

Environmental Enforcement Order

Environmental Protection Act 1994

Pursuant to section 362

ORDER ID	STAT-E- 100988021
Date of issue	2 December 2025
Issued to (you)	Pinkenba Operations Pty Ltd (you) ACN 646 231 138 <i>For the purpose of this Environmental Enforcement Order (EEO), 'you' means the recipient of this EEO.</i>
Registered address	42 Barkley Street, St Kilda, VIC, 3182
Site address (the premises)	70, 74 and 82 Main Beach Road, Pinkenba, QLD, 4008
Land reference	Lot 94 on Plan SP303482, Lot 2 on Plan RP73256 and Lot 1 on Plan RP73256 (the premises)
CC to	FTI Consulting (All Receivers and Managers Appointed)
Issued by (the delegate)	 Simon Vanderduys, Team Leader Delegate of the Administering Authority Chief Executive of the Department of the Environment, Tourism, Science and Innovation (the department)
Relevant Grounds	To secure compliance with conditions of an Environmental Authority (EA) pursuant to section s359(e)(ii) of the <i>Environmental Protection Act 1994</i> (the Act).
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@detsi.qld.gov.au; Telephone: (07) 3330 4048
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 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 reasonably suspects that you have contravened sections 430 of the Act at the premises and has decided to issue this Environmental Enforcement Order (EEO) to you under section 362 of the Act to remedy the contravention, avoid further contraventions and keep the department informed.

You are the holder of Environmental Authority (EA) EA0002401, effective 13 January 2022.

EA EA0002401 authorises you to conduct Environmentally Relevant Activities (ERA) –

- a. ERA 16 – Extraction and screening 3: Screening, in a year, the following quantity of material (b) more than 100,000t but not more than 1,000,000t;
- b. ERA 54 – Mechanical waste reprocessing 1: Operating a facility for receiving and mechanically reprocessing, in a year, more than 5, 000t of inert, non-putrescible waste or green waste only;
- c. ERA 62 – Resource recovery and transfer facility operation 1: operating a facility for receiving and sorting, dismantling, bailing or temporarily storing – (b) general waste.

What are you required to do?

Requirements take effect from the date of service and remain in force until this EEO is amended, repealed, finalised or stayed.

General

1. **On receipt** of this notice:
 - a. You must not receive shredded timber at the site;
 - b. You must ensure that there is 24-hour CCTV camera surveillance of all stockpiles;
 - c. You must ensure the CCTV footage is viewed by appropriately trained staff at least every 4 hours when the site is unattended;
 - d. In the event of an emergency incident, defined as the detection of smoke or odours (either by CCTV footage or detected by onsite personnel), that is capable of causing a nuisance to sensitive receptors, you are to enact the **Emergency Response Plan** as outlined in Table 1: Emergency Response Plan (**Error! Reference source not found.**) and the **Rino Recycling MBR Fire & Emergency Response Plan** as provided to the department via email on Monday 1 December 2025.

Stockpile reduction and configuration

2. By **31 January 2026**, the size of all stockpiles at the premises, and their separation distances from other stockpiles, must be compliant with conditions W2 to W6 of the EA.
3. **At all times** while undertaking any activities on the stockpiles (including moving, processing, adding or removing material), you must take all reasonable and practicable measures to prevent dust or other airborne contaminants from causing environmental nuisance to any sensitive place or commercial place. These measures may include but not be limited to the following:
 - a. Undertaking activities that cause the generation of odour, dust or smoke in favourable weather conditions only;
 - b. Applying odour or dust suppressants while these activities are being undertaken;
 - c. Undertake odour, dust or smoke monitoring at the site boundary at locations adjacent to where it can be reasonably determined that nuisance is being caused at nearby sensitive place(s), and maintain records of this monitoring;

- d. Undertake community engagement by notifying neighbouring residences, business and industry at Main Beach Road and Pandanus Avenue, at times when airborne contaminants from the site may cause a nuisance;
 - e. Undertake any additional monitoring required to investigate a complaint received about odour, dust or smoke nuisance.
4. All material removed from the site must be taken to a facility or facilities that are lawfully able to accept that material.

Stormwater Management

5. By **12 January 2026**, you must,
- a. Engage an appropriately qualified person (AQP - Stormwater) to undertake assessment of stormwater infrastructure and controls, and
 - b. Provide to the department the details of the qualifications and experience of the AQP – Stormwater.
6. By the **27 February 2026**, as designed and advised by the AQP – Stormwater, you must have implemented all measures necessary to demonstrate compliance with conditions WT1 to WT3 of the EA. These must include the following actions:
- a. A determination of the volume of rainfall that is generated by a 24-hour storm event with an average recurrence interval of 1 in 5 years, as relevant to Pinkenba;
 - b. The installation of a rain gauge to enable site operators to proactively manage stormwater treatment and release in accordance with EA conditions WT1 to WT3;
 - c. Installation of sediment ponds or other structures that allow stormwater runoff generated by rainfall events determined in Requirement 6a to be retained onsite and treated to remove contaminants;
 - d. Implementation of onsite stormwater flow paths and perimeter structures (such as appropriate bunding) to prevent firewater and stormwater release in rain events up those determined in Requirement 6a from any location onsite. This includes preventing contaminated water from leaving the site via the driveway to Main Beach Road;
 - e. The establishment of the two discharge locations described in the EA. These are:
 - Discharge Location #1 Outlet pipe located on the corner of Gannon Road and Main Beach Road (Lat=-27.389466, Long=153.138813); and
 - Discharge Location #2 Outlet pipe located on the corner of School Road and Main Beach Road (Lat=-27.388122, Long=153.139886);
 - f. The installation of flow metres or other devices that accurately measure the volumes of water released from the two discharge locations.
7. By **6 March 2026**, the AQP – Stormwater must develop a Stormwater Management Plan that provides for ongoing compliance with conditions WT1 to WT3 of the EA and contains the following information:
- a. Maintenance of structures to prevent stormwater from leaving the site not in accordance with the conditions of the EA;
 - b. A sampling plan that enables the EA holder to fulfill the monitoring requirements listed in **Table 1 – Contaminant release points and release limits** and the **Associated monitoring requirements** listed in condition WT2 of the EA.

Reporting

8. As soon as practical after you have met Requirement 2, you must engage an appropriately qualified third party to undertake an aerial volumetric survey of all stockpiles on the site and provide the results of this survey to the department as soon as they are available.
9. By **6 March 2026** provide a copy of the Stormwater Management Plan to the Department.
10. Non-compliances with this notice must be notified to the Department within 24 hours of you becoming aware of the non-compliance.
11. Provide all reporting requirements to ESComplianceBrisbaneMoreton@detsi.qld.gov.au.

Any submissions required by this EEO are to be sent via email:

ESComplianceBrisbaneMoreton@detsi.qld.gov.au or via mail to Department of the Environment, Tourism, Science and Innovation, GPO Box 2454 BRISBANE QLD 4001

Background and relevant matters:

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

Authorised representative	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).
Land	This refers to the cadastral reference of the premises referenced in this EEO.
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 .

Grounds for issuing this EEO:

1. The department is the administering authority and has responsibility for enforcing the Act.
2. You are the holder of Environmental Authority (EA) EA0002401, effective 13 January 2022.
3. The department is satisfied that you are responsible for the operation and maintenance of the premises under the EA.
4. On **25 August 2025** FTI Consulting were appointed as Joint Receivers and Managers of Pinkenba Operations Pty Ltd.
6. Condition **G3** of EA EA0002401 states:
All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activities.

On **29 September 2025** at 12:05 hours, **20 October 2025** at 12:00 hours, **27 October 2025** at 12:15 hours, and **29 October 2025** at 14:23 hours, authorised persons from the department observed stockpiles of shredded timber smouldering and emanating smoke and odour at the premises.

From **13 August 2025** to **14 October 2025** the department received 17 notifications from community reporters alleging nuisance from odour and / or smoke from your premises.

Based on these observations and notifications the department considers the storage of shredded timber at the premises too great a risk of nuisance to the community, and that you are not able to manage these risks in a manner that complies with your EA.

7. Condition **W2** of EA EA0002401 states:

The height of any stockpile (raw waste and processed waste) must not exceed 4 meters, and

8. Condition **W6** of EA EA0002401 states:

Raw construction and demolition waste stockpiles and processed construction and demolition waste stockpiles must be separated from any other stockpile by at least:

- a. 7m for a 10m x 10m stockpile;
- b. 9m for a 15m x 10m stockpile;
- c. 10m for a 20m x 10m stockpile;
- d. 11m for a 30m x 10m stockpile;
- e. 13m for a 50m x 10m stockpile.

On **20 June 2025** at 10:52 hours authorised persons from the department conducted an external inspection of the premises and observed:

- a. Stockpiles of processed and unprocessed construction and demolition waste on the premises. At the time of the inspection multiple stockpiles appeared to exceed the 4m height condition of W2 stated in the EA EA0002401. The Stockpile survey conducted on 31 October 2025 illustrates that Stockpile 1 (4.9 meters), Stockpile 2 (4.8 meters) and Stockpile 5 (4.5 meters) are currently non-compliant with condition W2.
- b. From the offsite observation point along Main Beach Road, there did not appear to be any separation of the shredded timber stockpiles considered to be processed construction and demolition waste, from the other stockpiles that consisted of raw and processed construction and demolition waste. The Stockpile Survey conducted on 31 October 2025 illustrates that this is currently the case as Stockpiles 1-4, Stockpiles 5 and 6 and Stockpiles 7 to 11 have inappropriate separation distances and are currently non-compliant with condition W6 of the EA.

9. Condition **WT1** of EA EA0002401 states:

Other than as permitted within this environmental authority, contaminants must not be released to any waters in a manner that causes or is likely to cause environmental harm, and

10. Condition **WT2** of EA EA0002401 states:

Contaminants must not be released to surface waters in accordance with Table 1 – Contaminant release points and release limits and must be monitored in accordance with the specified monitoring frequency and associated requirements, and

11. Condition **WT3** of EA EA0002401 states:

The stormwater runoff from the facility generated by a 24-hour storm event with an average recurrence interval of 1 in 5 years must be retained on site and treated to remove contaminants before release.

On **29 September 2025** at 12:05 hours, authorised persons from the department inspected the premises and observed that there were no sediment ponds or other mechanisms to retain and treat stormwater on site prior to release. Flow meters were not observed at the licenced discharge location #2 Outlet pipe. A site representative advised that the sediment ponds were considered unnecessary as Rino Recyclers had ceased using the premises as a “waste sorting facility”. Please be advised that while the EA is active, the holder of the EA must continue to be compliant with the conditions of the EA, even if the activity is no longer being undertaken.

On **29 October 2025** at 14:23 hours, authorised persons from the department inspected the premises and observed the perimeter of the premises. Authorised persons observed a small earthen bund around some of the premises, but there were locations where this bund was not deemed adequate to prevent the release of stormwater from the premises. See **Figure 1** below.

As per conditions WT1 to WT3, stormwater runoff from the facility generated by rainfall up to a 24 hour storm event with an average recurrence interval of 1 in 5 years must be retained on site and treated to remove contaminants before release. Upon release you must comply with the release limits and minimum monitoring frequencies outlined in Table 1 of Condition WT2.

It is the department’s view that the absence of sediment ponds, suitable perimeter bunds and appropriately managed discharge locations means there is significant risk of contaminated water that is generated by rain events up to a 24 hour storm event with an average recurrence interval of 1 in 5 years leaving the site.

13. Based on observations by departmental officers on 20 June 2025, 29 September 2025, and 29 October 2025 and information supplied by you in the Stockpile Survey conducted on 31 October 2025, the delegate considers you have contravened the above-mentioned conditions of the EA and it is necessary and reasonable to secure your secure your compliance with the conditions of EA EA0002401.

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: Table 1: Emergency Response Plan

In the event of an emergency event (i.e. spontaneous combustion resulting in fire), the following plan has been established to ensure timely and effective response.

Site Risk Status	Trigger	Notification / Action
Stage 1 – Ordinary conditions	No issues detected during 4-hourly check.	Continue normal monitoring; no action required
Stage 2 – Notification Low risk	Visual indication of smoke, or personnel identify unusual/smoke odours.	Call Mobile Plant Manager immediately to attend and assess. HSE manager to be notified.
Stage 3 – Escalation Medium risk	Confirmed active smouldering, or other elevated risk persists (wind, rain, etc)	HSE Manager to attend site – review and determine appropriate corrective actions, initiate site response plan if required
Stage 4 – Emergency High risk	Active major fire, or uncontrolled smoke plume	HSE Manager to attend site. Site to be manned 24-hours. General Manager notified and appropriate action taken under supervision of HSE and Mobile Plant Manager.



Figure 1: A section of the north-east corner of the premises where there were no mechanisms to capture and retain stormwater and prevent it from leaving the premises. Photo taken 29 October 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 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 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@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](#)

