Environmental Enforcement Order

NOTICE ID	**STAT-E-100864021**
Date of issue	02 December 2025
Issued to	Blackwater Quarries Pty Ltd (ACN 010 392 659) For the purpose of this Notice, "you" means the recipient of this Notice or your authorised representative.
Registered address	20L Sheraton Road Dubbo NSW 2830
Site address	2403 Blackwater-Cooroorah Road, BLACKWATER QLD 4717
Land reference (the premises)	Lot 10 Plan SP308968
Administering authority	Chief Executive of the Department of the Environment, Tourism, Science and Innovation (the department)
Legal reference	Pursuant to s362 Environmental Protection Act 1994 (the Act)
Issued by	Joe Winzenberg, Manager (Compliance), Department of the Environment, Tourism, Science and Innovation, an authorised person of the administering authority (the delegate)  _____ Signed by delegate
Service method	☒ Registered post ☐ Hand delivered ☒ Also by email ☐ Orally (s369(2))
Contact	If you have any questions about this EEO, please contact: Rahul Sreekumar, Rockhampton Compliance Email: CWES_Rockhampton@detsi.qld.gov.au Telephone: (07) 4837 3499

Please read the Information Sheet - Recipient of an Environmental Enforcement Order (detsi.qld.gov.au) for further information (search for ESR/2024/6802 on www.detsi.qld.gov.au).

Why is the department issuing this Environmental Enforcement Order to you?

The department reasonably suspects that you have contravened section 430 of the Act at the premises and has issued this Environmental Enforcement Order (EEO) to you under section 362 of the Act to remedy the contraventions, avoid further contraventions and keep the Department of the Environment, Tourism, Science and Innovation (the department) informed.

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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 the required actions of this EEO have their meaning defined in ***Appendix A*** *or, if not defined, in the* Environmental Protection Act 1994 *(the Act).*

Required actions:

1. You must submit all reports and documents required by this notice to the department via email to CWES_Rockhampton@detsi.qld.gov.au.
2. Immediately upon receipt of this notice, you must cease any clearing, extraction, or screening activities outside the **approved disturbance area** until you hold, or are acting under, an **effective** EA that authorises the activities.
3. You must not recommence any clearing, extraction, or screening activities outside the **approved disturbance area** until you hold, or are acting under, an **effective** EA that authorises the activities.
4. By **16 January 2026**, and for the duration of this notice, you must ensure that all **unauthorised disturbance areas** are:
    a. stabilised with erosion and sediment controls installed and maintained; and
    b. managed and maintained to prevent the release of contaminants from the site to waters; and
    c. are managed to prevent environmental nuisance caused by dust.
5. By **29 May 2026**, you must have lodged a **properly made application** for an EA, or an EA amendment, for the **unauthorised disturbance areas**; **and**
6. By **1 December 2026**, you must have obtained an **effective** EA for the **unauthorised disturbance areas**; **or**
7. By **29 May 2026**, you must submit to the department a Rehabilitation Plan, completed by an **appropriately qualified person (AQP),** for the **unauthorised disturbance areas**. The Rehabilitation Plan must include, but not be limited to:
    a. rehabilitation objectives, performance indicators, and success criteria which will achieve a self-sustaining ecosystem with established native vegetation species consistent with the mapped pre-cleared regional ecosystem;
    b. a schedule of actions to be carried out to achieve the rehabilitation objectives, including, but not limited to the actions below, with completion timeframes for each action:
        i. remediating **unauthorised disturbance areas** contaminated by the activity;
        ii. re-shaping of **unauthorised disturbance areas** to establish drainage lines and a safe and stable landform;
        iii. except for any stable rock faces, reinstating topsoil consistent with surrounding soils;
        iv. earthen surfaces of the **unauthorised disturbance areas** are vegetated with native species consistent with the mapped pre-cleared regional ecosystem;
        v. active management of pest and weed species;
    c. an ongoing monitoring and maintenance program, to be undertaken by an **AQP**, that will ensure the rehabilitation objectives, performance indicators, and success criteria are achieved;

8. By **1 December 2026**, you must have completed the schedule of actions specified in the Rehabilitation Plan and commenced implementation of the ongoing monitoring and maintenance program.
9. You must provide written evidence to the department demonstrating compliance with Required action 4, **and** either Required actions 5 and 6, ***or*** Required actions 7 and 8 by the dates specified in each respective requirement.

Grounds

The department is issuing you with this EEO pursuant to section 362(1) of the Act as it is satisfied that the following enforcement grounds exist:

1. In accordance with section 359(e)(ii) of the Act, it is necessary to secure compliance with the following condition of environmental authority (EA) EPPR00510013:
    a. **Condition G1 (1)** of the EA which states*: Extraction must only occur within the proposed extraction area in Appendix A - Bedford Weir Quarry Approved Area Plan.*
    b. **Condition G1 (2)** of the EA which states*: The activity must only occur within the existing operational area in Appendix A - Bedford Weir Quarry Approved Area Plan.*
    c. **Condition G3** of the EA which states*: Any breach of a condition of this environmental authority must be reported to the administering authority as soon as practicable within 24 hours of becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions taken.*

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

1) You occupy land described as Bedford Weir Quarry on Lot 10 Plan SP308968, located at 2403 Blackwater-Cooroorah Road, BLACKWATER QLD 4717 (the premises).
2) You are the holder of Environmental Authority (EA) EPPR00510013 issued 19 April 2023, which authorises the following activities on the premises:
    a. Environmentally relevant activity (ERA) 16 - Extraction and Screening - 2(b) - Extracting, other than by dredging, in a year, the following quantity of material - more than 100,000t but not more than 1,000,000t; and
    b. Environmentally relevant activity (ERA) 16 - Extraction and Screening - 3(b) - Screening, in a year, the following quantity of material - more than 100,000t but not more than 1,000,000t.
3) On 28 August 2025, the department conducted a compliance inspection of your activities at the premises. Authorised persons observed that extraction activities extended beyond the approved disturbance area identified in condition G1 (1) & (2) of the EA and depicted in Appendix B of this EEO.
4) During the inspection, authorised persons identified that the extraction pit at the premises extended outside the approved disturbance area (refer Appendix B). This extended pit area did not appear to be operational at the time of the inspection.
5) The department was advised via email on 8 October 2025 that you became aware that extraction had occurred outside the area authorised in the EA on 17 February 2025 and that extraction from this area ceased on 24 February 2025. However, the department has no record of being notified of this breach. The department became aware of the non-compliance through a community complaint received on 23 April 2025.
6) Analysis of satellite imagery dated 05 November 2025 confirmed that the total unauthorised disturbance area at the premises was more than 3ha.

7) Based on the facts and circumstances above, it is alleged that you have contravened conditions G1 (1) & (2) and G3 of the EA by carrying out extraction activities outside the approved disturbance area and failing to report any breach of the EA condition to the administrating authority on becoming aware of the breach.

8) On 28 October 2025, the department issued you with a pre-enforcement letter outlining alleged offences under the Act, including alleged contraventions of section 430(3) of the Act and conditions G1 (1) & (2) and G3 of the EA. You provided a response on 04 November 2025. The department has considered your response in deciding to issue this EEO.

9) The department considers it necessary to issue you an EEO to secure compliance with conditions G1 (1) & (2) and G3 of your EA.

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 issued on a prescribed ground is:

- 6,250 penalty units totalling $1,043,125 for an individual; or
- 31,250 penalty units totalling $5,215,625 for a corporation.

The maximum penalty for contravening an EEO issued on a prescribed ground is:

- 4,500 penalty units totalling $751,050 for an individual; or
- 22,500 penalty units, totalling $3,755,250 for a corporation.

Note that under section 493 of the Act that 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 $8,345 for an individual, or 250 penalty units, totalling $41,725 for a corporation.

Further information about EEOs can be found on the department's website.

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 the Environment, Tourism, Science and Innovation: via email at palm@detsi.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.

Privacy statement

Section 540 of the Act requires the department 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 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 redaction in part is required by the Act. 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@detsi.qld.gov.au or telephone 13 74 68.

Accessibility

Contact us if you need this information in an accessible format such as large print or audio.

Interpreter assistance



If you need interpreter assistance or want this document translated, please contact us and advise your preferred language. If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service.

Appendix A: Definitions used in this Order

Activity	Activity means the ERA to which the EA relates.
Administering authority	The administering authority is the Department of the Environment, Tourism, Science and Innovation, or its successor.
Appropriately Qualified Person (AQP)	Appropriately qualified person (AQP) means a person or persons who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice, and analysis to performance relative to the subject matter using the relevant protocols, standards, methods, and/or literature.
Approved disturbance area	Approved disturbance area refers to the area on the premises identified in condition G1 (1) & (2) of EA EPPR00510013 and Appendix B of this EEO, in which the activities are authorised to be carried out.
EA	EA means environmental authority
Effective	Effective means an EA that has taken effect under Section 200 of the *Environmental Protection Act 1994*.
ERA	Environmentally relevant activity. ERAs are prescribed under Schedule 2 of the Environmental Protection Regulation 2019.
The premises	The premises refers to Lot 10 on Plan SP308968.
Properly made application	Section 127 of the *Environmental Protection Act 1994* prescribes when an application for an EA is a properly made application. Section 227AAA of *Environmental Protection Act 1994* prescribes when an application for an EA amendment is a properly made application.
Unauthorised disturbance areas	For the purpose of this EEO, unauthorised disturbance areas are areas on the premises in which the activity (ERA 16) has been carried out without authorisation under an EA. Specifically, this includes disturbance areas indicated by red polygon depicted in Appendix B of this EEO.
You	You refers to Blackwater Quarries Pty Ltd, holder of EA EPPR00510013, and recipient of this EEO.

Appendix B: Satellite imagery of Bedford Weir Quarry disturbance on Lot 10 Plan SP308968



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