# Environmental Enforcement Order

***Environmental Protection Act 1994***

*Pursuant to section 362*

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| **ORDER ID** | **STAT-E-101161422** |
| **Date of issue** | 11 August 2026 |
| **Issued to** (you) | Pearljaney Pty Ltd [ACN 093 572 215]<br>*For the purpose of this Environmental Enforcement Order (EEO), 'you' means the recipient of this EEO.* |
| **Registered address** | Hooper Accountants, 100 Neil Street, TOOWOOMBA, QLD, 4350 |
| **Site address** (the premises) | WATTLE BRAE<br>8884 GORE HWY<br>MILLMERRAN QLD 4357 |
| **Land reference** | Lot 3834 on DER34139 |
| **CC to** | Creevey Horrell Lawyers<br>C/o: Dan Creevey<br>dcreevey@crlawyers.com.au |
| **Issued by** (the delegate) | Lisa Fritz Principal Environmental Officer<br>**Delegate of the Administering Authority**<br>Chief Executive of the Department of the Environment, Tourism, Science and Innovation (the department) |
| **Relevant Grounds** | s359(e)(ii) of the *Environmental Protection Act 1994* - to secure compliance with a condition of environmental authority (EA) EA0002325. The condition of the EA which is directly relevant is Condition G11. For reference, related offset conditions G9 and G10 have also been reproduced.<br><br>***Condition G9***<br><br>*Significant residual impacts to prescribed environmental matters are not authorised under this environmental authority or the Environmental Offsets Act 2014 unless the impact(s) is specified in Table - Significant residual impacts to prescribed environmental matters.* |

**Table - Significant residual impacts to prescribed environmental matters**

| Prescribed Environmental Matter | Location of impact | Maximum extent of impact |
|---|---|---|
| Legally secured offset area (for protected wildlife - *Phascolarctos cinereus*) | Area 1 identified in Schedule 3 Figure 2 and Schedule 4 Table 2 | 2.94ha |
| Protected wildlife habitat for *Phascolarctos cinereus* | Area 2 & 3 identified in Schedule 3 Figure 2 and Schedule 4 Table 2 | 4.388ha |



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| | ***Condition G10***<br>*An environmental offset made in accordance with the Environmental Offsets Act 2014 and Queensland Environmental Offsets Policy, as amended from time to time, must be undertaken for the maximum extent of impact to each prescribed environmental matter authorised in Table - Significant residual impacts to prescribed environmental matters.*<br>***Condition G11***<br>*Offsets required under Condition (G10) are required to be managed in accordance with an offset area management plan approved by the administering authority.* |
| **Service method** | ☒ Registered post ☐ Hand delivered ☒ Also by email ☐ Orally (s369(2)) |
| **Contact** | If you have any questions about this EEO, please contact:<br>Principal Environmental Officer, Sarah Cantwell, Toowoomba Compliance Centre<br>Email: southwest.es@detsi.qld.gov.au Telephone: (07) 3078 3079 |
| **Further information** | 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). Terms used in this EEO have their meaning defined in the **Definitions** section of the EEO or, if not defined, in the *Environmental Protection Act 1994* (the Act). |

## Why are we writing to you?

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.

The delegate reasonably suspects that you have contravened section 430 of the Act at the premises. This EEO is issued with respect to the activities undertaken at the premises are in contravention of section 430(3) of the Act.

## What are you required to do?

**The required actions listed below are to be remedied in full by the required dates.**

### Part A

***Requirements in Part A take effect from the date of service and remain in force until this EEO is amended, repealed, finalised or stayed.***

1. By **5:00pm** on **31 October 2026,** you must:

    (a) plant 94 trees in 11.22ha in Area A as per Offset Plan included as Appendix A, at a density of 7.82 trees per hectare; and

    (b) plant 72 trees in the residual 9.27ha in Area B as per Offset Plan included as Appendix A (excluding the 1.2ha planted area), at a density of 7.82 trees per hectare.

2. The trees to be planted under Requirement 1 must be a mix of koala habitat tree species and occur in

the local area (a component of either Regional Ecosystem (RE) 11.3.2, 11.3.25 or 11.5.1).

3. By **5:00pm** on **31 October 2027**, an independent appropriately qualified person/s must undertake an ecological survey to determine whether a 90% success rate of all trees planted in the offset area has been achieved.

4. If the survey conducted under requirement 3 identifies a 90% success rate has not been achieved, additional trees must be planted by **5:00pm** on **30 December 2027.** Results of the ecological survey must be included in the Annual Progress Report under Requirement 10.

5. You must have a demonstrated ability to deliver, to each tree planted in the offset area, at each watering event:

    (a) 2-3 litres of water per tree, if watering by hand; or

    (b) The equivalent of receiving 5-10 mm of rain per tree, if using a water truck.

6. By **5:00pm** on **30 December 2026**, you must implement restrictions for the total 21.69 ha offset area, including:

    (a) access gates and signage to control vehicle access and speed; and

    (b) boundary fencing to exclude livestock; and

    (c) feral animal restrictions.

7. Quarterly monitoring and maintenance must be conducted for weeds and animal control, and results must be recorded on an inspection sheet to be included in the Annual Progress Report. Monitoring must include:

    (a) the number of each type of weed present in the offset area; and

    (b) details of any indication of feral pest infestations in the offset area; and

    (c) fence condition and if repairs are required, the repairs implemented.

8. Monitoring and maintenance of trees planted in the offset area must be undertaken at the frequency detailed in *Table 1- Monitoring and maintenance requirements*.

    Monitoring and maintenance must include watering of trees, replacement of dead trees, and repair of predation protection mechanisms. Monitoring and maintenance actions and outcomes must be recorded and documentation submitted to the administering authority in accordance with *Table 1- Monitoring and maintenance requirements*.

    Table 1 – Monitoring and maintenance requirements

| **Timeframe (after planting)** | **Monitoring frequency** | **Record and documentation submission frequency** |
|---|---|---|
| First month | Weekly | 10 business days after the last weekly monitoring event. |
| Months 2- 4 | Monthly | 10 business days after each monitoring event. |
| Months 5-12 | Bi-monthly | 10 business days after each monitoring event. |

9. Bi-annual Vegetation Condition Audits must be completed by an appropriately qualified person/s, and must include:

(a) Photographic records from two (2) designated photo points (fixed) and one (1) random photo point, and

(b) Associated comments on vegetation condition.

10. By **5:00pm** on **30 June each year**, you must submit an Annual Progress Report to the administering authority. The report must include the following records from the current financial year:

(a) Results from the Bi-annual Vegetation Condition Audits; and

(b) Revegetation success (in percentage); and

(c) Weed control success; and

(d) Summary of the activities completed; and

(e) Any recommendations to achieve the conservation outcomes outlined in section 6 of the OAMP.

11. By **5:00pm** on **30 June 2029**, a formal audit report is to be completed by an independent appropriately qualified person/s and submitted to the administering authority to determine if the OAMP conservation outcomes are being achieved, through achieving the performance indicators listed in *Section 6 – Conservation Outcome* of the OAMP.

Any submissions required by this EEO are to be sent via email: southwest.es@detsi.qld.gov.au or via mail to Department of the Environment, Tourism, Science and Innovation, PO Box 9066 WILSONTON QLD 4350

***Definitions used in this EEO*** *(that are not exactly as the Act defines or implies them)*

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| **Appropriately qualified person/s** | A person who has professional qualifications, training, skills, or experience relevant to the nominated subject matter and can give authoritative assessment, advice, and analysis on performance relating to the subject matter using the relevant protocols, standards, methods, or literature. |
| **Bi-annual** | Occurring twice a year, every 6 months. |
| **Bi-monthly** | Occurring every two months. |
| **Koala habitat tree** | a. a tree of the *Corymbia*, *Melaleuca*, *Lophostemon* or *Eucalyptus* genera that is edible by koalas; or<br>b. a tree of a type typically used by koalas for shelter, including, for example, a tree of the *Angophora* genus. |
| **Offset area** | Offset Areas A and B combined as depicted in Appendix A. |
| **Land** | This refers to the cadastral reference of the premises referenced in this EEO. |
| **Quarterly** | Occurring every 3 months. |
| **Year** | Means calendar year which is a period of 12 months beginning on 1 January. |

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| **1.2ha planted area** | This refers to the 1.2ha planted area depicted in Appendix A. |

## Grounds for issuing this EEO:

1. Pearljaney Pty Ltd (Pearljaney) is the holder of EA EA0002325 dated 13 December 2024, including previous iterations of this EA (including EPPR01862714).

2. The department is satisfied that Pearljaney is responsible for the operation and maintenance of the activities authorised under EA0002325.

3. The extractive activities currently authorised under EA0002325 have impacted:
    a. 2.84 ha of a legally secured offset area for protected wildlife - *Phascolarctos cinereus*
    b. 4.388 ha of protected wildlife habitat for *Phascolarctos cinereus*.

4. Under section 19 of the *Environmental Offsets Act 2014* (the Offsets Act) the department and Pearljaney entered into an agreed delivery arrangement for an environmental offset which was signed by Phillip Keith BLAND (Director of Pearljaney) on 30 March 2020, and by the Delegate of the department on 9 April 2020. The agreed delivery arrangement commenced on the date that the agreement is signed by the last party to do so, that being 9 April 2020.

5. The agreed delivery arrangement specified that a proponent-driven offset would be undertaken on Lot 3834 DER34139 in accordance with *Offset Area Management Plan Brookview Quarry* version 1.93 prepared by Ausrocks Consulting Mining Engineers, January 2020) (the **OAMP**).

6. The OAMP requires that the environmental offset be undertaken by planting 192 koala habitat trees on 21.684 [21.69] ha at the offset site on Lot 3834 DER34139. The trees were to be planted to achieve 7.82 trees per hectare, which equated to spacing of approximately 33m between each tree, within Area A and Area B identified on drawing OP001 Offset Plan included in the OAMP.

7. The OAMP is required to be implemented through condition G11 of Pearljaney's Environmental Authority (EA) EA0002325 which states "*Offsets required under Condition (G10) are required to be managed in accordance with an offset area management plan approved by the administering authority.*"

8. On 16 February 2026, authorised officers of the department conducted an announced site inspection at Lot 3834 DER34139.

9. During the site inspection on 16 February 2026, PEARLJANEY advised that 186 trees have been planted at Lot 3834 DER34139. Authorised officers observed that small tubestock (less than 1m high) had been planted in a fenced area of approximately 1.2ha within Area B on Lot 3834 DER34139.

10. During the site inspection on 16 February 2026, Pearljaney advised:
    a. Two previous attempts at planting the trees had occurred, but successful establishment did not occur due to damage sustained by wild pigs.
    b. The 186 trees observed were planted in December 2025, and an alternative planting design was approved by the department.

11. The department does not hold any records showing an alternative planting design was approved, nor has Pearljaney supplied any documents to support this statement

12. On 20 March 2026, in response to an information request, Pearljaney stated that:
    a. The first trees were planted in or about April 2022.
    b. The second trees were planted shortly after the destruction of the first plantings.

c. The third and current planting began in or about December 2025. Trees were purchased on 2 December 2025.

13. A natural justice letter was issued to Pearljaney on 13 April 2026. On 6 May 2026, a response to the natural justice letter was received by the department, which noted:

    a. The first trees were planted in November 2021.

    b. The second attempt at planting trees was made shortly after the destruction of the first trees.

    c. The third planting was in November/December 2025.

14. A review of Planet aerial imagery indicates that the third and most recent planting appeared to have occurred on or around 17 January 2026. There is no visible disturbance on planet imagery on or around the dates identified in Points 9 and 10 above when the attempted planting allegedly occurred in Area B.

15. Correspondence from Pearljaney dated 7 July 2026 was submitted to the department, advising that planting has continued up to 5 July 2026 and that 299 trees have been planted to date within Area B.

16. The department conducted a Remotely Piloted Aircraft System (RPAS) survey of the offset area on 7 July 2026 from the road reserve adjacent to the offset site.

17. From RPAS imagery, the department considers:

    a. 297 trees have been planted by Pearljaney for the purposes of an Environmental Offset in 1.2ha area within the Area known as Area B. This is a ratio of 0.004 trees per hectare. A review of the RPAS survey confirmed that no trees have been planted or are present in the residual 9.27ha of Area B.

    b. A review of the RPAS survey confirmed that no new trees have been planted or are present in the 11.22ha of Area A.

18. The OAMP requires the environmental offset to be a specified size and scale as outlined below:

    a. The OAMP requires the environmental authority holder to provide an environmental offset of 192 koala habitat trees (at a density of 7.82 trees per hectare) on an area of 21.69ha.

    b. Area A of the environmental offset is to be an area of 11.22ha which included 94 trees. Noting that Section 2(ii) of the OAMP identified an existing patch of mature trees which can be assessed independently for inclusion in the planting of 94 new trees to change the ratio of trees per hectare.

    c. Area B of the environmental offset is to be an area of 10.47ha which included 98 trees.

19. On 13 July 2026, a Notice requiring relevant information pursuant to section 451 of the EP Act was issued to Pearljaney. On 28 July 2026, Pearljaney provided a response to the notice, however did not provide the requested independent assessment of the mature stand of trees within Area A.

20. Based on observations on 16 February 2026 and RPAS survey on 7 July 2026, Area B offset is not in accordance with tree density of 7.82 trees per hectare across and the residual 9.27 ha has no trees planted. There is no current planted offset within Area A.

21. The OAMP restricts certain activities within the offset areas including: '*storage of farming equipment, cattle grazing, vehicle and machinery parking, construction activities, combustion of any material, stockpiling of any material and unauthorised pesticide, herbicide or chemical applications*.'

    a. During the site inspection on 16 February 2026, cattle were observed to be grazing within Area B, outside of the 0.8ha planted area. This activity is not in accordance with the OAMP.

22. The OAMP requires that planted tree species include a mix of koala habitat tree species belonging to the *Eucalyptus*, *Corymbia*, *Lophostemon*, *Angophora* and *Melaleuca* genera which occur in the local area (a component of either Regional Ecosystem (RE) 11.3.2, 11.3.25 or 11.5.1). These must have been planted in the first year (by 9 April 2021) and any replacement plants in the second year (by 9April 2022).

    a. An invoice from Landcare Millmerran (dated 29 October 2021) specified 600 *native hiko plants* of *mixed species*. The exact species of the trees was not specified on the invoice.

    b. A tax invoice from Claire Kelly Horticultural (dated 2 December 2025) included 200x 100mm *Eucalyptus Blakely (Blakelys red Gum)*, which belongs to the *Eucalyptus* genera, however no other species were species were specified on the invoice.

    c. An invoice from Landcare Millmerran (dated 11 May 2026) specified 200 *native trees* of *mixed species*. The exact species of the trees was not specified on the invoice.

23. The OAMP requires monitoring and reporting to be undertaken including:

    a. Section 8 of the OAMP requires monitoring and maintenance of tube stock weekly for the first month, monthly for the next three months, bi-annually up to 12 months and then on as needed basis.

    b. Section 8 of the OAMP requires weeds to be monitored by a site inspection on a quarterly basis by the landowner or delegate. The number and types of weeds to be recorded on an inspection sheet. Results to be collated for the Annual Progress Report and used to update weed management procedures.

    c. Section 8 of the OAMP requires animal control to be monitored quarterly by site manager or delegate.

    d. Section 8 of the OAMP requires bi-annual Vegetation Condition Audit to be completed for the during of the OAMP, carried out by the landowner or delegate. To include a photographic record detailing condition of vegetation taken from 2 designated photopoints (fixed) and one random photo as well as appropriate comments on vegetation conditions observed for input in the Annual Progress Report. Records of the inspections to be kept at the property and be made available on inspection.

    e. Section 8 of the OAMP requires Annual Progress Reports, completed by the landowner or their delegate and are to be submitted to the department prior to 30 June each year. Report must include photos from photo points, estimates on revegetation success (as a %), weed control success, summary or activities completed and any recommendations.

    f. Section 8 of the OAMP requires independent audits completed by an independent ecologist and submitted to the department to determine if the OAMP outcomes have been achieved. The OAMP timeline requires that independent audits of offset progress are completed in Year 3 to 5 (10 April 2024 – 9 April 2026), Year 6 to 10 (10 April 2026 – 9 April 2031) and Year 11 to 15 (10 April 2031 – 9April 2036).

24. On 7 July 2026, Pearljaney submitted *Report on Off Set area Tree Planting and Maintenance – 2025-2026* to the department. The correspondence provided details on the third tree planting, which allegedly begun in November 2025 and was completed on 5 July 2026. As per Section 8 of the OAMP, the Annual Progress Report is to include photos from photo points, estimates on revegetation success (as a %), weed control success, summary of activities completed and any recommendations.

    a. Photos from photo points: one photo has been provided, depicting tubestock in furrows, green tree guards around tubestock, mulch around tubestock, and water within the furrows.

*b.* Estimates on revegetation success: correspondence notes "*older trees from November 2025 plant have new growth and very healthy".*

c. Weed control success: correspondence notes *"all trees have green plastic protectors around them and wood chip has been placed around the green protectors for further protection and for weed control"* and *"The area between the trees has also been cleaned of weeds and grass and will be kept tidy".*

d. Summary of activities completed: Correspondence notes various activities that have occurred since the beginning of the 3rd tree planting in November 2025.

e. Recommendations: correspondence notes that *"various signs have been ordered to be placed on the fenced area and when they arrive, we will put them up".*

With the exception of the aforementioned report dated 7 July 2026, Pearljaney has not provided any other monitoring data, independent audit reports or Annual Progress Reports for the environmental offset to the department since the commencement of the agreed delivery arrangement on 9 April 2020.

25. Under section 430(3) of the Act, it is an offence for a person to contravene a condition of an environmental authority. Based on the observations made during the site inspection conducted on 16 February 2026, the information request responses dated 20 and 31 March 2026, the response to the natural justice letter dated 6 May 2026, the RPAS survey and the response to the Notices pursuant to section 451 of the EP Act the department is satisfied that the environmental offset and the offset area has not been established or managed in accordance with the OAMP. This is an alleged contravention of Condition G11 of EA EA0002325.

26. The department considers it is reasonable and necessary to require you to take action to secure compliance with condition G11 of EA EA0002325.

27. The delegate 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.

28. This EEO takes effect from the date of service and remains in force until stayed, amended, revoked, or finalised.

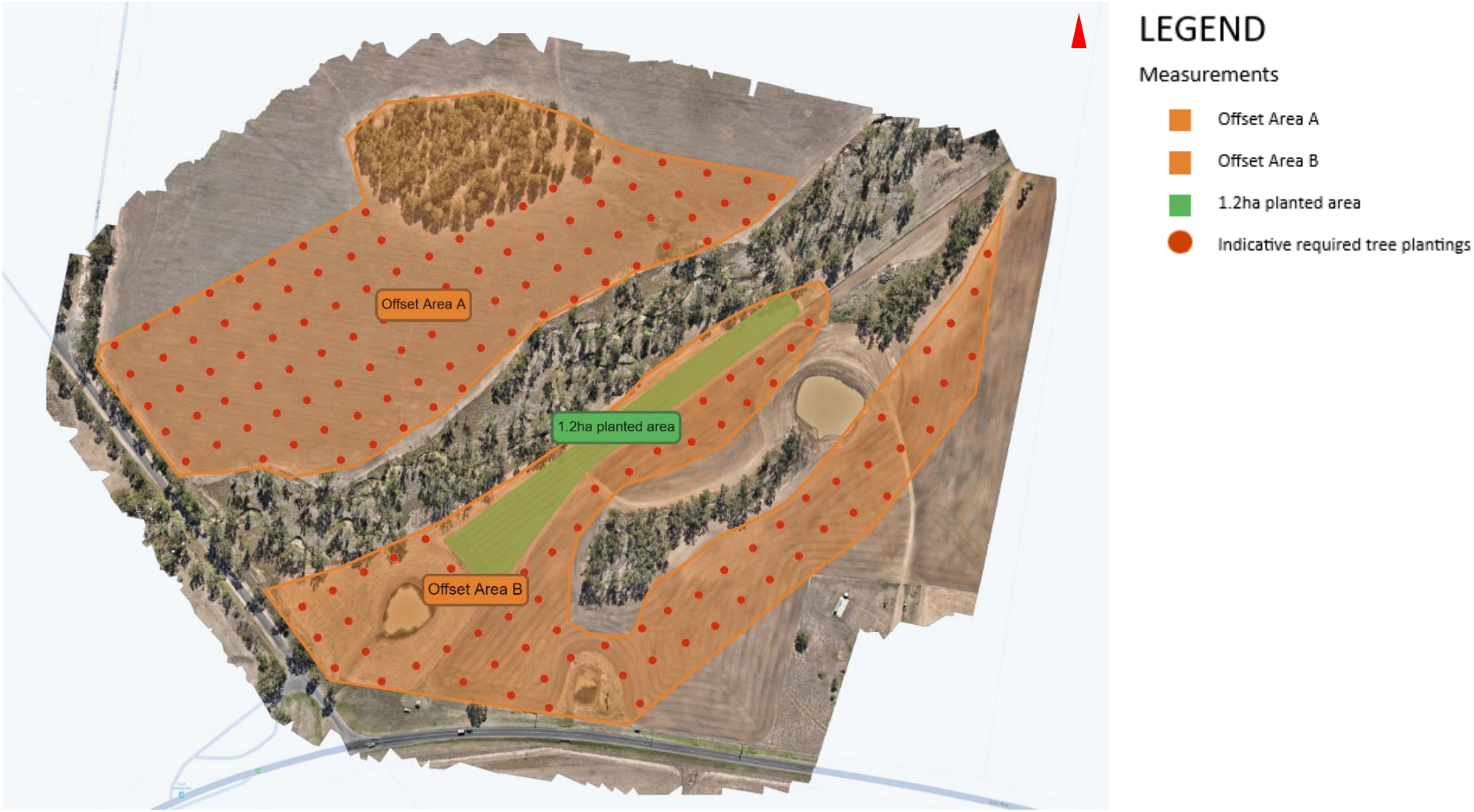
## Considerations

The department has considered the standard criteria as stipulated in Section 363 of the Act, as well as human rights in accordance with the Human Rights Act 2019 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: Offset Areas with 1.2ha planted area and indicative required tree plantings



## 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 Permits and Licensing, 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.

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 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@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

