Notice

Environmental Protection Act 1994

Environmental Protection Order

This environmental protection order is issued by the administering authority pursuant to section 358 of the Environmental Protection Act 1994.

Owen Reginald Wellington

Bardwidgi Station
72 Gingerella Road
MOUNT GARNET, QLD 4872

Your reference: CR78751

Our reference: 101/0012876, EPSL00439013

4 September 2017

Dear Mr Wellington

Take notice: that under the *Environmental Protection Act 1994* (the Act) this environmental protection order (EPO) is issued to Owen Reginald Wellington (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

The EPO is issued in respect to your activities at the area of land adjacent to ML3483 on Mt Sullivan Station Holdings on land described as Lot 53 on SP242966 (refer to Attachment 1). This area of land is hereafter referred to the 'off –lease area'.

A. Grounds

This EPO is issued on the following grounds:

- To secure compliance with the general environmental duty

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

- You are the holder of Environmental Authority EPSL00439013 which pertains to activities on ML3483.
- It has been established that the clearing and disturbance of an area of land on Lot 53 on SP242966 directly adjacent and outside of ML3483 (identified in the map included in Attachment 1 and referred to as the 'off-lease area') occurred between June and August 2015 and was undertaken by you.
- It has been further established that the clearing and disturbance of the off-lease area on Lot 53 on SP242966 constitutes unlicenced activity.

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- the unlicenced activity has created approximately 0.75 hectares of disturbance which is prone to erosion and subsequent sedimentation of Old Man Creek, located adjacent to the disturbance.
- erosion from the off –lease area is likely to cause environmental harm to the Environmental Values (EV) of Old Man Creek.
- there are no erosion prevention measures currently in place to prevent the erosion of the off -lease area

B. Requirements

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

1. Immediately upon receipt of this EPO you must take all necessary actions to ensure that no further disturbance outside the boundaries of ML3483 occurs.
2. Prior to commencing any works as outlined in the following requirements you must obtain landholder permission to enter the off-lease area for the purposes of undertaking rehabilitation works.
3. By 10 October 2017, the off lease area is to be rehabilitated in accordance with the following conditions relating to Rehabilitation in the document Eligibility criteria and standard conditions for mining lease activities – Version 2:
    a. Condition B15;
    b. Condition B18;
    c. Condition B19;
    d. Condition B22.
    e. Condition B19, note 47, note 48 and note 49 are relevant to the rehabilitation conducted under this notice and will be assessed against in order to determine the satisfactory conduct of works.
4. By 1 December 2017 you must submit to the administering authority a written report confirming the works completed to rehabilitate the off-lease area. The report is to include sufficient photographic evidence and a detailed description of the rehabilitation works undertaken e.g.
    a. recontouring and topsoiling works done (map);
    b. scarification works (depth);
    c. timing, amount and species of seed spread;
    d. timing, amount and species of seedlings planted;
    e. post seeding/planting care undertaken.

C. Obligations

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

If you cease to carry out the activity to which this EPO 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. Penalty

Failure to comply with an EPO is an offence.

- The maximum penalty for an individual for wilfully contravening an EPO is 6250 penalty units, totalling $788,437.50 or five years imprisonment.
- The maximum penalty for an individual for contravening an EPO is 4500 penalty units, totalling $567,675

Failure to provide written notice to the buyer is an offence.

- The maximum penalty for an individual is 50 penalty units, totalling $6,307.50.
- The maximum penalty for a corporation is 250 penalty units, totalling $31,537.50.

Failure to provide written notice within 10 business days of ceasing the activity to the department is an offence.

- The maximum penalty for an individual is 50 penalty units, totalling $6,307.50.
- The maximum penalty for a corporation is 250 penalty units, totalling $31,537.50.

Section 3 of the Penalties and Sentences Regulation 2017 prescribes the monetary value of a penalty unit.

E. Reviews and appeals

The provisions regarding review of decisions and appeals may be found in sections 519 to 539 of the Act.

A person who is dissatisfied with certain decisions of the department, may be able to apply to have the department review that original decision.

Generally, a request to have a decision reviewed must be made:

- within 10 business days of the decision being notified to the person;
- be supported by enough information to enable the department to decide the application for review; and
- be made using the application for review of an original decision form (ESR/2015/1573).[1]

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.

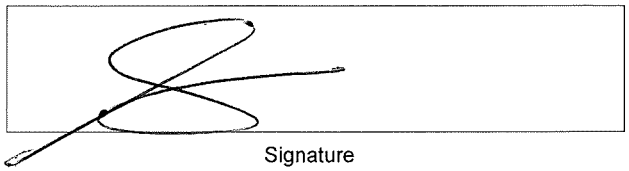
Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

A person whose interests are or would be adversely affected by a decision of the department may also be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

For further information about reviews and appeals see the information sheet - internal review and appeal to the Planning and Environment Court (ESR/2015/1572). You may have other legal rights or obligations and should seek your own legal advice.

Should you have any queries in relation to the notice, please contact Douglas McCallum on telephone number 07 4222 5301

[1] This is the publication number. The publication number can be used as a search term to find the latest version of a publication at <www.ehp.qld.gov.au>.



Signature

4 September 2017

Date

Natalie Simpson

A/Manager Compliance

Delegate of the Chief Executive

Department of Environment and Heritage Protection

Environmental Protection Act 1994

Enquiries:

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Attachment 1 – Location of activities

