

Environmental Enforcement Order

Section 362 of the *Environmental Protection Act 1994*



Department of
**Environment, Science
and Innovation**

Order Ref: STAT-E-100738080
Issued To: JLLT MANAGEMENT PTY LTD ACN 629 800 684
22 BAYSWATER AVENUE, VARSITY LAKES, QLD, 4227

Mr Justin Taylor – Director (justin@resteasylvillage.com.au)

For the purpose of this notice “you” means the recipient of this notice or your authorised representative.

Site Address: Rest Easy Village 1513 BRUCE HIGHWAY, KYBONG, QLD, 4570 (Lot 10 RP139458) (“the site”)

Issued By: Rod Garner, Senior Environmental Officer, Department of Environment, Science and Innovation, an authorised person of the administering authority (“the delegate”)

A handwritten signature in black ink that reads 'Rod Garner'.

Signed by delegate

Date: 11 October 2024

Relevant Matter/ Enforcement Grounds: Section 359 (e) it is necessary to issue an environmental enforcement order to secure the person’s compliance with (ii) a condition of an environmental authority

Service Method: Via registered post and email

Why are we writing to you?

The delegate reasonably suspects that you have contravened section 430 of the *Environmental Protection Act 1994* (the Act) Contravention of condition of environmental authority; at the site and has issued this environmental enforcement order (EEO) to you under section 359 (e) (ii) of the Act to avoid further contraventions, secure compliance with conditions of your environmental authority (EA) and keep the Department of Environment, Science and Innovation (“the department”) informed.

Under section 369 of the Act, you were informed orally by telephone on 10 October 2024 that the department intended to issue this EEO and you were informed of the proposed required actions that must be taken to comply with this order.

What are you required to do?

Please read this EEO carefully and carry out all the required actions listed below by the required dates.

Terms used in this EEO have the meaning defined in the Background and Definitions section of the EEO, or if not defined, in the Act.

If you have any questions about this EEO, please contact Rod Garner by email rod.garner@des.qld.gov.au or telephone (07) 54 596 132.

Required actions:

1. Effective immediately, you must cease releasing effluent from the site sewage treatment plant (STP) to the site irrigation areas until you can demonstrate to the department that the effluent quality complies with EA EPPR00515613 condition L5 Treated effluent released to land must comply with the limits in Table 3 Contaminant release.

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2. Effective immediately, you must engage a licenced regulated waste transporter and have them lawfully remove effluent from the site STP during this EEO period, whilst the release to land condition is suspended. Transported effluent must be taken to a facility that can lawfully accept this waste. This requirement remains effective until you can demonstrate to the department that you can comply with EA EPPR00515613 condition L5 Treated effluent released to land must comply with the limits in Table 3 Contaminant release.
3. You must keep all waste tracking certificate records provided by the licenced regulated waste transporter for the effluent transported off-site for the duration of this EEO and provide copies of these certificates if requested by the department.

Background and definitions

1. The department is the administering authority and has responsibility for enforcing the Act.
2. You are the holder of EA EPPR00515613 and are responsible for compliance with the EA conditions.
3. You occupy and have management and control of the site.
4. On Thursday 19 September 2024, the department attended the site in response to a report received from Gympie Regional Council that effluent was being released from the site and was causing an odour nuisance.
5. During the unannounced site visit on 19 September 2024, authorised officers were shown by the Park Manager, Lex Polzin, some recent effluent quality analysis results, (Eurofins certificate of analysis Report Number 126133) dated 15 February 2024, which demonstrated *Escherichia coli* (E.coli) at >2,000 cfu/100ml and another result (Eurofins certificate of analysis Report Number 87511) dated 15 June 2023 showed E.coli at >2,000 cfu/100ml.
6. EA condition L5 requires that treated effluent released to land must comply with limits in Table 3 – Contaminant release. The EA release limit for E. coli is maximum <1,000 cfu/100ml.
7. During the site visit on 19 September 2024, based on the non-compliant results presented for 2023 and 2024, authorised officers collected samples of the effluent that is discharged from the site STP to the sub-surface irrigation system for analysis.
8. On 1 October 2024, the department received the sampling results for the sample collected on 19 September 2024, which demonstrated E.coli was >20,000 cfu/100ml. The EA E.coli limit maximum is <1,000 cfu/100ml.
9. The delegate has considered the circumstances (including the standard criteria and human rights) and determined that the required actions above are reasonable to address the relevant matter.
10. This EEO takes effect from the date of service and remains in force until stayed, amended, revoked or finalised.

Warnings and information about this EEO

A PERSON WHO IS BOUND BY THIS EEO AND WHO FAILS TO COMPLY WITH THIS EEO, WITHOUT A REASONABLE EXCUSE, COMMITS AN OFFENCE UNDER THE ACT.

- The maximum penalty for wilfully contravening an EEO is 1665 penalty units, totalling \$1,288,710.00 for a corporation.
- The maximum penalty for contravening an EEO is 600 penalty units, totalling \$464,400.00 for a corporation.

Under section 165 (4) of the *State Penalties Enforcement Act 1999* the maximum penalty amount that can be imposed on a corporation is five times the amount imposed for an individual.

Under section 493 of the Act, each executive officer of the corporation may be taken to have also committed an offence, of failing to ensure the corporation complies with the Act.

If you propose to dispose of the premises or business to which the EEO relates, you must advise the buyer of the existence of this EEO. Failure to provide written notice to the buyer of the existence of the order is an offence under section 369C of the Act with a maximum penalty of 50 penalty units, totalling \$7,740.00 for an individual, or \$36,700.00 for a corporation.

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. Failure to provide written notice to the department is an

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offence under section 369C of the Act with a maximum penalty of 50 penalty units, totalling \$7,740.00 for an individual, or \$36,700.00 for a corporation.

Review and appeal rights

Under Chapter 11, Part 3 of the Act, a dissatisfied person may apply for a review of this EEO within 10 business days of receiving this EEO; and a dissatisfied person who is dissatisfied with the review decision may appeal against the decision to the Court.

A request for review is to be made using the approved form 'Application for review of original decision' (available at www.qld.gov.au). 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.

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.