

Environmental Enforcement Order

NOTICE ID	STAT-E-100821241
Date of issue	17 March 2025
Issued to	Golden Circle Limited [ACN 054 355 618]
Registered address	260 Earnshaw Road Northgate QLD 4013
Site address (the premises)	260 Earnshaw Road Northgate QLD 4013
Land reference	Lot 1 RP74350, Lot 2 RP156058
Administering Authority	Chief Executive of the Department of Environment, Science and Innovation (the department)
Legal reference	Pursuant to s362 Environmental Protection Act 1994
Service method	Registered post ☐ Hand delivered ☒ Also by email ☐ Orally (s369(2))
Contact	If you have any questions about this EEO, please contact: Scott Watson, Brisbane Moreton Compliance Email: ESComplianceBrisbaneMoreton@des.qld.gov.au Telephone: (07) 3330 4048

Please read the [Information Sheet - Recipient of an Environmental Enforcement Order \(desi.qld.gov.au\)](#) for further information (search for ESR/2024/6802 on [www.desi.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 Pursuant to s362 Environmental Protection Act 1994 of the Act, to secure compliance with the Act in relation to activities being undertaken at the premises.

Under section 362(1) of the *Environmental Protection Act 1994* (the Act) the administering authority may issue an order (an environmental enforcement order) to a person if the authority believes an enforcement ground exists for the person.



Under section 359 of the Act, each of the following is a ground (an enforcement ground) on which to issue an environmental enforcement order to a person.

1. s359(c) - It is necessary to issue an EEO to secure your compliance with the general environmental duty (GED).

The department requires you to take reasonable measures to secure compliance with the general environmental duty. The general environmental duty is detailed in section 319 of the Act which states *'A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practical measures to prevent or minimise the harm (the general environmental duty).'*

2. s359(e)(iii) - It is necessary to issue an EEO to secure your compliance with a condition of an environmental authority (EA).

The department requires you to take reasonable measures to secure compliance with condition/s of your environmental authority (EA) *EPPR00442813*(the EA) dated 26 April 2017.

WT12 – All chemical and fuel tank storages must be bunded so that the capacity of the bund is sufficient to contain at least 110% of the largest storage tank plus ten percent (10%) of the second largest tank within the bund.

A. Background and relevant matters:

1. You are the holder of the EA, which authorises you to undertake the environmentally relevant activity 22 for Beverage production and ERA 23 Bottling and canning at the premises.
2. You are the landowner and/or occupier of the premises, and you have management and control of the infrastructure at the premises.
3. You are currently listed propriety and limited company (ACN 054 355 618) as defined under section 45A9(1) of the *Commonwealth Corporations Act 2001*.
4. On 31 December 2024, the department received a notification from Queensland Fire Department (QFD) reporting a release of phosphoric acid into the stormwater system at the premises.
5. On 2 January 2025, the department contacted you to gain further information about the incident. You provided the following information:
 - 5.1. Confirmed a forklift strike had punctured the IBC containing the acid;
 - 5.2. The cleanup of the acid had been finalised; and
 - 5.3. You were waiting for the report from QFD.
6. On 3 January 2025, the department conducted an inspection at the premises to assess compliance with conditions of the EA and the Act. During the inspection, departmental officers observed the incident location at the Bulk Chemical Storage building at the premises and the path the acid flowed to enter the stormwater system (refer to Figure 1).
7. On 6, 8 and 9 January 2025 you provided emails with information that department officers had requested during the inspection:
 - 7.1. On 6 January 2025, an email relating to the clean-up of the acid spill utilising a contractor with a suction truck to flush and clean the stormwater drain. Replaced the faulty first flush pump. You also notified the department of the acid spill via the Pollution Hotline (N-100786883) on the same day.
 - 7.2. On 8 January 2025, an email relating to surface water monitoring of the stormwater system, headwaters of Cannery Creek undertaken by you, on Friday 3 January 2025 at 7:00am (Figure 2) and on Tuesday 7 January 2025 at 7:00am (Figure 3) after the stormwater drains were cleaned. You also reported that the suction truck removed 90kL from the stormwater drain. You provided calibration records for the water quality meter.

7.3. On 9 January 2025, an email relating to the cleaning of the Bulk Chemical Storage building floor and water quality monitoring of the stormwater drain.

8. Based on the information provided by QFD, observations made by the departmental officers at the premises, and the information provided verbally and in writing by you, the department established the following facts and circumstances in respect of the incident:

8.1. At around 4:20PM on 31 December 2024, your employee noted a plastic bund spill pallet tray supporting a full 1,000L IBC of 81% Phosphoric Acid solution to have failed, and the IBC sitting at an angle within the bund spill pallet.

8.2. Your employee used a forklift in an attempt to 'right' the IBC and unintendedly caused a puncture in the bottom of the IBC.

8.3. Due to the angle of the IBC, and the lack of separation distances to the edges of the bund, the acid began releasing through the puncture and was directed to the floor outside the bund spill pallet.

8.4. The spilt acid migrated downgradient and out of the Bulk Chemical Storage building doorway.

8.5. The surface outside of the Bulk Chemical Storage building grades to the south and southwest in the carpark. The spill entered the stormwater system at the southeast. The stormwater drains in this location are marked "Flows to creek" (refer to Photos 5 and 6).

8.6. At 6:32pm QFD attended the premises and captured approximately 750L of concentrated acid in overpack drums. Approximately 250L of phosphoric acid remained in the stormwater system and QFD utilised soda ash to neutralise this remaining solution in the stormwater system.

8.7. QFD reported to the department and noted a lack of understanding of the stormwater system at the premises by your personnel present at the time of the incident. QFD was uncertain of the true flow of the stormwater drains and whether any acid was released from the premises on the day.

8.8. On 3 January 2025 at approximately 7am, you undertook water quality monitoring, which indicated acidic conditions (low pH) of 2.9 in the first stormwater pit located adjacent to the Bulk Chemical Storage building (Monitoring point (MP) 1) and at the headwaters of Cannery Creek MP 4 and MP5 (Refer to Figures 2 and 3).

8.9. On 3 January 2025, departmental officers observed your personnel pumping out the stormwater pits and moving the water for treatment to the onsite treatment plant.

8.10. On 3 January 2025, departmental officers also undertook water quality monitoring at approximately 12:00pm, which indicated slightly acidic conditions of 5.9 pH units at the headwaters of Cannery Creek and near neutral conditions in Cannery Creek at Earnshaw Road (approximately 50-100m downstream of the discharge point).

8.11. On 7 January 2025, you commissioned a third-party service provider to clean the chemical residuals within the Bulk Chemical Storage building and to flush and pump out the onsite stormwater pits.

8.12. Following the clean-up and pump out; MP1, MP4 and MP were reported to be dry (Refer to Figures 2 and 3).

9. Based on the information provided by QFD, observations made by the departmental officers at the premises, and the information provided verbally and in writing by you, the department established the following facts and circumstances in respect of the operation and management of the premises:

9.1. You utilise a covered enclosed building, signed as Bulk Chemical Storage building, as the main storage area for packaged chemicals used at the premises (refer to Photos 3 and 4).

9.2. The Bulk Chemical Storage building has a flat floor, no sumps, no permanent bunds and a shallow gradient to the door on the southeast side of the building.

9.3. You utilise bund spill pallets for storage of some of the chemical drums and IBCs stored in the Bulk Chemical Storage building.

9.4. During the department's inspection of the premises on 3 January 2025 the following was observed:

- 9.4.1. Multiple full unopened IBCs, 200L drums and 20L drums containing a range of chemicals stored on the floor within the Bulk Chemical Storage building without any secondary containment (see Photos 7 and 8).
- 9.4.2. Some of the bund spill pallets were observed to hold full IBCs of chemicals, and the bunds did not comply with AS 3833 due to the lack of separation distances to the edges of the bund. These bunds would not hold the content of the containers in case of a catastrophic failure of an IBC (see Photos 3, 7 and 9).
- 9.4.3. Incompatible chemicals were observed to be stored in Bulk Chemical Storage building with no segregation on a level floor. Three 1,000L IBCs, eight 200L drums, four 20L containers of alkaline chemicals (i.e., Gengard GN8115 and GN8203, Spectrus OX1205, Solus AP24) and one 20L drum, one 200L drum of acidic chemicals (i.e., Spectrus NX1100 and Cortrol IS3070) were stored without with any separation or bunding (see Photos 7 and 8).

- 10. In summary, the department considers that, given the facts and circumstances detailed above, you have failed to comply with the General Environmental Duty to take all reasonable and practical measures to prevent or minimise the risk of environmental harm; and have failed to comply condition WT12 of your EA.
- 11. Because of these failures, the department considers that it is appropriate to require you to complete the requirements of this EEO to demonstrate that you have taken all reasonable and practicable measures to prevent or minimise potential and actual environmental harm and to achieve compliance with condition WT12 of the EA.

B. Required actions:

Requirements in Part B take effect from the date of service and remain in force until the date specified, unless this Order is amended, repealed, finalised or stayed beforehand.

- 1. By **5:00pm on 11 April 2025**, you must review and update your stormwater management plan, including updating drawings to clearly depict the flow direction of the stormwater within the premises, the first flush systems and the release points.
- 2. By **5:00pm on 11 April 2025**, you must provide a copy of the updated stormwater management plan to the department via email: ESComplianceBrisbaneMoreton@des.qld.gov.au.
- 3. By **5:00pm on 2 May April 2025**, you must update emergency response procedures, including procedure for notification to the department.
- 4. By **5:00pm on 2 May April 2025**, you must complete all staff training to ensure familiarisation with the emergency response procedures and the environmental obligations under the Act.
- 5. By **5:00pm on 30 May 2025**, you must:
 - (a) complete an audit of hazardous chemicals stored at the premises; and
 - (b) install secondary bunding and signage compliant with AS 3780 *The storage and handling of corrosive substances* and AS 3833 *The storage and handling of mixed classes of dangerous goods, in packages and intermediate bulk containers*; and
 - (c) complete the segregation of compatible chemicals.
- 6. By **5:00pm on 6 June 2025**, you must submit a report demonstrating your compliance with requirement 5 plan to the department via email: ESComplianceBrisbaneMoreton@des.qld.gov.au.

Issued by



Elena Moeller
Compliance Delivery Manager
Delegate of the Administering Authority

Department of Environment, Science and Innovation
PO Box 2454
Brisbane QLD 4001

Considerations

The standard criteria, principles of environmental protection, 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 .

Appendix B: Site Figures and Photos

Figure 2 Surface water monitoring locations, source Golden Circle, 3 January 2025 7:00am

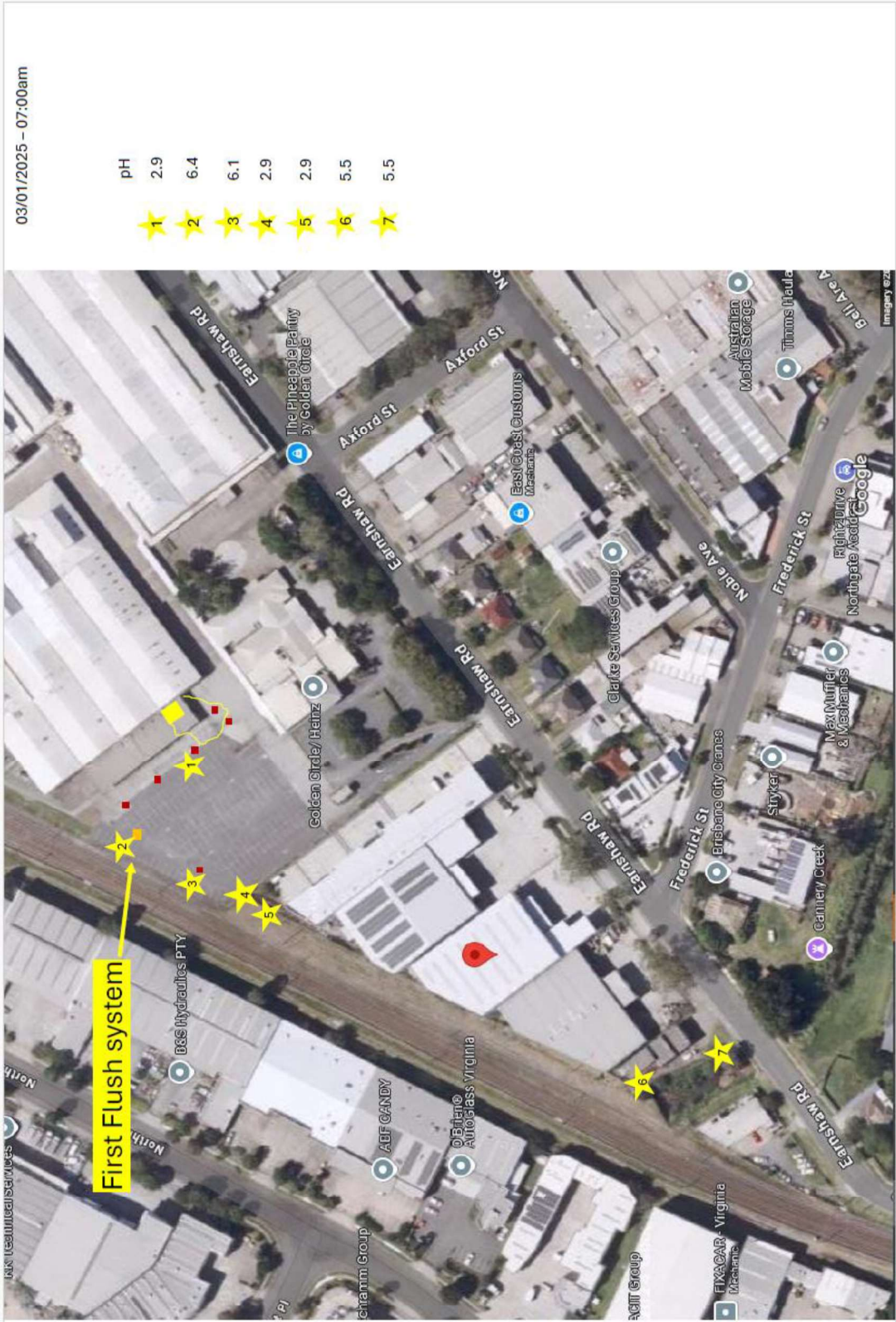


Figure 3 Surface water monitoring locations, source Golden Circle, 7 January 2025 7:00am

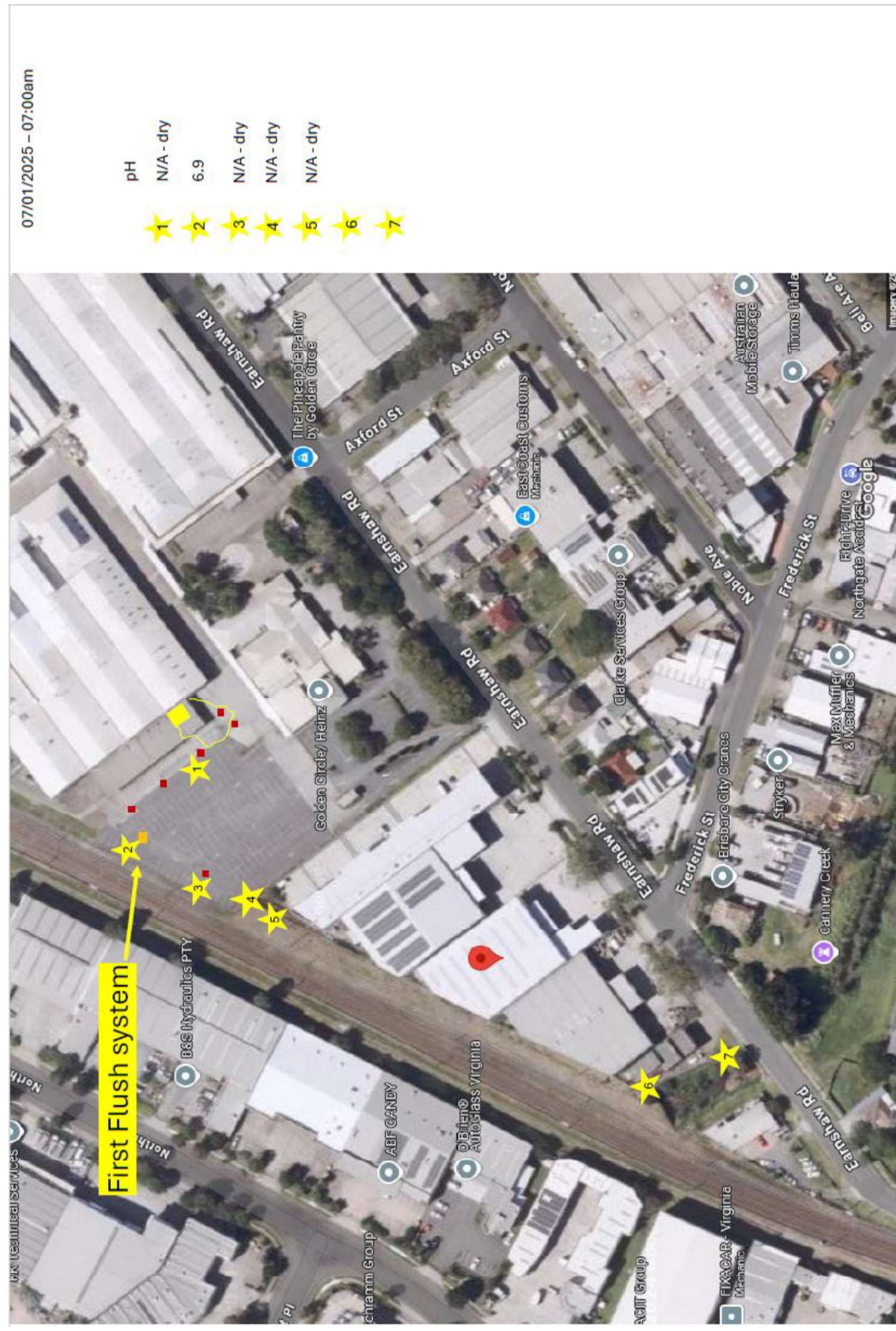




Photo 1: Bulk Chemical Storage building. Location of incident, absence of secondary bunding to prevent flow of chemicals. Phosphoric acid flowing across surface to stormwater drains and staff carpark. Image captured by the Queensland Fire Department officers, 31 December 2024.



Photo 2: Bulk Chemical Storage building with carpark Surface flow of acid evident across the concrete to the stormwater drains. Image captured by the Queensland Fire Department officers, 31 December 2024.



Photo 3: Bulk Chemical Storage building. Location of incident, absence of secondary bunding to prevent flow of chemicals. The floor is generally flat and grades towards the doorway. Image captured by the departmental officers, 3 January 2025.



Photo 4: Bulk Chemical Storage building with carpark to left of image. Surface flow of acid evident across the concrete to the stormwater drains. Image captured by the departmental officers, 3 January 2025.



Photo 5: View to the west-southwest, the Bulk Chemical Storage building to right of image. Two stormwater surface drains present (circled). Acid etching from the event visible to the right of the image. Image captured by the departmental officers, 3 January 2025.



Photo 6: Stormwater drain to the west southwest of the Bulk Chemical Storage building. Image captured by the QFD officers, 31 December 2024.



Photo 7: Bulk Chemical Storage building. Chemicals stored in contravention to EA conditions, absence of secondary bunding to prevent surface flow of spilled chemicals. Image captured by the departmental officers, 3 January 2025.



Photo 8: Bulk Chemical Storage building. Chemicals stored in contravention to EA conditions, absence of secondary bunding to prevent surface flow of spilled chemicals. Image captured by the departmental officers, 3 January 2025.



Photo 9: Bulk Chemical Storage building. Chemicals stored contravention to EA conditions, absence of secondary bunding to prevent surface flow of spilled chemicals. Image captured by the departmental officers, 3 January 2025.



Photo 10: Stormwater first flush (2nd) manual valve open, pump running, and no water quality testing performed at time of site inspection. Image captured by the departmental officers, 3 January 2025.

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 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.

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](#)

