

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.

Mixed Metals Pty Ltd
ACN 614 321 176
TAX & ACCOUNTING OPTIONS PTY LTD
SUITE G6 G, 9 BAY STREET
SOUTHPORT QLD 4215

cc: 14 Manufacturer Drive
MOLENDINAR QLD 4214

Attention: Adrian Fuller – Director

Email address: adrian@adrians.com.au

cc: serah@adrians.com.au

Our reference: C-CPLRC-100233173

3 June 2022

Take notice: that under the *Environmental Protection Act 1994* (the EP Act) a direction notice is issued to Mixed Metals Pty Ltd (you) by an authorised person under section 363B of the EP Act.

The direction notice is issued in respect to the activities conducted by you at 14 Manufacturer Drive, Molendinar on part of Lot 2 on WD6641 (the premises).

A. Grounds

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

- You have contravened a prescribed provision, being section 440ZG of the EP Act; and
- 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:

- On 31 May 2022 and 3 June 2022, authorised persons of the Department of Environment and Science (the department) undertook site inspections at 12-14 Production Avenue Molendinar (Lot 22 on CP817742).
- During the site inspection, authorised persons observed prescribed water contaminants (hydrocarbons of mixed sources) discharging from your premises from under shipping containers located on the eastern boundary of the premises.

- The hydrocarbons were releasing down the retaining wall and on to the neighbouring property and into the stormwater drain located at 12-14 Production Avenue, Molendinar.
- The contaminants had been unlawfully deposited in a way that could reasonably be expected to wash or otherwise move into waters or stormwater drainage, which is a contravention of section 440ZG of the EP Act.

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. Discharge of contaminants from the premises must cease immediately.
2. Removal of vehicle fluids must be undertaken prior to dismantling of vehicles on the premises and must be conducted in proximity to a liquid collection device such as a sump, so fluids are contained on the premises.
3. Contaminants already discharged from the premises must be removed and cleaned from the stormwater inlet and stormwater network at 12-14 Production Avenue, Molendinar (Lot 22 on CP817742) so that no contaminants are visible in the stormwater drain.
4. All visible contamination must be removed from materials comprising the retaining wall on the eastern boundary of your premises and 12-14 Production Avenue, Molendinar.
5. All waste material captured as part of the clean-up must be transported and disposed of as regulated waste to a facility that may lawfully receive such waste.
6. No contamination is to be released to the receiving environment during clean-up.
7. Downstream drainage channels must be bunded during clean up.

Take notice:

- The contravention must be remedied by and from **9am on Friday 10 June 2022**.
- 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.

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 certain decisions of the department, may be able to apply to have the department review that original decision.

Generally, a request to have a decision reviewed must be made:

- within 10 business days of the decision being notified to the person
- be supported by enough information to enable the department to decide the application for review

- be made using the application for review of an original decision form (ESR/2015/1573).¹

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*.

For further information about reviews and appeals see the information sheet - internal review and appeal to the Planning and Environment Court (ESR/2015/1742). You may have other legal rights or obligations and should seek your own legal advice.

D. Penalties

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

- The maximum penalty for a corporation for wilfully contravening a direction notice is 8325 penalty units, totalling \$1,147,601.
- The maximum penalty for a corporation contravening a direction notice is 3000 penalty units, totalling \$413,550.

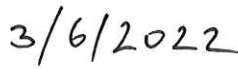
Section 3 of the Penalties and Sentences Regulation 2005 prescribes the monetary value of a penalty unit.

The department may also consider alternative and additional 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 the Gold Coast Compliance Centre on 07 5626 6871.



Signature



Date

Eugene Immisch
Compliance Delivery Manager
Authorised Person
Environmental Protection Act 1994
Department of Environment and Science

Enquiries:
Gold Coast Compliance Centre
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Email: GoldCoast.ES@des.qld.gov.au

¹ This is the publication number. The publication number can be used as a search term to find the latest version of a publication at <www.des.qld.gov.au>.

