

Notice

Environmental Protection Act 1994

Environmental Enforcement Order

This environmental enforcement order is issued by the administering authority pursuant to section 362 of the Environmental Protection Act 1994.

Senex Compression Facility Pty Ltd (ABN 654 787 747)
Level 30, 180 Ann Street
Brisbane QLD 4000

Your reference: P-EA-100316985

Our reference: **C-CPLRC-100617507, STAT-E-100675041**

25/06/2024

Dear Directors,

Take notice: That under the *Environmental Protection Act 1994* (the Act), this environmental enforcement order (EEO) is issued to Senex Compression Facility Pty Ltd (ABN 654 787 747) (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment, Science and Innovation (the department).

The EEO is issued with respect to your activities on land described as Petroleum Facility License (PFL) 31 located on Lot 49 on Plan SP237297 situated at 5406 JACKSON WANDOAN RD, WOLEEBEE QLD 4419 (the premises).

A. Grounds

This EEO is issued on the following grounds:

1. In accordance with section 359(e)(ii) of the Act, to require you to take reasonable measures to secure compliance with condition A1 of environmental authority P-EA-100316985 dated 6 February 2023.

Condition A1 states:



A1

This environmental authority authorises the carrying out of the following resource activities:

(a) The petroleum activities and specified relevant activities listed in Table – Authorised Petroleum Activities to the extent they are carried out in accordance with the activity's corresponding scale and intensity (or both, where applicable); and

(b) Incidental activities that are not otherwise specified relevant activities.

Table – Authorised Petroleum Activities

Petroleum Activities and Infrastructure	Scale	
	Total Number of Authorised Petroleum Activities	Maximum Disturbance Area
Gas Compression Facility	1	0.1 ha
Power Station	1	1 ha
Laydown	1	2.5 ha
Topsoil Storage Area	1	0.55 ha

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

1. Senex Compression Facility Pty Ltd (you) are the holder Environmental Authority P-EA-100316985 (the EA).
2. You occupy land described as PFL31 located on Lot 49 Plan SP237297 situated at 5406 JACKSON WANDOAN RD, WOLEEBEE QLD 4419 (the premises).
3. On 14 March 2024, you notified the department that the construction of the gas compression and power generation facility and associated infrastructure had resulted in land disturbance of approximately 14.77ha in exceedance of the 10.15ha authorised disturbance area under condition A1 of environmental authority P-EA-100316985 (the EA). You advised that disturbance had commenced on approximately 16 October 2023.
4. On 22 March 2024 you provided additional information to the department including a figure (document reference SENEX-CORP-GI-MAA-1102-2) which shows the 'Estimated Potential Disturbance Area' significantly exceeds the authorised disturbance areas.
5. On 22 March 2024 you also provided a document titled 'Site Environmental Instructions' which states 'Disturbance (earthworks and vegetation clearance) must not occur outside the approved disturbance area shown on the Environmental Constraints Map'. The Environmental Constraints Map appears to align with the authorised disturbance area under condition A1 of the EA and is significantly less than the disturbance area shown on the figure provided (document reference SENEX-CORP-GI-MAA-1102-2).
6. On 4 April 2024 one authorised officer and one environmental officer (officers) from the department conducted an inspection of the premises and observed that the extent of ground disturbance was consistent with information provided by you. The disturbance consisted of cleared and grubbed earth in exceedance of the area of disturbance authorised by condition A1 of the EA.
7. During the inspection, officers observed that erosion and sediment controls were in place however it was evident that the measures had not been adequately maintained to ensure they were effective in preventing the release of sediment from disturbed areas of the premises.

8. On 12 June 2024 you provided further information to the department including a proposed rehabilitation program and a figure of the disturbance areas titled 'Atlas East CPF DESI Summary Map'.
9. On 18 June 2024 you provided an updated figure 'Atlas East CPF DESI Summary Map' (refer Attachment A – Disturbance Areas). You also made representation that part of the disturbance area was authorised under environmental authority P-EA-100487720, which relates to the construction of a pipeline on PPL2075.
10. Condition A1 of the EA authorises a total disturbance area of 10.15ha. In consideration of disturbance authorised under P-EA-100487720, the estimated area of unauthorised disturbance equates to 3.29ha.
11. The department is satisfied that you have breached condition A1 of the EA.
12. The department considers it reasonable to require you to complete the requirements of this EEO to achieve compliance with condition A1 of the EA.

B. Requirements

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

1. You must submit all reports and documents required by this notice to the department via email to southwest.es@des.qld.gov.au.
2. By **5pm on 2 July 2024** you must cease all activities in **unauthorised disturbance areas** other than activities required to rehabilitate these areas and provide written confirmation of this to the department.
3. By **5pm on 9 July 2024** you must engage an **Appropriately Qualified Person (AQP)** to fulfill the requirements of this notice and provide confirmation of the engagement to the department, including evidence of relevant qualifications and experience of the **AQP**.
4. By **5pm on 23 July 2024** you must have installed interim erosion and sediment control measures to prevent the release of sediment from the **unauthorised disturbance areas** and provide written evidence of this to the department.
5. By **5pm on 30 October 2024** you must rehabilitate all **unauthorised disturbance areas** to achieve the following:
 - a. a safe, stable, non-polluting landform similar to the pre-disturbed land use; and
 - b. re-establishment of surface water drainage lines; and
 - c. reinstatement of topsoil; and
 - d. establish adequate groundcover or soil stabilisation to prevent erosion.
6. From **30 October 2024** you must monitor and maintain the **unauthorised disturbance areas** to achieve the following rehabilitation objectives:
 - a. A safe, stable, non-polluting landform similar to the pre-disturbed land use; and
 - b. Greater than or equal to the total percentage of groundcover of pre-disturbed land use; and
 - c. Establishment of vegetation species agreed with the landholder, or equivalent to pre-disturbed land use.
7. By **5pm on 20 June 2025** you must submit a report completed by an **AQP** to the department that assesses the status of the **unauthorised disturbance areas** against the rehabilitation objectives.

Definitions:

Appropriately Qualified Person (AQP) means a person who has professional qualifications, training or skills or experience relevant to the nominated subject matters and can give authoritative assessment, advice and analysis about performance relevant to the subject matters using relevant protocols, standards, methods or literature.

Unauthorised disturbed areas means any disturbance that is not authorised by condition A1 of Environmental Authority P-EA-100316985 and shown as areas A, B and C on Attachment A – Disturbance Areas.

C. Obligations

If you propose to dispose of the place or business to which the EEO relates, you **must** advise the buyer of the existence of this EEO.

If you cease to carry out the activity to which this EEO relates, you **must** give written notice of ceasing to carry out the activity to the department within 10 days of ceasing the activity.

Take notice:

- the requirements of this order take effect immediately upon service of the order;
- failure to comply with this order is an offence under the Act;
- this order remains in force until further notice from the administering authority.

D. Offences

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 this EEO is an offence unless you have a reasonable excuse. The maximum penalties are significant and are provided in s369A of the Act.

Failure to provide a written notice to the buyer of the existence of the order is an offence. The maximum penalty is provided in s369C of the Act.

Failure to provide written notice to the department within 10 business days of ceasing the activity to which an EEO relates is an offence. The maximum penalty is provided in s369D of the Act

E. Reviews and appeals

The provisions regarding reviews of decisions and appeals are found in s519 to s539 of the 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.

For a decision that is not an original decision, there are no formal review and appeal rights for a person who is dissatisfied with the decision made by the administering authority. The person may have other legal rights and may wish to seek legal advice.

F. Public Register

Pursuant to s540 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 Thomas Sheppard at Toowoomba compliance centre by Mail: PO Box 731 TOOWOOMBA QLD 4350 or Email: southwest.es@des.qld.gov.au or on (07) 3708 8904.



Signature

Delegate: Joe Winzenberg

A/Manager (Compliance)

Delegate of the Chief Executive

Environmental Protection Act 1994

25 June 2024

Date

Administering Authority Details

Department of Environment, Science, and Innovation

203 Tor Street, Toowoomba, Qld

Attachment A – Disturbance Areas

