

Environmental Enforcement Order

Section 362 of the *Environmental Protection Act 1994*

Contravention of condition of environmental authority

Order id: STAT-E-100907337

Issued to: Aquarium Avenue Pty Ltd ACN: 097 471 666
Unit 3, 38 Wambool Street
BULIMBA QLD 4141

For the purpose of this notice you means the recipient of this notice or your authorised representative.

Site address: 508-520 Mount Cotton Road, Capalaba QLD 4157 and 8-12 Greenfield Road, Capalaba QLD 4157 on land described as Lot 3 and 5 on RP123875 (the premises)

Issued by: Tim Brain, Manager Compliance, Department of the Environment, Tourism, Science and Innovation (the department), delegate of the administering authority (the delegate)



Signed by delegate

Date: 24 July 2025

Relevant matter/enforcement grounds: Section 359 (e)(ii) to secure compliance with conditions of your environmental authority (EA), specifically conditions G4 and WT1 of EA EPPR00754013 effective 11 June 2021.

Service method: Registered post and copy provided by email

Under section 24AA of the Acts Interpretation Act 1954, the power to make an instrument under an Act includes the power to amend the instrument. This EEO issued on 24 July 2025 has been amended pursuant to s24AA for a clerical error.

Why are we writing to you?

The delegate reasonably suspects that you have contravened section 430 of the *Environmental Protection Act 1994* (the Act) at the premises and has issued this Environmental Enforcement Order (EEO) to you under sections 362 of the Act to remedy the contravention, avoid further contraventions and keep the department informed.

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 this order have the meaning defined in the Background and Definitions section of the EEO, or if not defined, in the Act.

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If you have any questions about this EEO, please contact Abbey Richards by email GoldCoast.ES@detsi.qld.gov.au or telephone 07 5626 6893.

Required actions

1. By **15 October 2025** you must submit to the department a properly made application to amend EA EPPR00754013 that incorporates relevant information to support the proposed change to the subsurface disposal of treated effluent as per the design documents prepared by Country Wide Water in Attachment 1 as follows:
 - 'Boundary Plan' document number CWW 4074.24 dated 1 October 2024;
 - 'Sectional Plan' document number CWW 4075.24 dated 1 October 2024; and
 - 'LAA Plan' document number CWW 4075.24 dated 1 October 2024.
2. By **30 October 2025**, you must email an update to GoldCoast.ES@detsi.qld.gov.au that details your actions completed towards compliance with required action 3 and 4 below.
3. By **27 February 2026** you must have installed the sub-surface pressure compensated drip line that is able to achieve compliance with the conditions of EA EPPR00754013 and which is in accordance with design documents prepared by Country Wide Water in Attachment 1 as follows:
 - 'Boundary Plan' document number CWW 4074.24 dated 1 October 2024;
 - 'Sectional Plan' document number CWW 4075.24 dated 1 October 2024; and
 - 'LAA Plan' document number CWW 4075.24 dated 1 October 2024.
4. On or Before **27 February 2026** you must secure compliance with condition WT1 of EA EPPR00754013 by ceasing all release of treated effluent to **waters**.
5. By **13 March 2026**, you must email a report, including current photos of the premises, to GoldCoast.ES@detsi.qld.gov.au to demonstrate your compliance with the required actions above.

Background and Definitions

1. The department is the **administering authority** and has responsibility for enforcing the Act.
2. You are the holder of EA EPPR00754013 dated 11 June 2021, which authorises ERA 63 – Sewage Treatment – 1(b-i) – Operating sewage treatment works, other than no-release works, with a total daily peak design capacity of 100 to 1500EP if treated effluent is discharged from the works to an infiltration trench or through an irrigation scheme.
3. The department is satisfied that you are responsible for the operation and maintenance of the activity undertaken at the premises under the EA.
4. On 11 June 2021, in response to the completion of an environmental investigation your EA was amended by agreement to include conditions relevant to a change in activity, whereby the activity changed from permitting disposal of treated effluent to waters, to prohibiting this, and permitting disposal of treated sewage effluent to land at the premises.
5. On 16 June 2021, you submitted to Redland City Council a development application for a material change of use development permit for extension of the existing relocatable home park and land irrigation related to the existing sewage treatment plant.

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6. On 5 March 2025, Redland City Council issued a negotiated decision notice, after initially granting an approval on 27 September 2024, approving the development application authorising upgrade of the onsite effluent system and treatment devices for land infiltration of wastewater.
7. Authorised persons have confirmed that at the premises:
 - a) treated effluent from the sewage treatment plant continues to be disposed to waters via continuous disposal from the discharge tank to the stormwater inlet and drainage releasing to the tributary of Coolnwynpin Creek; and
 - b) no sub-surface irrigation system has been installed at the premises to allow for disposal of treated effluent to land.
8. Condition G4 of your EA states; *Other than as permitted by this environmental authority, the release of a contaminant into the environment must not occur.*
9. Release of a contaminant is defined in the EA to include *cause or allow the contaminant to be deposited, discharged, emitted or disturbed*, with environment further defined under section 8 of the Act to include *all natural and physical resources*.
10. Condition WT1 of your EA states; *Contaminants must not be released to any waters.*
11. Waters is defined in the EA to include *river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water, natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.*
12. The department considers treated effluent to be a contaminant pursuant to section 11 of the Act:

A contaminant can be –

 - (a) *a gas, liquid or solid; or*
 - (b) *an organism (whether alive or dead), including a virus; or*
 - (e) *a combination of contaminants.*
13. The department considers treated effluent to be a prescribed water contaminant pursuant to Schedule 10 of the Environmental Protection Regulation 2019:

Item 18 – sewage and sewage residues, whether treated or untreated, and any other matter containing faecal coliforms or faecal streptococci, including, for example, waste water pumped out from a septic tank.
14. Since the issue of your EA on 11 June 2021 you have and continue to release contaminants, being treated sewage to waters, in contravention of conditions G4 and WT1 of your EA.
15. Section 430 of the Act says:

A person must not contravene a condition of the authority.
16. In summary, the delegate considers you are contravening section 430 of the Act and it is necessary to issue an environmental enforcement order to you to secure compliance with the conditions of your EA.
17. The delegate has considered the circumstances (including the standard criteria and human rights) and determined that the required actions are necessary to remedy or otherwise address the relevant matters.
18. This EEO takes effect from the date of service and remains in force until stayed, amended, revoked or finalised.

Definitions that apply to this notice:

Authorised representative means a representative that has been nominated by the person this EEO 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).

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Waters includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water, natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

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 a requirement of an EEO is 6,250 penalty units, totalling \$1,043,125.00 for an individual, or \$5,215,625.00 for a corporation.
- for contravening a requirement of an EEO is 4,500 penalty units, totalling \$751,050.00 for an individual, or \$3,755,250.00 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 \$8,345.00 an individual, or \$41,725.00 for a corporation.

Note you must also give the administering authority notice within 10 business days of ceasing activities to which this EEO relates. Failure to provide notice of ceasing to carry out activities is an offence under section 369D of the Act with a maximum penalty of 50 penalty units, totalling \$8,345.00 an individual, or \$41,725.00 for a corporation.

Further information about EEOs can be found on the [department's website](#) (ESR/2024/6802).

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 on the [department's website](#)). 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 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](#).





