

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.

Principal Holder

Pure Energy Resources Pty Limited
Level 30
275 George Street
BRISBANE QLD 4000

Joint Holders

CNOOC Coal Seam Gas Company Pty Ltd
Annex Level 2
275 George Street
BRISBANE QLD 4000

Tokyo Gas QCLNG Pty Ltd
Brookfield Place Tower 2
Level 11
123 St Georges Terrace
PERTH WA 6000

Your reference: EPPG00366013

Our reference: C-CPLRC-100446069 – STAT-E-100562273 – 101/0015401

29/02/2024

Dear Directors,

Take notice: that under the *Environmental Protection Act 1994* (EP Act) this environmental protection order (EPO) is issued to Pure Energy Resources Pty Limited (you) as the principal holder of the environmental authority EPPG00366013 and to CNOOC Coal Seam Gas Company Pty Ltd and Tokyo Gas QCLNG Pty Ltd which are listed as joint holders of the environmental authority. The EPO is issued with respect to the activities of the principal holder and the joint holders on land described as Authority to Prospect (ATP) 965, situated approximately 43km west of Millmerran, Queensland (the premises). The administering authority is the Chief Executive of the Department of Environment, Science and Innovation (the department).

A. Grounds

This EPO is issued on the following grounds:

1. In accordance with section 358(d)(ix) of the EP Act, the department requires you to take reasonable measures to secure compliance with a surrender notice.
2. In accordance with section 358(d)(iii) of the EP Act, the department requires you to take reasonable measures to comply with the following conditions of environmental authority EPPG00366013:

Condition 65 – Rehabilitation



As soon as practicable after the end of petroleum activities that have caused significant disturbance to land, the holder of the environmental authority must:

- (a) remediate contaminated land caused by petroleum activities in accordance with EP Act requirements and this authority; and
- (b) undertake works to establish a safe, stable, non polluting landform similar to that of surrounding undisturbed areas, including where relevant:
 - i. backfilling any voids and trenches;
 - ii. neutralising and/or encapsulating any acid producing or potentially acid producing material;
 - iii. removing or encapsulating in low permeability material saline residues from evaporation ponds;
 - iv. re-establishing surface drainage lines;
 - v. minimising the potential for slumping, subsidence or erosion;
 - vi. reinstating the top layer of the soil profile;
 - vii. resspreading any cleared vegetation; and
 - viii. promoting establishment of vegetation of similar species composition and density of cover to the surrounding undisturbed land;

unless the holder has the written consent of the landowner/holder and the administering authority.

Condition 66 – Maintenance of land rehabilitation

Monitoring and maintenance of rehabilitated areas must take place to ensure and demonstrate:

- (a) stability of landforms;
- (b) erosion control measures remain effective;
- (c) stormwater runoff and seepage from rehabilitated areas does not negatively affect the environmental values of any waters;
- (d) plants show healthy growth and recruitment is occurring; and
- (e) rehabilitated areas are free of any declared pest plants.

Condition 67 – Rehabilitation Success

Rehabilitation can be considered successful when the site can be managed for its dedicated land-use (either similar to that of surrounding undisturbed areas or as otherwise agreed in a written document with the landowner/holder and administering authority) without any greater input than for other land in the area being used for a similar purpose and there is evidence that the rehabilitation has been successful for at least three (3) years.

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

1. Pure Energy Resources Pty Limited is listed as the principal holder of environmental authority (EA) EPPG00366013, CNOOC Coal Seam Gas Company Pty Ltd and Tokyo Gas QCLNG Pty Ltd are listed as the joint holders of the authority.
2. EPPG00366013 provides authorisation and obligations in relation to activities carried out under the EP Act on the former petroleum tenure known as Authority to Prospect (ATP) 965.
3. EPPG00366013 continues in force, despite the expiry of the relevant tenure, as per section 201(2) of the EP Act.
4. On 17 April 2023, you were issued a notice by the department requiring a surrender application for EPPG00366013 by 29 May 2023. No surrender application was received by the department by this date.
5. The department contacted you on 1 June 2023 in relation to surrendering the EA. You advised that you were progressing toward rehabilitation success under the EA, which under condition 67 requires that rehabilitation must have been successful for at least 3 years. You stated that you would continue to monitor rehabilitation until all disturbed areas had been successfully rehabilitated, after which an EA surrender application would be lodged as soon as practical.
6. On 24 August 2023, the department conducted an inspection of activities on ATP965 where authorised officers observed that existing well pads Studd 1 (located at GDA2020 coordinates -27.85440, 150.89292) and Studd 2 (located at GDA2020 coordinates -27.90010, 150.91306) had not been successfully rehabilitated as required by condition 67 of EA EPPG00366013. At the time of the inspection, the former well pad areas of Studd 1 and Studd 2 were observed to be devoid of any trees or shrubs that would indicate the well pads were returning to a state similar to the land use of the surrounding area as required by condition 65 of EA EPPG00366013. The surrounding areas next to both well pads were forested. Officers observed that Studd 1 had some grass coverage on the western side of the well pad, with cleared vegetation respread over the eastern side. Officers observed limited grass coverage and bare patches in the centre of the Studd 2 well pad but much thicker grass coverage on the outside of the well pad. Studd 2 appeared to have a stable landform with the top layer of the soil profile reinstated, however cleared vegetation in the northwest corner of Studd 2 had not been respread in accordance with condition 65(b)(vii) of EA EPPG00366013.
7. On 29 September 2023 you met with the department and provided further information in relation to your activities on ATP965. You stated that the landowner of the premises (a subsidiary of QGC Pty Ltd (QGC)) was satisfied with the rehabilitation of Studd 2 and confirmed this in subsequent correspondence dated 16 November 2023. Condition 65 of EA EPPG00366013 requires that you must undertake works to establish a safe, stable, non-polluting landform similar to that of surrounding undisturbed areas, including promoting establishment of vegetation of similar species composition and density of cover to the surrounding undisturbed land, unless both the landholder and the administering authority provide their written consent. The consent of the administering authority has not been provided.
8. Massie Quarry (also referred to as 'the quarry' or 'Massie borrow pit') is located at GDA 2020 coordinates -27.50518, 150.75918, on Lot 2, Plan DY924. This location is within the boundaries of ATP965. On 6 October 2023 Queensland Parks and Wildlife Service (QPWS) supplied photographs of the quarry taken in March 2023. The photos showed material stockpiles and the borrow pit holding water and indicated that the area had not been rehabilitated in accordance with conditions 65, 66 and 67 of EA EPPG00366013.

9. During a meeting with the department on 29 September 2023, QGC stated on your behalf that the quarry would be rehabilitated in line with the conditions of the Sales Permit issued by the Department of Agriculture and Fisheries (DAF). In subsequent communication dated 16 November 2023 QGC stated *'Massie borrow pit is yet to be rehabilitated'* and that *'DAF have recently extended access to complete rehabilitation works until Q2 2024'*.
10. ATP965 was granted under the *Petroleum and Gas (Production and Safety) Act 2004* (P&G Act). Petroleum activities are defined in section 3(2) of the P&G Act as follows:
'petroleum activities means—
 - (a) the exploration, distillation, production, processing, refining, storage and transport of petroleum; and*
 - (b) the distillation, production, processing, refining, storage and transport of fuel gas; and*
 - (c) authorised activities for petroleum authorities; and*
 - (d) other activities authorised under this Act for petroleum authorities.'*
11. The original application for use of the quarry, made by QGC on your behalf and dated 7 September 2012, states that the gravel from the quarry was considered essential for the development of coal seam gas (CSG) related infrastructure including the construction of access tracks and well pads in your resource tenements. The department considers extraction from Massie Quarry meets the definition of a petroleum activity as the use of the extracted material for the construction of access tracks and well pads was essential to undertaking exploration for CSG.
12. Condition 65 of EA EPPG00366013 relates to the rehabilitation of *'petroleum activities that have caused significant disturbance to land'*. It is evident that soil has been removed from and stockpiled in the Massie Quarry area. The department considers the activities at Massie Quarry meet the threshold of a *'significant disturbance to land'* as defined in EA EPPG00366013 because the area has been disturbed and human intervention is needed to rehabilitate it to a state required under the authority.
13. Condition 65 of EA EPPG00366013 requires that *'as soon as practicable after the end of petroleum activities that have caused significant disturbance to land, the holder of the environmental authority must:*
 - a. remediate contaminated land caused by petroleum activities in accordance with EP Act requirements and this authority; and*
 - b. undertake works to establish a safe, stable, non-polluting landform similar to that of surrounding undisturbed areas...'*
14. The Studd 1, Studd 2 and Massie Quarry disturbance areas include significant disturbance to land because the activities caused disturbance and human intervention is required to rehabilitate it.
15. Petroleum activities are no longer permitted because ATP965 expired on 31 March 2023.
16. You have not demonstrated that you have implemented measures as soon as practicable to comply with condition 65 to achieve the rehabilitation outcome required by condition 67.
17. The department considers that it is reasonable to require you to complete the requirements of this EPO to achieve compliance with conditions 65, 66 and 67 of EPPG00366013 and to require the subsequent surrender of the EA.

B. Requirements

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

1. By **5pm on 30 June 2024**, you must complete rehabilitation of Studd 1 (located at GDA2020 coordinates -27.85440, 150.89292) and Studd 2 (located at GDA2020 coordinates -27.90010, 150.91306) well pads and Massie Quarry (located at GDA 2020 coordinates -27.50518, 150.75918) to establish a safe, stable, non-polluting landform similar to that of the surrounding undisturbed areas including:
 - a. backfilling any voids and trenches; and
 - b. re-establishing surface drainage lines; and
 - c. minimising the potential for slumping, subsidence or erosion; and
 - d. installation of erosion and sediment control measures; and
 - e. reinstating the top layer of the soil profile; and
 - f. respreading any cleared vegetation; and
 - g. promoting establishment of vegetation of the same species composition and density of cover to the surrounding undisturbed land.
2. From **5pm on 30 June 2024** and until the surrender of environmental authority EPPG00366013 has been approved, you must take actions to monitor, maintain and manage the areas rehabilitated under requirement 1 to ensure the following:
 - a. stability of landforms; and
 - b. erosion and sediment control measures remain effective; and
 - c. stormwater runoff and seepage from rehabilitated areas does not negatively affect the environmental values of any waters; and
 - d. vegetation is established and recruitment is occurring; and
 - e. rehabilitated areas are free of weeds and non-native vegetation species; and
 - f. rehabilitated areas are managed so that any further rectification works are completed where required.
3. By **5pm on 30 July 2024**, and every 12 months thereafter, you must submit a report to the department via email to southwest.es@des.qld.gov.au detailing the following:
 - a. the status of each rehabilitation area against requirements 1 and 2; and
 - b. any actions undertaken and / or required to achieve rehabilitation success.
4. Within **8 weeks** of submission of a report under requirement 3 which confirms successful rehabilitation has been achieved for all areas detailed in requirement 1 and in accordance with condition 67 of environmental authority EPPG00366013, you must submit a surrender application for environmental authority EPPG00366013 to the department that meets the requirements of section 262 of the EP Act.

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 \$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 EP 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 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 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 to 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.

Should you have any queries in relation to the notice, please contact Benjamin Newman on 07 4529 8330 telephone number.


Signature

Joe Winzenberg
Acting Manager Compliance
Delegate of the Chief Executive
Department of Environment, Science and Innovation
Environmental Protection Act 1994

29/02/2024

Date

Enquiries: Benjamin Newman
COMPLIANCE CENTRE: Toowoomba
Ph: (07) 4529 8330
Email: southwest.es@des.qld.gov.au

