

Notice

Environmental Protection Act 1994

Direction Notice

This direction notice is issued by an authorised person pursuant to section 363B of the Environmental Protection Act 1994.

Golden Circle Limited (ACN 54 355 618)
c/o Kraft Heinz Australia Pty Limited
Level 27, 2 Southbank Boulevard
SOUTHBANK VIC 3006

cc: Golden Circle Limited
260 Earnshaw Rd
NORTHGATE QLD 4103
cc: Dominic.Bassi@kraftheinz.com

Your reference: ORM_2021-07-01_09-34-02

Our reference: E-100132617, EPPR00442813

23 September 2021

Take notice: that under the *Environmental Protection Act 1994* (the Act) a direction notice is issued to Golden Circle Limited (you) by an authorised person under section 363B of the *Environmental Protection Act 1994*.

The direction notice is issued in respect to the activities of Golden Circle Limited ACN 54 355 618 (you) at 260 Earnshaw Rd Northgate, on land known as Lots 1-2 on RP74350, Lot 1 on RP117219, Lots 1-2 on RP156058, Lots 21-22 on RP34616 and Lots 65-74 on RP34616 (the premises).

A. Grounds

The direction notice is issued on the grounds that the authorised person reasonably believes that:

- A. you have contravened a prescribed provision, being 440ZG of the Act; and
- B. the matter relating to the contravention can be remedied and it is appropriate to give you an opportunity to remedy the matter.

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

1. On 1 December 2020 authorised officers of the Department of Environment and Science (department) became aware of closed circuit television (CCTV) taken in 2017 which contained footage of alleged contaminant releases from the premises to stormwater.
2. On 24 and 25 May 2021 Brisbane City Council undertook an in-pipe survey with video of underground stormwater infrastructure under the premises between Earnshaw Rd, Northgate and the premises truck parking area.
3. As a result of this work, on 24 June 2021 authorised officers identified at least two locations where contaminants were released from the premises to the stormwater network which reports directly to Cannery Creek located 620m downstream. Observations by authorised officers were made including the release to the stormwater having a yellowish discolouration; there was flow during otherwise dry conditions; and the prevalence of cockroaches around the releases demonstrating the existence of organic matter within the flow.

4. Prescribed water contaminants in Schedule 10 of the Environmental Protection Regulations 2019 (EP Reg) includes putrescible waste (such as food scraps) and regulated waste, which includes liquid food processing waste as defined in Schedule 9 of the EP Reg.
5. On 28 June 2021 departmental officers communicated the findings of the pipe survey to you. You subsequently identified a direct flow path within the premises from the waste infrastructure to stormwater infrastructure as a result of degradation of the Laboratory floor drain inspection pit wall. A release has been occurring that includes regulated waste and putrescible waste and has entered the stormwater network via the degraded infrastructure, resulting in an unlawful release of a prescribed water contaminant to the stormwater network and Cannery Creek. This release of contaminants is not authorised by your Environmental Authority (EPPR00442813) and is an offence against Section 440ZG of the Act.
8. You were unaware of the degraded infrastructure until presented with CCTV footage demonstrating an unlawful release. It is considered that there are potentially additional unlawful releases that have not yet been detected, and therefore requires action.

B. Reasonable Steps

The authorised person considers that the following reasonable steps are necessary to remedy the contravention and avoid further contravention of the prescribed provision:

1. By **5pm on 30 November 2021** install a permanent solution to prevent any further release between the Laboratory floor drain and the Beverage Waste pit.
2. By **5pm on 30 November 2021** conduct an investigation into the integrity of all waste and stormwater infrastructure on the premises to ensure there is no further unlawful release of prescribed contaminants to stormwater. Infrastructure includes, but is not limited to, pits, linings, pipes and transfer equipment. The investigation must be conducted by an independent and **appropriately qualified person**.
3. By **5pm on 30 November 2021** provide a report to the department which demonstrates the investigation undertaken in requirement 2. and report on any remediation work undertaken to prevent further releases.
4. By **5pm on 30 November 2021 and ongoing until 30 November 2022** commence and continue a twelve month water quality monitoring program which includes:
 - a) monitoring for at least pH, BOD₅, DO, TSS, sugars and NaOH;
 - b) weekly monitoring frequency;
 - c) monitoring at every location on the premises where waters are released to the public stormwater network; and
 - d) provide the monitoring results to the department on the 1st business day of every calendar month.
5. The written documentation in relation to the requirements of this notice must be made to ESComplianceBrisbaneMoreton@des.qld.gov.au or via mail to Department of Environment and Science GPO Box

Take notice:

- The requirements of the direction notice take effect immediately upon service of the notice
- This notice remains in force until further notice from the department.

- **“Appropriately qualified person (AQP)”** means a person or persons who has relevant demonstrated professional qualifications, training, skills or experience and can give authoritative assessment and advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods or literature.

C. Reviews and appeals

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 Permit and Licence Management, Department of Environment and Science: 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.

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.

D. Public Register

Pursuant to section 540 of the Act, the department is required 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 alteration 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.

E. Penalties

Failing to comply with a direction notice is an offence unless the person has a reasonable excuse.

- The maximum penalty for an individual for wilfully contravening a direction notice is 1665 penalty units, totalling \$229,520.
- The maximum penalty for a corporation for wilfully contravening a direction notice is 8325 penalty units, totalling \$1,147,601.

- The maximum penalty for an individual contravening a direction notice is 600 penalty units, totalling \$8,271.
- The maximum penalty for a corporation contravening a direction notice is 3000 penalty units, totalling \$413,550.

Section 3 of the Penalties and Sentences Regulation 2005 prescribes the monetary value of a penalty unit.

The department may also consider alternative compliance or enforcement action in relation to the offences that are the subject of this notice.

Should you have any queries in relation to the notice, please contact Justin Wilson on telephone number 07 3330 5054.



Signature

23 September 2021

Date

Nadine Cooper
A/Compliance Delivery Manager
Authorised Person
Environmental Protection Act 1994
Department of Environment and Science

Enquiries:
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