

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.

ISLAND RESORTS (INFRASTRUCTURE) PTY LTD
ACN 613 379 221

C/- BDH LEADERS, LEVEL 12, 111 ELIZABETH STREET,
SYDNEY, NSW, 2000

Cc: SIMON NAPOLI - Director

Email: simon@edgcapital.com.au

Your reference: E-100589717

Our reference: C-CPLRC-100421235

22/05/2024

Dear Mr Napoli,

Take notice: that under the *Environmental Protection Act 1994* (EP Act) this environmental protection order (EPO) is issued to ISLAND RESORTS (INFRASTRUCTURE) PTY LTD ACN **613 379 221** (IRI/"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 IRI in relation to the provision of infrastructure services, including sewage treatment services, to COURAN COVE COMMUNITY BODY CORPORATE MCP 106751 (CBC) on land described as Lot 10 on Plan MCP106985, specifically lease K (703521627) on SP11667, situated at South Stradbroke Island (the premises).

A. Grounds

This EPO is issued under the following grounds:

1. Under section 358(d) of the EP Act, the administering authority requires you to take reasonable measures to secure compliance with:

- (i) The general environmental duty; and
- (iii) A condition of an environmental authority.

2. In accordance with section 363AD(4) of the EP Act actions are required to prevent or minimise the risk of unlawful serious or material environmental harm.

3. You are a related person in accordance with section 363AB of the EP Act.



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

1. Under section 358(f) of the Act, the administering authority may issue an EPO in the circumstances stated in division 2 of Chapter 7, Part 5 the EP Act.
2. Division 2, section 363AD(1) of Chapter 7, Part 5 of the EP Act states that the administering authority may issue an EPO under division 1 to a related person of a high risk company, whether or not an EPO is being issued, or has been issued, to the high risk company.
3. You are a related person of a high-risk company as you:
 - a) own land on which the company has carried out a relevant activity (section 363AB(1)(b)); and
 - b) are capable of significantly benefiting financially from the carrying out of a relevant activity by the company (section 363AB(2)(a)).
4. The company has failed to:
 - a) comply with conditions G1, L1, and L18 of environmental authority EPPR00805313 (sewage treatment) effective on 14 April 2021 (the EA); and
 - b) meet the General Environmental Duty (GED) under section 319 of the EP Act.

IRI is a related person

5. Under section 363AA of the EP Act, a high-risk company means an externally administered body corporate within the meaning given by the *Corporations Act 2001*.
6. SOUTH STRADRBOKE CARETAKING SERVICES PTY LIMITED (the company) is the holder of the EA to carry out Environmentally Relevant Activity (ERA) 63 – sewage treatment (the activity) at the premises.
7. The company is a high-risk company as the company is in external administration with a liquidator being appointed by order of the Supreme Court of Queensland on 9 June 2023.
8. Schedule 4 – Dictionary of the EP Act defines the “owner” of land as-
 - (1)(b) for land held under a lease, licence or permit under an Act—the person who holds the lease, licence or permit.
9. Lease K of SP11667 on Lot 10 on Plan MCP106985 is the portion of land where the sewage treatment plant (STP) is located and which EPPR00805313 (sewage treatment) relates.
10. You hold the relevant lease (lease K: 703521627) for the portion of land on Lot 10 on Plan MCP106985 in which the activity was carried out.
11. You are therefore a related person of the company in accordance with section 363AB of the EP Act, because you own the land on which the company carries out, or has carried out, a relevant non-resource activity.
12. You also have a relevant connection with the company, because you are capable of significantly benefiting financially or have significantly benefited financially from the carrying out of the relevant activity by the company (section 363AB(2)(a)). In deciding for subsection 2 whether a person has a relevant connection with the company, the department has considered the following matters:

- a) the department has considered the extent to which a legally recognisable structure or arrangement makes, or has made it possible, for the person to receive a financial benefit from the carrying out of a relevant activity by the first company; and
 - b) any agreements or other transactions the person enters into with the company.
13. You are the current assignee on the Deed of Assignment of Infrastructure Service Agreement for the provision of essential services, including sewage treatment at the premises. You have been the assignee since 20 September 2016. This is a legally recognisable arrangement in which you are capable of significantly benefitting financially or have significantly benefited financially from the activity. The original agreement was dated 24 August 2012.
- a) by clause 2 of the Infrastructure Service Agreement the assigned party was required to provide the services of power generation, water supply and treatment as well as waste treatment (sewage); and
 - b) by clause 3 of the Infrastructure Service Agreement the assigned party providing the services were to be paid fees as set out in schedule 2 of the agreement.
14. You were invoicing the CBC for the provision of water and sewage treatment services from June 2021 to April 2023 (a period when the company was the EA holder). You are therefore capable of significantly benefiting financially, or have significantly benefited financially, from the carrying out of the relevant activity by the company.
15. You stated in formal correspondence with the department initially on 20 December 2023 and again on 14 March 2024 that you have a verbal agreement with the company, delegating the provision of infrastructure services including sewage treatment. Sewage treatment at the premises is regulated under the EA held by the company. In accordance with your agreement with the company for the provision of those services to the CBC, you were therefore in a position to influence the company's conduct in relation to the way in which, or extent to which the company complies with its obligations under the EP Act.
16. You are therefore a related person of the company under section 363AB(1)(d) of the EP Act, as the department is satisfied you have a relevant connection with the company in accordance with 363AB(2)(a) because:
- a) there is a legally recognisable document (Infrastructure Service Agreement) that has made it possible for you to receive a financial benefit from the carrying out of the activity by the company; and
 - b) there is a verbal agreement between the company and you delegating the provision of infrastructure services including sewage treatment.

General Environmental Duty

17. In accordance with section 19 of the EP Act, sewage treatment is prescribed as an ERA, as it is an activity that may cause environmental harm. Accordingly, under section 319 of the EP Act, a person must not carry out the activity of sewage treatment unless the person takes all reasonable and practicable measures to prevent or minimise the harm.
18. The company has been carrying out the activity since at least 14 April 2021.
19. As part of the carrying out of the activity the company ceased to treat sewage at 5pm on 2 June 2023.
20. Biosolids, chemicals, raw sewage, and hydrocarbons are continuing to be stored at the premises (the residual activity).

21. Schedule 1 of the *Environmental Protection (Water and Wetland Biodiversity) Policy 2019* (EPP Water) lists the water quality objectives for Moreton Bay area including South Stradbroke Island. These objectives identify aquatic ecosystems of the South Stradbroke Island waters as having a high ecological value. The EPP Water also identifies groundwater ecosystems as having high ecological value particularly where groundwaters interact with surface waters and where groundwater is used for drinking water supply. This is a particularly high risk in this setting with sandy soils and locality of the premises adjacent to surface waters with nearby high ecological significance wetland 600m west of the premises, which is also mapped as a groundwater dependant ecosystem. The EPP Water also designates drinking water values for South Stradbroke Island Fresh Waters with 'residents' sourcing their potable water from groundwater on the island.
22. Upon cessation of sewage treatment, you have failed to influence the company to implement appropriate systems and control measures to prevent or minimise environmental harm. The ongoing risk of adverse effects on surrounding environmental values and human health values is high and the risk of environmental harm remains. The department considers that the company is failing to meet its GED specifically regarding the management of contaminants on the site as outlined below.
23. Based on the above-mentioned facts you were in a position capable of influencing the company's conduct at the time of the alleged offences as you contracted the company to provide sewage treatment services on behalf of the CBC. You did not take all reasonable steps to ensure the company complied with its obligations under section 319 of the Act.
24. As a related person of the high-risk company the department is requiring you take reasonable measures to secure compliance with the GED.

Biosolids

25. On 23 June 2023, after the cessation of sewage treatment, the company deposited sewage sludge (biosolids) from the ERA (sewage treatment) in four (4) 20,000L rainwater tanks on the premises.
26. Water tanks are not designed to hold solid waste. Storing the biosolids in the water tanks poses a risk of contaminants being released to the environment. The tanks are not appropriate for the storage of waste as they are set up with taps at the bottom of the tank, further the tanks are placed on sand with no concrete hardstand or bunding to capture any unplanned releases.
27. During inspections at the premises on 25 August 2023, 20 October 2023, 15 December 2023 and 21 February 2024, authorised persons of the department (AOs) observed all four of the water tanks storing biosolids actively leaking via the bottom tap/down the side of the tank or displaying evidence of recent leaks. The sand underneath each of the taps was wet. There was also an abundance of vegetation growing around the tanks indicating a likelihood of excessive nutrients in the soil.
28. During an inspection on 14 May 2024, authorised persons observed active leaking from at least one of the tanks and the remaining tanks had temporary measures in place to prevent leakage. There were also biosolids stored in an additional two IBC's.
29. During an inspection and Remotely Piloted Aerial Survey (RPAS) of the premises on 15 December 2023, AOs observed aerial images showing water pooling on the tarps covering two (2) water tanks, further compromising the integrity of the tanks.
30. Any release from the tanks is likely to infiltrate through the sandy soil. Biosolids that are not adequately managed are likely to be high in nutrients, metals and pathogens. The infiltration of contaminants leaking from the biosolid storage tanks is likely to have an adverse effect on the high ecologically significant groundwater values and thus cause environmental harm.

31. The company has failed to meet its GED by failing to remove the contaminants from these tanks and ensuring they are disposed of at a facility which can lawfully receive it. The company has failed to meet its GED as it is not taking all reasonable and practical measures to prevent or minimise environmental harm.

Chemicals

32. There is a significant volume of various chemicals stored at the premises for use with the sewage treatment activity, including sodium hypochlorite, aluminium sulphate, caustic soda and sugar solution. The chemicals stored onsite have been unattended since at least 2 June 2023 and are not adequately contained in a bunded area. Storage without adequate containment measures poses a risk for potential release of contaminants to the environment and thus, increasing the likelihood of environmental harm being caused.
33. The company has not implemented all reasonable and practicable measures to dispose of the chemicals prior to leaving the site. The company has therefore not taken all reasonable and practicable measures to prevent and or minimise the likelihood of environmental harm being caused.

Bioreactor

34. During site inspections at the premises on 20 June 2023, 25 August 2023, 20 October 2023, 21 February 2024 and 14 May 2024, AOs observed a large volume of raw sewage in the mostly open bioreactor. AOs additionally observed that measures implemented by the company on each of those occasions were not appropriate to cover the raw sewage and prevent rainwater ingress.
35. The raw sewage left in the bioreactor poses a high risk to the environment as water ingress from rain events can fill up the bioreactor and cause an overflow of raw sewage and therefore, an uncontrolled release of contaminants to the environment. Further, there is no bunding around the bioreactor to contain an uncontrolled release.
36. During site inspections at the premises on 25 August 2023, 20 October 2023, and 21 February 2024 AOs observed vegetation growing inside the bioreactor.
37. The risk of an uncontrolled release infiltrating through sand to groundwater resulting in groundwater contamination, and therefore environmental harm, is high. The company has not taken all reasonable and practicable measures to prevent and or minimise the potential for environmental harm being caused.

Intermediate bulk containers (IBCs)

38. During the inspections on 20 October 2023, 15 December 2023, and 21 February 2024 AOs observed approximately one hundred (100) 1,000L IBCs on the premises.
39. AOs observed and noted that the placards detailing the contents of the IBCs were inconsistent with the visual appearance of the liquid in many of the IBCs. The department has a reasonable belief that there are unknown contaminants in many of the IBCs, with the volume of contaminant in the IBC's varying from full to partially empty. AOs additionally observed biosolids being stored in several open IBCs with the word 'Sludge' spray painted on the side of the IBC.
40. None of the IBCs that are stored on the premises are stored within a secondary contaminant system and most of the IBCs are positioned on sand. AOs observed that the integrity of some of the IBCs had been compromised and contaminants were observed being released to land.
41. Any release from the IBCs can infiltrate through the sandy substrate, posing a risk to groundwater, and thus, increasing the likelihood of environmental harm being caused. The company has not taken all reasonable and practicable measures to prevent and or minimise the potential for environmental harm being caused.

Storage tanks

42. During the site inspection on 25 August 2023 and 20 October 2023 AOs observed raw sewage and partially treated sewage being stored in underground balance tanks A & B, overflow tank A & B, and digester tank B. AOs observed:
- a) from the manhole that balance tank A was approximately $\frac{3}{4}$ full of raw sewage and there was evidence of sewage being added on 25 August 2023 and 20 October 2023, including an IBC on top of the tank with the tap open and showing sewage residue; and
 - b) balance tank B was approximately $\frac{3}{4}$ full of raw sewage and, overflow tank A was approximately $\frac{1}{3}$ full of raw sewage; and
 - c) overflow tank B and digester tank B were approximately $\frac{3}{4}$ full of an unknown liquid, likely to be partially treated wastewater or stormwater.
 - d) The contents of digester tank A and other associated storage tanks is unknown.
43. Storing raw sewage in the STP storage tanks poses an environmental and health risk as the structural integrity of the tanks is uncertain and any possible water ingress into the tanks has the potential to cause an uncontrolled overflow into the environment. Due to the sandy soils, there is a high risk that any release of raw sewage will contaminate the groundwater table and cause environmental harm.
44. A report dated 21 July 2021, submitted to the department by the company in response to a requirement of an EPO dated 21 April 2021 (reference E-100412733) states that the balance tanks are “old and weathered” and recommends the company conduct daily visual checks to identify any integrity issues. As the premises is unmanned and several of the storage tanks have limited freeboard there is an increased likelihood that the integrity of the dilapidated tanks could be compromised, resulting in a release of contaminants.
45. During the inspection on 14 May 2024, authorised persons observed that not all of the tanks were sealed to prevent water ingress.
46. The company has not taken all reasonable and practicable measures to prevent and or minimise the potential for environmental harm being caused.
47. The cessation of operation of the STP without adequate measures to prevent environmental harm, has likely caused environmental harm in accordance with section 14 of the EP Act because:
- a) the residual activity on the premises requires additional reasonable actions to be taken to manage the risk of release of contaminants to the environment which is likely to cause environmental harm; and
 - b) releases to the environment are likely to impact the high ecological value groundwater table which interacts with surface waters and is used for water supply.

Risk of unlawful serious or material environmental harm

48. Under section 363AD(4) of the EP Act the order may also require the related person to
- a) take action to prevent or minimise the risk of unlawful serious or material environmental harm—
 - i. from a relevant activity; or
 - ii. from contaminants on land on which the high-risk company carries out, or has carried out, a relevant activity (whether or not the contaminants are the result of a relevant activity).
49. In accordance with section 14 of the EP Act, environmental harm includes any potential adverse effect on an environmental value.

- 50. The harm described above is not authorised under the EA, or any other authorisation in accordance with section 493A of the EP Act.
- 51. There is a risk of unlawful material environmental harm as a result of the relevant activity and from contaminants on the land on which the company has carried out the relevant activity as described above, as the harm is not trivial or negligible in nature and the cost to prevent or minimise the harm is greater than the threshold amount.
- 52. There is a risk of unlawful serious environmental harm as a result of the relevant activity and from contaminants on the land on which the company has carried out the relevant activity as described above, as the impact is to an area of high conservation value and the cost to prevent or minimise the harm is greater than the threshold amount.

To secure compliance with conditions of the EA

- 53. The EA stipulates a separate set of conditions for ERA 16 and ERA 63. For clarity, this EPO relates to ERA 63 activities and all references to EA conditions are those stipulated for ERA 63 (page 10 onwards of EA EPPR0080513).
- 54. The company has not taken adequate measures to comply with conditions G1, L1 and L18 of the EA and this EPO is required to secure compliance with the EA.
- 55. Section 430 of the EP Act states that a person must not contravene a condition of an EA.

Alleged contravention of section 430 of the Act (Condition G1)

- 56. Condition G1 of EPPR00805313 (sewage treatment) states that in carrying out the ERA, the holder must take all reasonable and practicable measures to prevent and / or to minimise the likelihood of environmental harm being caused.
- 57. As described above in relation to your GED, there are a number of instances where reasonable and practicable measures have not been taken to prevent or minimise the likelihood of environmental harm. The company has therefore contravened condition G1 of the EA.

Alleged contravention of section 430 of the Act (Condition L1)

- 58. Condition L1 of EPPR00805313 (sewage treatment) states that the only contaminants permitted to be released to land is treated sewage effluent, to the area shown in Schedule 1 - Effluent Irrigation Area, and in compliance with the limits specified in Table 2 - Contaminant release limits to land, and the conditions of this approval.
- 59. During inspections at the premises on 25 August 2023, 20 October 2023, 15 December 2023, 21 February 2024 and 14 May 2024 AOs observed releases of biosolids to land from the water storage tanks via the tap at the bottom of the tank and the side of the tank. The EA does not permit the release of biosolids to land and the release occurred outside the permitted release area.
- 60. During inspections at the premises on 20 October 2023, 21 February 2024 and 14 May 2024 AOs observed the integrity of several of the IBCs had been compromised and contaminants (predominately hydrocarbons) were observed being released to land. AOs additionally observed a separate release of hydrocarbons passively releasing from fuel containers onto land. The EA does not permit the release of contaminants other than treated sewage effluent to land as stipulated in condition L1. Further, the release occurred outside the permitted release area.
- 61. The company has contravened condition L1 of the EA.
- 62. Measures have not been taken to prevent continuation and/or recurrence of the contravention and this EPO is required to secure compliance with condition L1 of the EA.

Alleged contravention of section 430 of the Act (Condition L18)

63. Condition L18 of EPPR00805313 (sewage treatment) states *all chemicals and fuels stored at the authorised place must be contained within an onsite containment system and controlled in a manner that prevents environmental harm. NOTE: All petroleum product storage's must be designed, constructed and maintained in accordance with AS 1940 — 2004 Storage and Handling of Flammable and Combustible Liquids. Or more recent editions.*
64. During the site inspection on 21 February 2024 AOs observed approximately fifty (50) containers of fuels and oils (each >5L) in the undercover shed area on the premises. There was hydrocarbon staining and pooling on the concrete hardstand leading into the stormwater drains. None of the oil and fuels were stored within a secondary contaminant system.
65. The company is contravening condition L18 as the fuel and oil containers on the premises are not stored within an onsite containment system and are not being managed in a manner that prevents environmental harm.

Why is an EPO being issued?

1. The department is satisfied that action is required to prevent or minimise the risk of unlawful material or serious environmental harm from the ongoing residual activity at the premises.
2. The company has failed to take all reasonable measures to comply with conditions G1, L1 and L18 of EPPR00805313 and has failed to take all reasonable and practical measures to prevent or minimise the risk of environmental harm in accordance with the GED. It is appropriate to require that reasonable measures be taken to secure compliance with the conditions of the EA and the GED.
3. You are a related person of the company in accordance with section 363AB of the EP Act. You did not take all reasonable steps to ensure the company met its obligations under the EP Act.
4. The department considers that it is appropriate to require you to take reasonable measures to comply with the GED and achieve compliance with the EP Act. The reasonable steps include preventing or minimising risks posed by the residual activity, and to take all reasonable and practicable measures to remove and lawfully dispose of contaminants associated with the residual activity at the premises.

B. Requirements

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

Lawfully dispose of biosolids:

1. By **1:00pm on 2 August 2024**, you are required to have removed and lawfully disposed of all **the biosolids** from the premises.
 - a) By **1:00pm on 12 July 2024**, you must commence removing the biosolids that are stored in the water tanks and IBC's from the premises.
 - b) You must ensure that all biosolids removed from the premises are disposed of at a facility that can lawfully accept the waste.
 - c) By **1:00pm on 2 August 2024**, you must have removed all the biosolids from the premises.
 - d) By **1:00pm on 2 August 2024**, you must provide evidence including receipts and waste tracking certificates to the department demonstrating that all the biosolids removed from the premises have been disposed of to a facility(s) that can lawfully accept it. Receipts and waste tracking certificates must be emailed to goldcoast.es@des.qld.gov.au.

Lawfully dispose of chemicals, fuels and oils:

2. By **1:00pm on 2 August 2024**, you are required to have removed and lawfully disposed of all **residual chemicals, fuels, and oils** from the premises.

- a) By **1:00pm on 12 July 2024**, you must commence removing of all residual chemicals, fuels, and oils from the premises.
- b) You must ensure that all residual chemicals, fuels, and oils from the premises are disposed of at a facility that can lawfully accept the waste.
- c) By **1:00pm on 2 August 2024**, all residual chemicals, fuels, and oils must have been removed from the premises.
- d) By **1:00pm on 2 August 2024**, you must provide evidence including receipts and waste tracking certificates to the department demonstrating that all the residual chemicals, fuels, and oils removed from the premises have been disposed of to a facility(s) that can lawfully accept it. Receipts must be emailed to goldcoast.es@des.qld.gov.au.

Lawfully dispose of waste in the bioreactor:

- 3. By **1:00pm on 2 August 2024**, you are required to have removed and lawfully disposed of all the **waste in the bioreactor** from the premises.
 - a) By **1:00pm on 12 July 2024**, you must commence removing the waste in the bioreactor from the premises.
 - b) You must ensure that all waste removed from the bioreactor at the premises are disposed at a facility that can lawfully accept it.
 - c) By **1:00pm on 2 August 2024**, all the waste from the bioreactor at the premises must have been removed.
 - d) By **1:00pm on 2 August 2024**, you must provide evidence including receipts and waste tracking certificates to the department demonstrating that all the waste in the bioreactor from the premises has been disposed of to a facility(s) that can lawfully accept it. Receipts must be emailed to goldcoast.es@des.qld.gov.au.

Lawfully dispose of IBCs:

- 4. By **1:00pm on 2 August 2024**, you are required to have removed and lawfully disposed of all the contaminants in **the IBC's** and the IBCs from the premises.
 - a) By **1:00pm on 12 July 2024**, you must commence removing the contaminants in the IBCs and the IBCs from the premises.
 - b) You must ensure the contaminants in the IBCs and the IBCs are disposed of at a facility that can lawfully accept the waste.
 - c) By **1:00pm on 2 August 2024**, all IBCs and the associated contaminants must have been removed from the premises.
 - d) By **1:00pm on 2 August 2024**, you must provide evidence including receipts and waste tracking certificates to the department demonstrating that all the IBCs and associated contaminants removed from the premises have been disposed of to a facility(s) that can lawfully accept it. Receipts must be emailed to goldcoast.es@des.qld.gov.au.

Lawfully dispose of the contents of the storage tanks

- 5. By **1:00pm on 2 August 2024**, you are required to have removed and lawfully disposed of all the **contents of the STP storage tanks** at the premises.
 - a) By **1:00pm on 12 July 2024**, you must commence removing the contents of the STP storage tanks (Namely, balance tanks A & B, overflow tank A & B, and digester tank B) from the premises.
 - b) You must ensure that all the waste removed from the storage tanks at the premises is disposed of at a facility that can lawfully accept it.
 - c) By **1:00pm on 2 August 2024**, the contents of the STP storage tanks must have been removed from the premises.
 - d) By **1:00pm on 2 August 2024**, you must provide evidence including receipts and waste tracking certificates to the department demonstrating that the waste has been removed from the premises has

been disposed of to a facility(s) that can lawfully accept it. Receipts must be emailed to goldcoast.es@des.qld.gov.au.

Remediation:

6. By 1:00pm on 30 August 2024, you must engage an **appropriately qualified person** to do a site assessment of the premises and produce a report detailing the remaining environmental risks on site and actions required to remediate the premises.
7. By 1:00pm on 27 September 2024, you must provide the completed report to the department for comment and approval via goldcoast.es@des.qld.gov.au.
8. By 1:00pm 25 October 2024, you must implement the report's recommendations and any additional requirements requested by the department.
9. You must not recommence treatment or storing of any biosolids, chemicals, fuels, wastes, sewage or any other material at the premises unless in accordance with conditions of an environmental authority.

Definitions:

the biosolids means the sewage sludge from the activity that has been stored within the four (4) water tanks and within anything else located at the premises.

the residual chemicals, fuels and oils means any chemicals, fuels, and oil >5L located at the premises.

the waste in the bioreactor means the partially treated and raw sewage contained in the bioreactor at the premises.

the IBC's means all IBC's containing any wastes, chemicals and hydrocarbons located at the premises.

appropriately qualified person (AQP) means a person with qualifications and experience relevant to the work being undertaken.

contents of the STP storage tanks means the sewage (in various phases of treatment) and any other wastes including stormwater being stored in balance tanks A & B, overflow tank A & B, digester tank A & B and any other storage tank on the premises.

lawfully dispose means transport and disposal in accordance with the EP Act and *Environmental protection regulation 2019*.

remediation means addressing any other residual impacts on the premises that may pose a risk to human health or an environmental value.

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 \$35,937.

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 \$35,937.

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 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 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.



Signature

Mark Watson
Principal Environmental Officer
Delegate of the Chief Executive
Department of Environment, Science and Innovation
Environmental Protection Act 1994

22/05/2024

Date

Enquiries: Henry Hunt
COMPLIANCE CENTRE: Gold Coast
Ph: (07) 5626 6871
Email: goldcoast.es@des.qld.gov.au