

Environmental Enforcement Order

Environmental Protection Act 1994

Pursuant to Section 362

ORDER ID	STAT-E-101000086
Date of issue	16 January 2026 <u>1 July 2026</u>
Issued to (you)	LILYPONDS HP PTY LTD (ACN 632 756 300) <i>For the purpose of this Environmental Enforcement Order (EEO) you means the recipient of this EEO.</i>
Registered address	'Rogerson Kenny Accountants' Suite 13 241-243 Blackburn Road Mount Waverley, VIC, 3149
Site address (the premises)	26 Warruga Street, Mapleton, QLD, 4560
Land reference	Lot 4 on Plan RP200797
CC to	Victoria Stammes, Aidan Curtin
Issued by (the delegate)	Ellie Furlong, Senior Environmental Officer Delegate of the Administering Authority Chief Executive of the Department of the Environment, Tourism, Science and Innovation (the department)
Relevant grounds	• Section 359(c) To secure compliance with the general environmental duty. • Section 359(e) It is necessary to issue an environmental enforcement order to secure the person's compliance with (ii) a condition of an environmental authority.
Service method	☒ Registered post ☐ Hand delivered ☒ Also by email ☐ Orally (s369(2))
Contact	If you have any questions about this EEO, please contact: Ellie Furlong, Sunshine Coast Compliance Email: sunshinecoast.esr@detsi.qld.gov.au , Telephone: (07) 5459 6132
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 <i>Environmental Protection Act 1994</i> .

The notice has been amended under section 24AA of the *Acts Interpretation Act 1954*. This EEO is issued to extend the due date of requirement 3 detailed below following an extension request submitted by you to the administering authority on 1 July 2026. The extension of time is considered reasonable given all effluent is presently being pumped out and to allow sufficient planning alongside a development application for the premises. This amended notice replaces the EEO for the premises issued on 16 January 2026. New text in the amended notice is shown as underlined and deleted as strikethrough.

Why are we writing to you?

Under section 362(1) of the *Environmental Protection Act 1994* (the EP 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 EP Act, each of the following is a ground (an enforcement ground) on which to issue an environmental enforcement order to a person.

Section 359(c) of the EP Act states, *'it is necessary to issue an environmental enforcement order to secure the person's compliance with the general environmental duty.'*

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

Section 359(e) of the EP Act states, *'It is necessary to issue an environmental enforcement order to secure the person's compliance with (ii) a condition of an environmental authority.'*

The department requires you to take reasonable measures to secure compliance with condition PL2 of environmental authority EPPR00706613 (the EA) dated 25 June 2019. Condition PL2 of the EA states *'The disposal of effluent must be carried out in a manner that: c) There is no surface ponding of effluent'*

What are you required to do?

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

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

- 1) **On 23 January 2026, and every fortnight until completion of requirement 9**, you must provide the department with the effluent pump out records that detail your waste tracking information, including waste description, collection date, total volumes, disposal location, regulated waste transporter and invoice records.
- 2) **By 6 February 2026**, you must engage an appropriately qualified person/s (AQP) to undertake the actions identified in the requirements below (3 - 9) and provide notification of this engagement to the department, including evidence of the AQP's relevant knowledge and experience. The AQP must possess demonstrated skills and experience in technical fields of sewage treatment systems, environmental management and water management. The AQP must be a third party to the current sewage treatment system design to ensure an independent review is carried out effectively.
- 3) **By 1 July 2026 5 August 2026**, you must install surface water drainage controls to the irrigation area to prevent seepage downgradient into any of the resident's backyards. These stormwater controls must be designed, inspected and signed off by an AQP to ensure effluent is contained to the irrigation area. The stormwater drainage must not be directed to a stormwater drain that allows contaminants to be released to waters.
- 4) **By 14 July 2026**, you must remove all effluent contaminated material from the neighbouring resident's backyard of Cabin 10 and dispose of the material to a facility that can lawfully receive it. This removal must be undertaken under guidance by the AQP to determine the location extent, volume, and quantity of effluent contaminated material removed. You must also submit evidence to the department of both removal and lawful disposal of the effluent contaminated material.
- 5) **By 29 July 2026**, you must take all measures necessary to replace the same volume of effluent contaminated material that was removed from the downgradient area impacted by the effluent contamination incident with new clean soil to reinstate the soil profile. Photographic evidence and relevant invoices of soil purchases must be submitted to the department on completion.

- 6) By **5 August 2026**, you must submit an Investigation Report to the department, prepared by the AQP, detailing a third-party comprehensive review of the sewage treatment works (STW) at the premises. The review must address the following:
 - a) The design, capacity and condition of the current STW (including any leaks, damage or equipment faults).
 - b) Demonstrate that the current STW is appropriate for the quantity and quality of effluent generated by the equivalent person/s (EP) at the premises. This includes:
 - i. adequate treatment and storage capacity for the volume of waste received and the frequency of disposal; and
 - ii. adequate size for the flow rates and/or waste products which must be processed.
 - c) Assess the STW design and installation against relevant plumbing and wastewater codes, guidelines, Australian standards and local council development approval conditions.
 - d) Investigate the STW's ability to protect public health by ensuring that risks associated with the dispersal of wastewater to the irrigation area are minimised, specifically the risk of seepage from the irrigation area into the resident's backyards and the likelihood of odour impacting cabin residents at the premises.
 - e) Investigate the STW's ability to protect the environment by ensuring surface water, groundwater and waterways are not contaminated, and soil productivity is maintained.
 - f) Assess the system's ability to allow effective cleaning access, maintenance, and performance sampling.
 - g) Assess the risk of ongoing surface ponding and seepage from the STW or irrigation area including an assessment of soil suitability (hydraulic conductivity and water holding capacity).
 - h) Demonstrate the STW is compliant with the requirements set out in the EA and the prescribed environmentally relevant activity (ERA) 63 sewage treatment, 1(a-i) 21-100 EP.
 - i) Provide recommendation to address any shortfalls, maintenance issues or design failures to ensure compliance with the EA, relevant plumbing and wastewater codes, Australian standards and local council development approval conditions.
 - j) Summarise all recommendations within a table that includes timeframes for the completion of each recommended action.
- 7) Any comments made by the department on the Investigation Report must be considered and where agreed upon in consultation with the department must be implemented or included.
- 8) **Within twenty (20) business days of your receipt of the department comments on the Investigation Report**, you must finalise the Investigation Report and commence implementation.
- 9) **By 2 December 2026, you must implement the recommendations outlined in requirement 6(j) and on completion**, you must provide evidence (prepared by the AQP) to the department that you have implemented all the recommendations of the Investigation Report within the recommended timeframes.

Any submissions required by this EEO are to be sent via email: sunshinecoast.esr@detsi.qld.gov.au or via mail to Department of the Environment, Tourism, Science and Innovation, PO Box 362 MAROOCHYDORE QLD 4558

Background and definitions:

- 1) The department is the administering authority and has responsibility for enforcing the EP Act.
- 2) You are the holder of environmental authority EPPR00706613 effective 25 June 2019.
- 3) The department is satisfied that you are responsible for the operation and maintenance of the

premises under the EA.

- 4) **Section 430, EP Act — Contravention of condition of environmental authority** *‘The person must not contravene a condition of the authority.* Condition PL2 of the EA states:

‘The disposal of effluent must be carried out in a manner that:

- a) Vegetation is not damaged;*
- b) Soil erosion and soil structure damage is avoided;*
- c) There is no surface ponding of effluent;*
- d) Percolation of effluent beyond the plant root zone is minimised;*
- e) The capacity of the land to assimilate nitrogen, phosphorus, salts and organic matter as measured by oxygen demand and water is not exceeded; and*
- f) The quality of the groundwater is not adversely affected.’*

- 5) On 12 November 2025, authorised officers undertook an inspection of the premises and observed liquid seeping from the western perimeter of the irrigation area and ponding in a resident’s backyard (refer to Figure 1 and Figure 2 below). The seeping liquid was coming from an upgradient source of the resident’s water tank and/or dwelling pipe connections indicating the seepage was a result of the irrigation area trenches.
- 6) To confirm the seepage source, authorised officers collected samples of the ponding liquid seeping from the irrigation area and the directly impacted soil for laboratory analysis (refer to Figure 3 for sample locations).
- 7) Water sample results confirmed the presence of effluent indicators (i.e., *Escherichia coli*, Thermotolerant (faecal) coliforms), and Enterococci. Soil samples also identified key indicators of effluent (i.e., *Escherichia coli* and Thermotolerant (faecal) coliforms) (refer to Table 1 and Table 2 below for laboratory results). The sample results confirm that the liquid seeping from the irrigation area is indeed consistent with sewage characteristics and contains presence of microbiological contaminants.
- 8) Condition PL2 of the EA does not authorise treated effluent to be released in a manner that causes surface ponding of effluent and seepage outside of the irrigation area.
- 9) The department concludes that you have not complied with EA condition PL2 and released effluent in a manner that causes surface ponding and seepage outside of the irrigation area.
- 10) The department is satisfied that effluent is not currently being managed to prevent surface ponding, and it is appropriate to require you to take reasonable steps under this EEO to secure compliance with EA condition PL2.
- 11) **Section 319, EP Act – general environmental duty:** *‘A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonably practicable measures to prevent or minimise the harm (the general environmental duty).’*
- 12) Public health, safety or amenity is considered under the EP Act as an environmental value with direct effluent exposure highly likely to result in an adverse impact to public health and safety. Contamination of recreational water and exposure to faecal matter from humans or animals can lead to health problems due to the presence of disease-causing microorganisms (pathogens). E.Coli levels detected within water samples were greater than 2,000 CFU/100mL (i.e., double the recommended land disposal E.coli criteria outlined within the standard prescribed conditions for STW ERA 63, and four times the D classification criteria for recreational swimming which states above this level there may be significant risk of high levels of illness transmission).
- 13) On 24 November 2025, the department issued you with a pre-enforcement letter in relation to the surface ponding of effluent at the premises identified on 12 November 2025. You responded to the letter advising

the seepage was a one-off incident that day which only occurred in response to an electrical malfunction during groundwater bore maintenance. You confirmed that a series of follow up actions were undertaken by you including cleaning of the irrigation lines, additional pump outs and review by the company engaged to design the sewage treatment system.

- 14) The department acknowledges your efforts outlined above in the response to the pre-enforcement letter. However, the surface ponding of effluent within a resident's backyard (i.e., immediately adjacent to their fence line and driveway) presents an unacceptable risk of direct human exposure and potential health hazards as a result of the current design and/or management of the sewage treatment infrastructure.
- 15) The electrical set up of the irrigation timer presents a high likelihood of historical and future malfunctions occurring following a power outage or power trip at the premises. As a result, this substantially increases the risk of effluent over application and seepage to the backyard of Cabin 10.
- 16) During the inspection, it was further evident that due to limited surface drainage controls in place, excess stormwater during rain events will flow from the irrigation area and pond underneath/adjacent Cabin 10. Therefore, resulting in the potential for contaminants associated with effluent irrigation to end up within stormwater that ponds adjacent Cabin 10. Additional consideration should be given to the drainage design and emergency triggers to prevent human exposure to treated effluent at the premises.
- 17) The department considers routine management of the irrigation area and a third-party review of the STW design and condition as a necessary measure to prevent surface ponding of effluent into a resident's backyard. These actions are considered reasonably practicable measures to minimise the likelihood of environmental harm to public health, safety and amenity at the premises.
- 18) The department concludes that you have not complied with your GED and failed to undertake reasonably practicable measures to minimise the likelihood of environmental harm at the premises.
- 19) The delegate has considered your response and the circumstances (including the standard criteria and human rights) and determined that the required actions within an EEO are reasonable to remedy or otherwise address the relevant matters.
- 20) The delegate is issuing this EEO to you to secure compliance with the GED and condition PL2 of the EA ("the relevant matters").
- 21) This EEO takes effect from the date of service and remains in force until stayed, amended, revoked, or finalised.
- 22) On 1 July 2026, you requested an extension to the due date of requirement 3 to allow further time for the installation of surface water drainage. The extension of time was requested to align works with a current development application and due to the reduced risk of effluent seepage from ongoing pump outs of all effluent at the premises. Given the information provided, the department considers an extension request of one month to be reasonable to facilitate the installation of surface water controls under requirement 3.



Figure 1 – Effluent ponding along central boundary of irrigation area and sample location sample W1



Figure 2 – Effluent ponding within backyard of cabin 10 residence and location of sample W2 and S1



Figure 3 All sample locations

Table 1 Water sample results

	Units	Water Samples	
		20251112-C10-W1	20251112-C10-W2
Microbiology - Pathogens and Non-pathogens			
Enterococci (Faecal Streptococci)*	CFU/100mL	>2,000	>2,000
Microbiology - General and Indicator Organisms			
<i>Escherichia coli</i>	CFU/100mL	>2,000	>2,000
Thermotolerant (Faecal) Coliforms	CFU/100mL	>2,000	>2,000
Total Coliforms	CFU/100mL	>2,000	>2,000

Table 2 Soil sample results

	Units	Soil Sample
		20251112-C10-S1
Microbiology - Pathogens and Non-pathogens		
Enterococci (Faecal Streptococci)*	CFU/g	<100
Microbiology - General and Indicator Organisms		
Escherichia coli	MPN/g	43
Thermotolerant (Faecal) Coliforms	MPN/g	43
Total Coliforms	MPN/g	240

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

Appropriately qualified person	A person who has professional qualifications, training, skills, or experience relevant to the requirements of this EEO, and can give authoritative assessment, advice, and analysis in relation to the requirements using relevant protocols, standards, methods, or literature.
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 .

Considerations

The standard criteria 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 EP Act.

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 EP 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 EP Act.

Right of review and appeal

The provisions regarding reviews of decisions and appeals are found in s519 to s539 of the EP 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 EP Act requires the department to maintain a register of certain documents and information authorised under the EP 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 EP 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](#)

