compliance with conditions:
    a. B2 of Environmental Authority EPPR00238913 which states:

Queensland Government

B2 Not withstanding any other condition of this development approval, no release of contaminants from the approved place is to cause a noxious or offensive odour beyond the boundaries of the approved place.'

b. Condition F1 and F2 of environmental authority EPPR00238913:

F1 Except as otherwise provided by the conditions of the noise schedule of this development approval the environmentally relevant activities must be carried out by such practicable means necessary to prevent or minimise the emission or likelihood of emission of noise.

F2 The emission of noise from the approved place must not result in levels greater than those specified in Table 1 of the Noise Schedule.

SCHEDULE F TABLE 1

NOISE LIMITS AT A NOISE SENSITIVE PLACE	
Period	***Noise Level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level*** $L_{Amax\ adj,\ T}$
7 am - 6 pm	Background noise level plus 5 dB(A)
6 pm - 10 pm	Background noise level plus 5 dB(A)
10 pm - 7 am	Background noise level plus 3 dB(A)
NOISE LIMITS AT A COMMERCIAL PLACE	
Period	***Noise Level at a Commercial Place measured as the Adjusted Maximum Sound Pressure Level*** $L_{Amax\ adj,\ T}$
7 am - 6 pm	Background noise level plus 10 dB(A)
6 pm - 10 pm	Background noise level plus 10 dB(A)
10 pm - 7 am	Background noise level plus 8 dB(A)

4. Under section 358(d)(i) of the EP Act, the department may issue an environmental protection order to secure compliance with the general environmental duty. The General Environmental Duty is detailed in s319 of the Act which states the following: '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).

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

1. Between 12 August 2009 and current, you were the holder of environmental authority EPPR00238913 (the EA) which authorised environmentally relevant activity (ERA) 25 – Meat Processing 1(b) Processing, not including rendering, in a year, the following quantity of meat or meat products – more than 5000t but not more than 50,000t.
2. The department is satisfied that you were the entity operating Nerang Park Poultry at 30 – 60 Gilston Road, Nerang, QLD 4211, Lot 2 on RP210515 and Lot 1 on RP102492.
3. On 21 October 2022, the department issued you with a notice to conduct an environmental investigation. This notice was amended on 3 March 2023 to extend the timeframe for the environment report to be submitted.

4. On 26 May 2023 and 1 June 2023, you submitted to the department an environmental report for an environmental evaluation (ENF E-100318616 Ref).
5. On 15 June 2023, the department issued you with a notice to require further information.
6. On 6 September 2023, you responded to the notice to require further information with further reports which are taken with the first response to comprise the environment report.
7. The environment report is comprised of:

Odour (the odour report)

a. *The Odour Unit (TOU) report entitled "Environmental Evaluation (E-100318616), Odour Investigation Report" Version 1, dated May 2023; (The odour report) and*

b. *Rodney Stevens Acoustics report entitled "Mechanical Plant Noise Impact Assessment" Nerang Park Poultry 45 – 60 Gilston Road, Nerang QLD Revision 1, dated 26 May 2023 (the noise report); and*

Noise (the noise report)

c. *Nerang Park Poultry Odour Investigation Response Letter [20230905 issuedm]; and*

d. *Rodney Stevens Acoustics report entitled "Mechanical Plant Noise Impact Assessment" version 3 dated 5 September 2023.*

8. The environmental report was accepted by the department under s.326G on 27 October 2023.

Odour

9. The Odour Report submitted as part of the environmental evaluation confirms that there are odour sources from the facility which are likely to be released beyond the boundaries of the approved place. The report included 10 field ambient odour assessments (FAOA) between 21 November 2022 and 31 January 2023 conducted by odour experts, The Odour Unit. The report summarises the findings of the FAOA as:

a. *Encountering odours likely from the live bird area, specifically 13 positive identifications for live bird characteristics and 9 positive identifications of ammoniacal odours.*

b. *Offensive odour detected on a total of four occasions at sensitive receptors on Mandarin Court, directly west of the live bird area and Tyson Court, south east of the live bird area.*

c. *Encountering additional odours including biofilter odour, chlorine smell assumedly from after hours live bird area sanitation.*

10. The Odour Report also includes modelling based on sampling of odour sources at the premises and confirms that the predicted odour concentrations beyond the boundary of the approved place and subsequently at sensitive receptors exceeds 5ou up to 180m to the south, up to 180m to the west and 25m to the east of the facility. Some receptors in close vicinity are modelled to be exposed to ground odour concentrations of 10ou. The department considers a ground level concentration of 5ou (99.5%, 1 hour) as odour annoyance criteria.
11. The Odour Report contained a map which overlayed the observations of odour assessors and modelling data which correlated observations of offensive odour with odour concentrations of greater than 5ou 99.5%, 1 hour.
12. The Odour Report conducted a review of the facility and associated infrastructure. The findings of the Odour Report found that the live bird area, structured openings and associated dispersion fans were not

sufficient for preventing fugitive emissions from the western opening of the live bird area. The air being produced from fans within the live bird area was significantly greater than the amount of air being extracted through the extraction fans on the live bird area roof.

13. The Odour Report found that whilst there had been an improvement in odour emission rates from the live birds, that the contemporary odour emission rates for the live birds received at the facility were still capable of causing mass odour emissions rates which are modelled to cause an impact at sensitive receptors. Additionally, odour assessors still detected offensive odour with the contemporary odour emission rates of the live birds being accepted at the facility.
14. The Odour Report includes results of odour emission monitoring conducted in December 2022 which confirmed that odour was present in the live bird area after the processing hours. It is noted that an odour emission rate of 3,260 ou.m3/s was measured during the December 2022 odour emissions measurement taken after the processing (evening) hours from the live bird area. The live bird area continued to emit fugitive emissions after processing had completed. Therefore, it is likely that odour from within the live bird area is dispersed and has the potential to impact sensitive receptors when the live bird area is empty.
15. The odour report found that improvements to the operation of the biofilter could be made to improve the performance of the biofilter operations.
16. The odour report also found that the offal storage and transfer area located to the south western section of the processing buildings pose an odour risk due to interactions between the airflow out of the live bird area openings which flows toward the offal storage and transfer area.
17. TOU found that the bird processing capacity at the facility is limited by the physical infrastructure and its operational design capacity. An increase in production has resulted in an increase in hours of operation, increased live bird density storage and greater hydraulic load on the wastewater management system. TOU's assessment indicates that the increase in production rates and operational circumstances may lead to an unfavourable outcome from an odour impact perspective under worst case meteorological conditions.
18. The Odour Report included recommendations for the facility including:
    a. Interim measures of installing four (4) additional fans on the live bird area roof and running fans 24 hours a day to assist with fugitive emissions overnight.
    b. Improvements to the operation of the biofilter to ensure performance is optimised.
    c. Improvements to processes at the premises including the development of odour management plans.
    d. Long term measures including building improvements to the live bird area and receival infrastructure that achieves design specifications of building enclosure including bird and crate receival and storage, offal transport, negative differential pressure, engineered openings, airflow optimisation.
19. The Odour Report found that the odour concentration at ground level is particularly sensitive to the management of the live bird area, number of fans and hours of operations of fans and the odour emission rate per kilogram of birds within the live bird area.
20. The department is satisfied that the odour generated from the facility is generating odour capable of causing environmental nuisance at sensitive receptors. The department is satisfied that the odour being experienced at sensitive receptors is of a characteristic and concentration which affects the quality and characteristics of air conducive to the amenity of the surrounding environment.

21. The department considers that the Environmental Evaluation found that there is or is likely to be environmental harm caused by the activity.
22. The department considers that the Odour Report confirms that Hopegate is not achieving compliance with condition B1 of its EA.
23. The department considers that this contravention is recurring in nature and is ongoing and therefore it necessary to issue this EPO to secure compliance with your EA.
24. The department considers that the Odour Report confirms that Hopegate is not taking all reasonable and practicable measures to prevent environmental harm in accordance with the general environmental duty. The department considers it necessary to issue this EPO to secure compliance with the general environmental duty.

Noise

25. The mechanical noise investigation provided results which indicate that the noise levels at noise sensitive places, including Kotara Street and Onslow Street, were between 5dB(A) and 13dB(A) over the EA limit specified in Condition F2 of EA EPPR00238913.
26. Authorised officers of the department previously conducted noise monitoring at the facility in May 2022 which found that the noise from the facility was up to 13dB(A) over the EA limit at nighttime.
27. The findings of the noise investigation completed as part of the environmental evaluation is consistent with the findings of the department's previous noise monitoring and demonstrates that the facility is causing noise which exceeds the levels specified in Schedule F, Table 1 of the EA. Therefore, it is alleged that you are contravening condition F2 of its EA.
28. The noise investigation found that the primary contributors to the noise nuisance were the fans from the live bird area and the cooling towers and processing fans within the processing area.
29. The mechanical noise investigation report also included modelling of the impacts of noise sources, including the proposed addition of four odour dispersion fans, at sensitive places on Onslow Street, Mandarin Street and Kotara Street Nerang. The modelling predicts that the noise from the facility with the addition of the fans is between 49 and 52dB(A) at a noise sensitive place, which is 9 - 11dB(A) over the EA limit for nighttime.
30. The noise report made recommendations for improvements to the facility to ensure compliance with the conditions of the EA including:
    a. Installation of silencers on all 8 fans on the live bird area;
    b. Installation of noise barriers around the fans;
    c. Installation of noise barriers around the cooling towers; and
    d. Improvements to processes at the premises to reduce noise generation.
31. The department considers that Hopegate installed the fans on the live bird area roof without proper consideration of the potential for noise nuisance and impacts at noise sensitive places and commercial places.
32. The department is satisfied that Hopegate is causing environmental nuisance that is environmental harm at noise sensitive places and commercial places. The environmental values of the acoustic environment conducive to sleep and relaxation are impacted by the activity.
33. The department is satisfied that there are reasonable steps which could be implemented to address the emission of noise from the activity.

In summary

1. In summary, the department considers that, given the facts and circumstances detailed above, you have failed to take all reasonable and practicable measures to prevent or minimise the risk of environmental harm and have failed to comply with conditions B2, F1 and F2 of the EA.
2. The department considers that there are further reasonable and practicable measures which can be implemented by Hopegate Pty Ltd to prevent environmental nuisance that is environmental harm. The environment report submitted as part of the environmental evaluation includes a number of recommendations, supported by modelling, that are considered reasonable and practicable measures to prevent harm.
3. The department requires you to take reasonable and practicable measures because the department is satisfied, due to an environmental evaluation conducted by you, unlawful environmental harm is being, or is likely to be caused to environmental values associated with air and noise.
4. The department considers that it is appropriate to require you to take reasonable steps, which include the installation of fans, with silencers fitted, above the live bird area; management of the cleanliness of live birds received at the facility; optimising biofilter performance to improve odour treatment of emissions from wastewater treatment processes; installation of noise attenuation and implementing long term improvements for the facility to rectify these failures.

   Attenuation of odour may also include limiting the number of live birds which can be processed at the facility to reduce the odour generated from the live bird area.

B. Requirements

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

Appropriately qualified persons

1. You must engage the following appropriately qualified persons (AQP) by **22 March 2024** and confirm the engagement to the department in writing to goldcoast.es@des.qld.gov.au .
   a) AQP who specialises in odour;
   b) AQP who specialises in noise;
   c) AQP who is a structural engineer; and
   d) an appropriately qualified person who is a project manager to oversee the requirements of this EPO, including the preparation of the implementation plan for the long-term improvements at the premises.

   The written confirmation of the engagement must include each AQP's academic and professional qualifications, suitable skills, experience and training, relevant to the nominated subject matter and that the AQP can give authoritative assessment, advice and analysis of performance in relation to the subject matter using the relevant protocols, standards, methods or literature relevant to this notice.

Bird management to minimise odour

2. By 5pm on **22 March 2024**, you must implement all reasonable and practicable measures to ensure that birds received at the premises are sourced from appropriate suppliers and managed at the premises to minimise odour generated from bird receival and storage at the premises. Reasonable and practicable measures must include:

a) implementing a procedure for bird checking upon receival by appropriately trained staff to check for odorous or potentially odorous birds;

b) keeping records of checks conducted for every load of birds received at the facility;

c) implementing processes to ensure odorous birds are processed ahead of clean birds and as quickly as possible, and are not stored within the live bird area for any longer than necessary;

d) maintaining the supply lines of live birds to the premises, which meet the relevant standards for bird cleanliness and hygiene, in order to minimise the generation of odour from the premises; and

e) taking actions to source less odorous birds if a supplier is providing odorous birds.

3. You must undertake sampling of the live bird area odour emission rates in accordance with the following requirements:

   a) first round of sampling completed by **30 April 2024**; and

   b) second round of sampling completed within the month of November 2024, but by no later than **29 November 2024**; and

   c) in accordance with the Australian Standard/New Zealand Standard 4323.3 Stationary source emissions – Determination of odour concentration by dynamic olfactometry (AS/NZS 4323.3).

4. The odour emission rate measured in accordance with requirement 3 must be presented in a report as odour emission factor per bird (ou.m^3/bird.s) and as odour emission factor per mass unit (ou.m^3/kg.s.).

5. Any measurements of bird odour emission rate indicating results above 0.19 ou.m^3/kg.s must be investigated by an AQP and the results of the investigation and the impact on effectiveness of proposed mitigation measures and recommended measures to reduce odour emission rates must be documented in a report.

6. Reports prepared in accordance with Requirements 3, 4 and 5 of this EPO must be provided to the department to goldcoast.es@des.qld.gov.au within 14 days of the sampling results being received.

Noise attenuation of cooling towers

7. By **10 May 2024**, you must have completed the installation of a three-metre noise attenuation barrier around the top of the cooling towers on the western boundary of the processing area.

Interim measures to improve live bird area

Installation of fans and noise attenuation

8. By **22 March 2024**, you must have engaged a structural engineer to undertake an assessment of the live bird area to determine what structural improvements are required to install a further four (4) fans on the roof, silencers for 8 fans, and noise barriers around the proposed fans.

9. By **10 May 2024**, you must provide the department with a report from the structural engineer engaged in accordance with Requirement 8, explaining if structural improvements to the live bird area are considered necessary by the structural engineer as part of the live bird area fan and noise attenuation installation, or not.

10. If structural improvements to the existing live bird area can be made to safely hold the additional odour and noise attenuation equipment on the roof, designs and plans for these improvements must be made and signed off by your structural engineer by **30 June 2024**.

11. If the structural improvements to the existing live bird area can be made to safely hold the odour and noise attenuation equipment as required by requirement 10, you must, by **30 July 2024**, install:
    a) four (4) additional fans on the live bird area roof; and
    b) a 1.8m noise barrier around the fans on the live bird area roof with a minimum density of 10 – 15kg/m^2 and which is free from holes and gaps; and
    c) silencers capable of achieving a reduction of at least 12dB to the extraction fans on the live bird area.
12. By **16 August 2024**, you must engage your AQPs to undertake sampling, monitoring and modelling to demonstrate the effectiveness of the measures installed as per requirement 11, including:
    a) for odour:
        i. confirmation of the effectiveness of odour dispersion by the roof fans (by verifying fan extraction rates);
        ii. assessment of fugitive emissions from the live bird area (using appropriate methods including, but not limited to, smoke testing); and
        iii. modelling of ground level concentrations of odour at sensitive receptors to demonstrate compliance with the EA condition (by producing an odour control plot showing ou 99%, 1 hour).
    b) for noise:
        i. monitoring of noise at noise sensitive places and commercial places to confirm that the noise attenuation will achieve the noise limits specified in your EA.
        ii. the monitoring must be done in accordance with the Department's Noise Measurement Manual, over an appropriate period of time to determine compliance with conditions of the EA and be undertaken at appropriate times of the day and night time to assess impact.
13. A report detailing the results of the monitoring, sampling and modelling required by Requirement 12 must be submitted to the department at goldcoast.es@des.qld.gov.au by **30 August 2024**.

Limiting bird numbers and fan operation

14. Requirements 15 -17 apply if the equipment required under requirement 11 cannot be safely installed due to the structural limitations of the live bird area identified in the report required by requirement 9.
15. You must engage your AQP for odour to conduct an assessment to determine the maximum number of birds which can be processed (per day) at the premises to meet an odour ground level criteria of less than or equal to 5 ou (99.5% 1 hour) at all sensitive receptors beyond the boundary of the premises.
16. You must engage your AQP for noise to conduct a noise assessment to determine how live bird area fan use can be limited to ensure noise nuisance does not occur at a noise sensitive place or commercial place between 10pm and 7am, including by limiting the distribution of live bird deliveries to outside of this period.
17. By **30 June 2024**, you must have submitted the assessments required under requirements 15 and 16, including data relevant to how the ground level odour concentration at sensitive receptors was calculated (including the odour models used); and the noise models used, demonstrating predicted noise levels at noise sensitive places.

18. By **15 July 2024**, you must ensure that you process no more than the maximum number of birds identified in the assessment by the AQP for odour under requirement 15, until such time as the long-term improvements for the premises, as described in requirement 20, are achieved at the premises.

19. By **15 July 2024**, you must ensure that the use of live bird area fans is limited to the specifications determined by the assessment required by the AQP for noise under requirement 16, until such time as the long term improvements for the premises, as described in requirement 20, are achieved at the premises.

Implementation plan for long term improvements

20. By **31 October 2024**, you must require the AQPs to develop an implementation plan for the construction of a controlled building airspace which incorporates at least the:

    i. live bird area;

    ii. live bird truck holding and loading area;

    iii. offal transfer and storage areas; and

    iv. crate washing and storage areas.

    The implementation plan for the construction of the controlled building airspace must meet the following odour related specifications:

    a) creation and maintenance of differential negative building pressure at the engineered openings into the controlled building airspace (noting that this includes areas listed in requirement 20 i, ii, iii and iv); and

    b) minimisation or elimination of non-engineered gaps/ openings into the controlled building airspace; and

    c) replacement or sealing of significant leakage pathways into the controlled building airspace from outside the controlled building airspace; and

    d) promotion of adequate airflow mixing, dilution and optimally directed inlet air flows to the controlled building airspace via engineered gaps/ openings (e.g. louvres); and

    e) vertically oriented and high velocity discharge of air from the controlled airspace at roof level; and

    f) the construction of air and odour control mechanisms which achieve at least the following outcomes:

        i. odour modelled to be less than 5 ou 95%, 1 hour at sensitive receptors; and

        ii. noise modelled to be compliant with the conditions of your environmental authority.

21. The implementation plan required by requirement 20 must also include the:

    a) objectives which the implementation plan will achieve; and

    b) stages of the development; and

    c) timeframes for the commencement and completion of each stage which will achieve completion of the implementation plan as soon as practicable; and

    d) detailed description of works required under each stage of development; and

e) detailed engineering drawings of the proposed works; and

f) details of the approvals required for each stage of development and a plan for obtaining them; and

g) mitigation measures for odour and noise emissions to be implemented during each stage of the development; and

h) if the works are proposed to be staged, the implementation plan should address how the staging is to work.

22. You must also require your AQPs to model odour and noise emissions for the proposed changes to the live bird area described in the implementation plan required by requirements 20 and 21. The modelling must demonstrate that the changes proposed will achieve odour and noise reduction suitable to ensure no odour and noise nuisance at sensitive receptors. These modelling results must be provided with the implementation plan as justification for the effectiveness of the plan.

23. By 5pm on **30 November 2024**, you must submit the finalised implementation plan and accompanying modelling to the department by email to goldcoast.es@des.qld.gov.au .

24. By **31 March 2025**, you must have commenced implementing the implementation plan required by requirements 20 and 21.

25. By **31 March 2028**, you must have completed all works specified in the implementation plan required by requirements 20 and 21.

Developing and implementing other management procedures at the premises

26. By **22 March 2024**, you must have installed the following monitoring capabilities for the biofilter:

    a) a single pressure transmitter measuring differential pressure between the fan inlet and the plenum floor of each biofilter unit (to provide a measurement of biofilter backpressure).

27. By **30 April 2024**, you must have reviewed the capacity, performance and management of the spirotainer and developed written procedures for the ongoing management of the spirotainer. Written procedures must include:

    a) management measures to ensure that the sludge is not required to be pumped out outside of normal procedures;

    b) a minimum frequency for emptying of the sludge from the spirotainer; and

    c) consideration of appropriate environmental conditions under which the spirotainer will be serviced or emptied.

28. By **30 April 2024**, you must have developed and be implementing a plan for the monitoring and management of the biofilter. The plan must include:

    a) daily biofilter management protocols;

    b) weekly biofilter management protocols;

    c) monthly biofilter management protocols; and

    d) six-monthly independent condition and performance assessments by a biofilter specialist. These assessments must include the following inspections and testing:

        a. measurement of dry and wet bulb temperatures (relative humidity), airflow speeds and pressures which must be compared to results obtained by the monitoring system;

        b. measurement of the total inlet airflow to the biofilter system;

c. measurement of the effectiveness of negative pressure conditions within the upstream and connected wastewater process emissions collection ducting (undertaken via negative pressure measurement);

d. spatial outflow distribution from the biofilter surface across all cells to verify complete bed utilisation;

e. collection of a biofilter common inlet and outlet gas samples to determine odour destruction performance. (All sampling and testing is to be carried out according to AS/NZS 4323.3 at a NATA Accredited Odour Laboratory);

f. checking the operation and performance of the drip irrigation system; and

g. inspection of the biofilter drainage system.

e) By **30 April 2024**, you must have developed and be implementing an odour management plan specific to the premises for the recommended odour mitigation measures which must include:

a) annual training for staff on the operation and maintenance of the live bird area, spirotainer and biofilter systems; and

b) staff training to implement a monitoring protocol for regular odour patrol surveillance by Hopegate staff.

Definitions for this EPO

Appropriately Qualified Person (AQP) means: a person who has professional qualifications, training, skills or experience relevant to the specialist field and can give authoritative assessment, advice and analysis in relation to assessment and preventing of impacts to environmental values utilising the relevant protocols, standards, methods or literature.

- For noise – a person who meets the above criteria and has at least 5 years experience in the field of noise impact assessment, monitoring and implementation of noise attenuation technology.
- For odour – a person who meets the above criteria and has at least 5 years experience in the field of odour impact assessment, management and mitigation.
- For structural engineering – a person who is a Registered Professional Engineer of Queensland (RPEQ) with qualifications in structural engineering and has expertise to advise on structural improvements and the implementation of short and long term structural measures required by this EPO.
- For project management – a person who has at least 5 years experience and is able to manage a complex project with significant infrastructure improvements and expenditure.

Live bird area means the building located in the southern part of the premises which stores the live birds prior to processing.

Controlled building airspace means the part of the building at the premises which includes at least the live bird area, live bird truck holding and unloading, offal transfer and storage areas and crate washing and storage activities.

Negative building pressure means the air pressure inside the controlled building airspace is less than the air pressure outside the controlled building airspace.

Sensitive receptor for odour and noise means: noise sensitive place and commercial place as per the definitions in environmental authority EPPR00238913.

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 EP 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 $7740, 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 $7740, 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 EP 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.

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 Jamie-Lee Young on telephone number 07 5626 6811.

	14/03/2024
Signature	Date

Tim Brain

Manager Compliance

Delegate of the Chief Executive

Department of Environment, Science and Innovation

Environmental Protection Act 1994

Enquiries: Jamie-Lee Young

COMPLIANCE CENTRE: Gold Coast
Ph: (07) 3330 5210
Email: esr.goldcoast@des.qld.gov.au