

Environmental Enforcement Order

NOTICE ID	STAT- E-100891803
Date of issue	11 July 2025
Issued to	Zedemar Holdings Pty Ltd (ACN: 105 008 026)
Registered address	1-5 Whiting Street ARTARMON NSW 2064
Site address (the premises)	Ebenezer Mine Coopers Road WILLOWBANK Qld 4306
Land reference	ML4712
CC to	Peter Toole (peter.toole@wanless.com.au)
Administering Authority	Chief Executive of the Department of the Environment, Tourism, Science and Innovation (the department)
Legal reference	<i>Pursuant to s362 Environmental Protection Act 1994</i>
Service method	☒ Registered post ☐ Hand delivered ☒ Also by email ☐ Orally (s369(2))
Contact	If you have any questions about this EEO, please contact: Andrew Crane, Principal Environmental Officer, Energy Extractive and Southwest Queensland, Ipswich Email: ipswich.esr@des.qld.gov.au Telephone: (07) 3894 8153

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

Terms used in this Environmental Enforcement Order (EEO) have their meaning defined in the **Definitions** section in **Appendix A** of the EEO or, if not defined, in the Environmental Protection Act 1994 (the Act).

Why the department is issuing this Order to you:

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

You have a proactive **general environmental duty** to prevent and minimise any environmental harm. You also have a proactive **duty to restore the environment** if environmental harm has been caused by you.

The department has responsibility for enforcing the Act. The delegate for the department is issuing this EEO to you, pursuant to s362 of the Act, to secure compliance with the Act in relation to activities being undertaken at the premises.

This EEO is issued with respect to the activities undertaken at the premises are in contravention of section 430 of the Act.

This EEO is issued to you under:

Section 362 and s. 359(e)(ii) of the Act – the Department considers that it is necessary to issue an EEO to secure your compliance with a condition of an environmental authority (EA).

Background and relevant matters:

1. You are the occupier of ML4712 and have management and control of the land.
2. You are the holder of environmental authority (EA) EPML00594013, dated 28 April 2020 and have been the holder of the EA on a continuous basis since that date.
3. I have inspected the department's records and have found that you held an ERC decision for ML4712 [ref: ERC100151306] that lapsed at 12:01am on 30 December 2023, and that you have not held a valid ERC decision since that date.
4. The department has information, including records you have submitted, that demonstrate that composting has been undertaken on a continuous basis between 30 December 2023 and 24 June 2025.
5. During a site inspection on 7 November 2024 by authorised persons Andrew CRANE and Jeremy BENNETT of the department, it was observed that you were undertaking a composting activity at the site. During that inspection, departmental officers informed Zedemar Holdings that the company did not have an ERC decision in place and that this could impact your resource activities under the EA.
6. On 3 March 2025 the department wrote to you advising that the department had identified that you were in contravention of s. 430(3) of the Act because you were undertaking a resource activity without an ERC decision being in effect for the activity.
7. On 5 March 2025, a representative of Zedemar Holdings Pty Ltd met with personnel from the department's Coal Assessment Team and were advised to apply for an ERA decision.
8. On 13 March 2025, you responded to the letter stating, *inter alia*, that "as previously advised the site is permitted to compost for the purpose of rehabilitation of the mine site" and referencing the Planning and Environment Court decision *State of Queensland v Ipswich City Council & Ors [2002] QPEC 035*
9. On 24 June 2025, authorised persons Sean VAN NIEKERK and Nathan MCGRATH accompanied by Jason DRAIN attended the site to undertake a drone survey of ML4712, during which VAN NIEKERK observed approximately 20 compost windrows situated on the main spilt heap, along with a windrow turner and other equipment associated with composting.
10. Under s. 297 of the Act [see below] it is a condition of your EA EPML00594013 that you must not carry out, or allow the carrying out of, a resource activity under an environmental authority for the activity unless, *inter alia*, an ERC decision is in effect for the resource activity when the activity is carried out.
11. No ERC decision is in effect for the resource activity since 12:01am on 30 December 2023.
12. The department has considered a range of material and information in making its decision including:
 - a. Zedemar's letter dated 13 March 2025; and
 - b. Correspondence received from Zedemar on 9 July 2025 regarding the reported technical issues with using the ERC calculator.
13. The responses appear to misrepresent the relationship between the ERC decision, the PRCP and compliance obligations of the EA holder under the Act.
14. Zedemar Holdings has not solicited advice from the department in regard to problems submitting the ERC application, other than the correspondence received 9 July 2025.

Grounds for issuing this Order:

1. Section 297 of the Act states:
"Condition about ERC decision

It is condition of an environmental authority for a resource activity that the holder must not carry out, or allow the carrying out of, a resource activity under the authority unless—

- (a) an ERC decision is in effect for the resource activity when the activity is carried out; and
- (b) the holder has paid a contribution to the scheme fund or given a surety for the authority under the *Mineral and Energy Resources (Financial Provisioning) Act 2018*; and
- (c) the holder has complied with the requirements under the *Mineral and Energy Resources (Financial Provisioning) Act 2018* for paying a contribution to the scheme fund, or giving a surety for the authority, a required from time to time.”

2. Section 430 of the Act states, in part—

“Contravention of condition of environmental authority

- (1) This section applies to a person who is the holder of, or is operating under, an environmental authority.

...

- (2) The person must not contravene a condition of the environmental authority.
Maximum penalty — 4,500 penalty units”.

3. You are undertaking a resource activity, namely the operation of a facility for the receipt and composting of organic material for use in rehabilitating ML4712.
4. There is no ERC decision in place for the resource activity, and there has been no ERC decision in place since 30 December 2023.
5. The amount of organic material being composted exceeds 200t / year and is a prescribed ERA under s. 19 and 19A of the Act and the *Environmental Protection Regulation 2019*, Schedule 2, item 53 (Organic material processing), and as such is being undertaken at a rate that would not otherwise be exempt from s. 426 (Environmental authority required for particular environmentally relevant activities) of the Act.
6. You do not hold an EA to undertake ERA 53 Organic material processing as a prescribed ERA at the site.
7. There are no applicable exemptions that permit you to undertake ERA 53 Organic material processing as a prescribed ERA without an EA.
8. The department considers that given the facts and circumstances above, that Zedemar Holdings Pty Ltd has failed to comply with s. 430(3) of the Act, namely by failing to comply with the statutory condition imposed by s. 297 of the Act.
9. The department has considered the circumstances (including the standard criteria and human rights) and determined that the required actions are reasonable to remedy or otherwise address the relevant matters.

Required actions:

The Requirements take effect from the date of service and remain in force until this Order is amended, repealed, finalised or stayed.

1. **Immediately on receipt of this notice**, you must ensure that all resource activities, including the receipt and composting of organic material, ceases on ML4712.
2. You **must not** recommence any resource activity until you hold an ERC decision for the activity at ML4712.
3. By **close of business on Monday 28 July 2025**, you must submit an ERC application to the administering authority as per the requirements under the Act.

4. If an ERC decision is not in effect for the resource activity by **Tuesday 28 October 2025**, you must by no later than **Friday 28 November 2025**, do one or more of the following with all stockpiled compost material—
- (a) integrate it into the topsoil of ML4712 in accordance with the rehabilitation requirements and Rehabilitation Plan for the mining tenement [including having regard, for example, to all relevant principles of environmental management including appropriate loading rates, protection of water quality]; or
 - (b) remove the material from ML4712 to a facility that is licensed to accept the material for disposal or processing, keeping records of the total amount of material moved each day, the destination of the material, and how it is to be processed or disposed.

Obligations:

You are reminded of your obligations pursuant to section 319 of the Act, which sets out the general environmental duty that requires anyone who carries out an activity that causes or is likely to cause environmental harm to take all reasonable and practical measures to prevent or minimise the harm. In that regard, you are encouraged to actively identify all environmental risk factors with your actions on the site on an ongoing basis, and to implement strategies and processes to effectively manage them. Please note that you may have other legal rights or obligations under relevant legislation.

Issued by



John Rice
A/ Compliance Delivery Manager
Energy Extractive and Southwest
Compliance

Delegate of the Administering Authority

Department of the Environment, Tourism, Science
and Innovation
PO Box 1014
Ipswich QLD 4305

Considerations

The standard criteria and human rights were considered prior to issuing this EEO.

Offences

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.

Appendix A: Definitions used in this Order (that are not exactly as the Act defines or implies them)

Authorised representative	Is a representative that has been nominated by the person this Order relates to, for acting on their behalf when dealing with the Queensland Government to manage matters. For more information, read the guideline Authorisation letter to nominate an Authorised Holder Representative (available at www.qld.gov.au using the publication number ESR/2019/5168 as a search term).
Land	This refers to the cadastral reference of the premises referenced in this Order.
Resource	Waste being a <i>resource</i> is not a waste, only if it complies with an end of waste code. For more information, go to End of waste codes Business Queensland .

Penalties and obligations

It is important that you know the impact to you personally as an individual or as a corporation for not meeting your 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. **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.
- 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 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.

Right of review and appeal

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 the Environment, Tourism, 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.

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. 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.

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](#)

