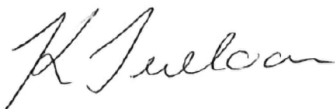


Environmental Enforcement Order

Environmental Protection Act 1994

Pursuant to section 362

ORDER ID	STAT-E-101019601
Date of issue	12 May 2026
Issued to (you)	Queensland Magnesia Pty Ltd ACN: 010 823 588 <i>For the purpose of this Environmental Enforcement Order (EEO), you means the recipient of this EEO.</i>
Registered address	246 Boundary Road PARKHURST QLD 4702
Site address (the premises)	246 Boundary Road, PARKHURST QLD 4702
Land reference	Lot 3/RP601934, Lot 4/RP601934, Lot 1/SP340431, Lot 3/RP606251, Lot 4/RP606251
Issued by (the delegate)	 Kirstie Treloar, Manager (Compliance) Delegate of the Administering Authority Chief Executive of the Department of the Environment, Tourism, Science and Innovation (the department)
Relevant Grounds	• s359(c) To secure compliance with the general environmental duty. • s359(e)(ii) To secure compliance with 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: Jack Thompson, Rockhampton Compliance Centre Email: CWES_Rockhampton@detsi.qld.gov.au Telephone: +61 (07) 4837 3499
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 Act).

Why are we writing to you?

You have a proactive **general environmental duty** to prevent and minimise any environmental harm.

The department has responsibility for enforcing the Act.

The delegate for the department is issuing this EEO to you, pursuant to section 362 of the Act, to secure compliance with the Act in relation to activities being undertaken at the premises.

This EEO is issued with respect to the activities undertaken at the premises that are in contravention of section 319 and 430 of the Act.

What are you required to do?

The required actions listed below must be completed in full by the required dates.

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take effect from the date of service and remain in force until the date specified, unless this EEO is amended, repealed, finalised or stayed beforehand.

1. You must submit all reports and documents required by this notice to the department via email to CWES_Rockhampton@detsi.qld.gov.au.
2. By **23 June 2026**, you must engage an **independent appropriately qualified person (AQP)** to complete an audit of all stormwater management infrastructure associated with the premises and to prepare a report in accordance with requirement 3. You must provide confirmation of the engagement to the department, including evidence of relevant qualifications and experience of the **AQP**.
3. By **14 September 2026**, you must submit to the department a report, completed by an **independent AQP**, with all findings of the audit completed under requirement 2. This report must include, but not be limited to:
 - a) An assessment of the stormwater management system, and its component parts associated with the premises, that evaluates whether the current infrastructure and stormwater management actions at the premises are adequate to achieve compliance with the general environmental duty and conditions C1 and C5 of the EA.
 - b) Without limiting requirement 3(a), for the retention basin, this assessment must include:
 - (i) A volumetric survey of the empty storage capacity.
 - (ii) Catchment delineation.
 - (iii) Determination of the storage capacity and stormwater treatment methods required to maintain compliance with condition C1 of the EA.
 - c) Fit for purpose hydraulic modelling of the premises to inform recommendations for works to ensure offsite stormwater runoff is prevented from entering, and not permitted to enter, the premises in accordance with condition C5 of the EA.
 - d) A schedule of recommended actions to be carried out to achieve and ensure ongoing compliance with conditions C1 and C5 of the EA, with completion timeframes for each action. Actions must demonstrate consideration of the general environmental duty. Dates for completion must be no later than **14 December 2026**.
 - e) Documentation of all calculations and assumptions used in developing the actions under requirement 3(d).
4. By **14 December 2026**, you must have completed the schedule of actions identified by the **independent AQP** and specified in the report under requirement 3.

5. By **14 December 2026**, you must review and revise the Stormwater Management Plan for the premises to be consistent with condition C7 of the EA, the findings of the audit, and inclusion of any works carried out under the required actions of this EEO.
6. You must provide written evidence, and photographic evidence if applicable, to the department demonstrating compliance with requirements 2-5 of this EEO by the dates specified in each respective requirement.

Grounds for issuing this EEO:

The department is issuing you with an EEO pursuant to section 362(1) of the Act as it is satisfied that the following enforcement grounds exist:

1. In accordance with section 359(c) of the Act, it is considered necessary to issue an EEO to secure compliance with the general environmental duty (GED). The GED is detailed in section 319 of the Act and states:

*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**).*

2. In accordance with section 359(e)(ii) of the Act, it is considered necessary to issue an EEO to secure compliance with a condition of an environmental authority (EA). Specifically, conditions C1 and C5 of EA EPPR00234813, which state:

*C1(b): The release of contaminants via stormwater must comply with each of the water quality limits specified in **Schedule C Table 1 – Contaminant release limits to water**.*

C5: Suitable banks, diversion drains, or other engineering measures must be installed and maintained to prevent offsite stormwater runoff from entering the site to which this approval relates.

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

1. You occupy land described as QMAG Parkhurst on Lot 3/RP601934, Lot 4/RP601934, Lot 1/SP340431, Lot 3/RP606251, and Lot 4/RP606251, located at 246 Boundary Road, Rockhampton, QLD 4702.
2. You are the holder of EA EPPR00234813 (formerly IPDE01159808), effective 6 April 2009, which authorises the following activities over Lot 107/RP2446, Lot 3/RP601934, Lot 4/RP601934, Lot 3/RP606251, Lot 4/RP606251, Lot 3/RP800345, Lot 4/RP800345, and Lot 8/RP601934:
 - a) Environmentally relevant activity (ERA) 31 – *Mineral processing* – 2(b) – Processing, in a year, the following quantities of mineral products, other than coke – more than 100,000t.
3. On 13 January 2026, you notified the department of an uncontrolled release which occurred from the retention basin at the premises on 12 January 2026. This notification stated that a sample taken at the discharge location during the release returned an elevated pH result (in-situ) of 9.21. The water quality release limit for pH specified in Schedule C Table 1 of the EA is 6.5-8.5 pH units.
4. On 27 January 2026 you provided a written notice to the department in accordance with condition A8 of the EA detailing further information about the release event on 12 January 2026. In this notice, you estimated the total release volume at 19.8ML and attributed the elevated pH level of stormwater runoff to the inherent properties of magnesite and interactions with magnesia products.
5. You also stated that *treating the water to neutralise the pH has been attempted, however this was not successful and is therefore not a feasible option, particularly when the water is flowing to a point where a release will be occurring. Based on the efforts taken and research completed, it can be reported that reducing the pH of stormwater on the QMAG [Parkhurst] site will be very difficult to achieve.*

6. If you will not undertake neutralisation of the retention basin and release waters, or if this cannot be practicably achieved, the department considers that all reasonably practicable measures must be taken to prevent a release from occurring, to maintain compliance with condition C1 of the EA.
7. Based on this information the department alleges that you contravened condition C1 of the EA by conducting a release of stormwater that failed to comply with each of the water quality limits specified in Schedule C Table 1 of the EA. Specifically, by undertaking a release from the retention basin at the premises on 12 January 2026 which recorded a pH result of 9.21 pH units during the release.
8. The written notice submitted on 27 January 2026 stated that *as well as direct rainfall on site, QMAG [Parkhurst] also receives runoff from external flooding through the drain along Boundary Road, adding to the potential volume of water captured in its retention basin via the stormwater management system...the volume of rain and water flow from internal and external sources inundated the retention basin which already had a reduced capacity from rain in late December. This resulted in water overflowing at the spillway.*
9. On 24 March 2026, the department conducted a proactive compliance inspection of your activities at the premises and authorised persons under the Act observed evidence of significant flow having occurred through the external drain on Boundary Road into the premises.
10. During the inspection, authorised persons identified this as a concern, unnecessarily increasing the catchment area for the retention basin in heavy rainfall events and therefore increasing the likelihood of an unauthorised release event occurring.
11. Based on this information the department alleges that you contravened condition C5 of the EA by failing to install and maintain suitable engineering measures to prevent offsite stormwater runoff from entering the premises.
12. A substance with a pH above 8.5 is a prescribed water contaminant under Schedule 10 of the Environmental Protection Regulation 2019 and has the potential to cause harm to environmental values identified in Schedule 1 of the Environmental Protection (Water and Wetland Biodiversity) Policy 2019 for Limestone Creek and the Fitzroy River (the receiving environment downstream of the premises).
13. Operations under EA EPPR00234813 have been assessed in accordance with the environmental risks associated with carrying out the activity at the premises. Complying with the conditions of your EA is a legal requirement under section 430 of the Act and constitutes part of your GED as reasonably practicable measures required to prevent and minimise environmental harm which may be caused by the activity.
14. On 29 April 2026, a meeting was held between departmental and Queensland Magnesia Pty Ltd representatives to discuss compliance concerns with conditions C1 and C5 of the EA and a draft EEO.
15. On 29 April 2026, the department provided you with a draft EEO for your review and comment. You provided comments on the draft EEO on 6 May 2026. The department has considered your comments in finalising the required actions of this EEO.
16. Based on the facts and circumstances above, the department considers it necessary to issue you an EEO to secure compliance with the GED and conditions C1 and C5 of the EA.
17. The department has considered the standard criteria and human rights when making this decision.

Offences

A person who is bound by this EEO and who fails to comply with a requirement of this EEO, without a reasonable excuse, commits an offence under the Act.

The maximum penalties are significant and are provided in section 369A of the 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 section 369C 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 section 369D of the Act.

Right of review and appeal

The provisions regarding reviews of decisions and appeals are found in sections 519 to 539 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](#).



Appendix A: Definitions used in this EEO

Activity	Activity means the ERA(s) to which the EA relates.
Administering Authority	The administering authority is the Department of the Environment, Tourism, Science and Innovation, or its successor.
Appropriately Qualified Person (AQP)	Appropriately qualified person (AQP) means a person or persons who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice, and analysis to performance relative to the subject matter using relevant protocols, standards, methods, and/or literature.
EA	EA means environmental authority.
ERA	Environmentally relevant activity. ERAs are prescribed in the Environmental Protection Regulation 2019.
Independent	Independent means a person not employed by Queensland Magnesia Pty Ltd or any related entities, e.g. any parent/subsidiary companies or organisations.
You	You refers to Queensland Magnesia Pty Ltd, holder of EA EPPR00234813 (formerly IPDE01159808), and recipient of this EEO.