

Environmental Protection Act 1994

Environmental Protection Order

This environmental protection order is issued by the administering authority pursuant to section Choose an item. of the Environmental Protection Act 1994.

NORGANIC PROTEINS PTY LTD (ACN 624 329 764)
'HQ ROBINA' SUITE 14 LEVEL 1,
58 RIVERWALK AVENUE,
ROBINA, QLD, 4226

Cc: Kent Quinn kent@norganicpro.com
Allana Turner allana@norganicpro.com
1 Coolum Street
LANDSBOROUGH QLD 4550

Your reference: EPPR00188913

Our reference: C-CPLRC-100240854 / 101/0005739 / E-100265527

23/09/2022

Dear Mr Quinn

Take notice: that under the *Environmental Protection Act 1994* (EP Act) this environmental protection order (EPO) is issued to Norganic Proteins Pty Ltd (ACN 624 329 764) (Norganic) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Science (the department).

The EPO is issued with respect to the activities of prescribed environmentally relevant activity (ERA) 25 (3b) - Meat Processing - Rendering, without any other processing, in a year, the following quantity of meat or meat products - more than 500t (see appendix A for full description) under the environmental authority EPPR00188913 (the EA) on land described as Lot 2 on RP208083 situated at 1 Coolum Street, Landsborough QLD 4550 (the site).

A. Grounds

This EPO is issued on the following grounds:

1. In accordance with section 358(d)(i) of the EP Act, the administering authority may issue an EPO to a person to secure compliance with the General Environmental Duty (GED) as per section 319 of the Act, which states:

A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm (the general environmental duty).



2. Under section 358 (d)(iii) of the EP Act the administering authority may issue an EPO to a person to secure compliance by the person with a condition of an environmental authority.

The department requires Norganic to take reasonable measures to secure compliance with condition A1 of the EA dated 19 April 2018 which states: "Odours or airborne contaminants must not cause **environmental nuisance** to any **sensitive place** or **commercial place**".

The following definitions are provided in the EA:

Environmental nuisance as defined in Chapter 1 of the EP Act (summarised in Appendix A)

Sensitive place includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

1. a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
2. a motel, hotel or hostel; or
3. a kindergarten, school, university or other educational institution; or
4. a medical centre or hospital; or
5. a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 2004* or a World Heritage Area; or
6. a public park or garden; or
7. for noise, a place defined as a sensitive receptor for the purposes of the *Environmental Protection (Noise) Policy 2008*,

Commercial place means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

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

1. Norganic is the holder of the EA dated 19 April 2018.
2. The EA authorises the following ERA at the site:
 - a. ERA 25 (3b) – Meat Processing – Rendering, without any other processing, in a year, the following quantity of meat or meat products – more than 500t.
3. The department has been corresponding with Norganic regarding odour issues since September 2018 due to community reports of environmental nuisance.
 - a. An environmental nuisance is defined in the EP Act as unreasonable interference or likely interference with an environmental value cause by odour (full definition provided in Appendix A).
4. As a result of previous reports and odour monitoring, the department has previously required Norganic to undertake assessments and site upgrades in an attempt to prevent odour impacts on the community.
5. Although Norganic has taken some steps to prevent odour impacts on the community, the site continues to generate odour that the department has confirmed as environmental nuisance (see points 8 and 9 below).
6. Community odour impacts reported in 2022 to the department commenced on 21 April 2022. The odour was most commonly reported to begin prior to 4:30am when the impact to community commences and continues through to approximately 8:00am and is not specific to any particular day of the week. The

odour has been reported to occur to the north of the site and as being extremely strong and extremely offensive during periods of calm to very light south to south westerly wind, especially following periods of rain.

7. On 27 April 2022 an inspection was undertaken at the site by authorised officers to assess odour generation onsite and determine if any changes in the way the activity was undertaken had occurred that would result in increased odour output. The site was noted by Norganic to be operating in a standard way with no reported factors generating higher than usual odour. However, the department continued to receive reports of nuisance odour.
8. On 3 May 2022 between 7.30am and 8.00am an odour assessment was undertaken by authorised officers in Maleny Street, Landsborough at a commercial place and officers recorded odour representative of the activity of the site as distinct and offensive at times. The impact to sensitive receptors was observed to change dependent on the prevailing weather conditions.
9. On 27 May 2022 between 5:50am and 7.00am a follow up odour assessment was undertaken by authorised officers in Maleny Street, Landsborough at a commercial place. The odour experienced was recorded as strong and strongly offensive at times and officers believed it was representative of odour from the site. The impact to sensitive receptors was observed to change dependent on the prevailing weather conditions.
10. During the department's odour assessments, the weather conditions were similar with light patchy cloud, no rain and predominant south to south westerly wind gusting to 11 km/h.
11. Community odour impacts continue to be reported with the most recent odour impact reported as occurring on the 4 September 2022.
12. Based on the findings from the odour assessments and site visit, the department confirms its view that odour generated from the site is causing an environmental nuisance and is impacting sensitive and commercial places, in breach of condition A1 of the EA.
13. The department considers that it is appropriate to require Norganic to take reasonable measures to secure compliance with condition A1 of the EA and the general environmental duty.

B. Requirements

In accordance with this EPO, Norganic is required to do the following:

1. By **5:00 pm on 5 October 2022** Norganic must engage an independent Appropriately Qualified Person (AQP) to develop an Odour Assessment and Management Plan (OAMP) that addresses the requirements of the EPO and confirm the engagement to the administering authority in writing to sunshinecoast.esr@des.qld.gov.au. The written confirmation of the engagement must include a copy of the AQP's resume identifying the person(s) academic qualifications and experience relevant to resolving complex odour nuisance issues.
2. Norganic must require the AQP to develop an OAMP that:
 - a) clearly demonstrates the methodology the AQP will use to investigate all sources of odour associated with all plant and equipment at the site (including plant and equipment to manage wastewater) that has the potential to cause odour nuisance;
 - b) describes a full audit framework of all activities; current odour management equipment (such as condenser, biofilters, odour suppressant chemicals and any other equipment); and procedures,

at the site to identify all actual and potential odour sources that may contribute to odour nuisance beyond the boundaries of the site. The audit framework in the OAMP must include:

- i. the investigation and identification with likelihood assessment of airborne fugitive and point source emissions of contaminants/odour from all facilities on site including an assessment of the effectiveness of odour capture from the cooking process;
 - ii. the investigation of the efficacy of the onsite biofilter, giving consideration to the age of filter medium, biofilter media moisture content, atmospheric temperature variation and impact due to varying rainfall and dry weather conditions;
 - iii. the temperature of the air entering the biofilter in a range of ambient temperatures and the resulting impact to performance;
 - iv. the temperature difference between water entering the aerobic ponds and the standing pond water and the potential to result in odourised steam; and
 - v. how potential emissions released would change over time with degradation of the controls or change in seasonal conditions; and
- c) evaluates Norganic's existing odour mitigation measures against industry best practice and make a list of prioritised recommended actions with implementation timeframes to prevent the release of offensive odour beyond the boundaries of the site.
3. By **5:00pm on 2 November 2022**, Norganic must submit the OAMP developed by the AQP to the department at sunshinecoast.esr@des.qld.gov.au for the department to review the content of the OAMP for the suitability of securing compliance with condition A1 of EA and the GED.
4. Within 15 business days of receiving the departments review Norganic must work with the AQP to address the departments comments and provide a final version of the OAMP.

Definitions:

Appropriately qualified person(s) (AQP) means a person or persons who has professional qualifications, training, skills and experience relevant to the EPO requirement and can give authoritative assessment, advice and analysis in relation to the EPO requirement using the relevant protocols, standards, methods and/or literature.

The department would like to remind you that should you receive an environmental complaint, you must record the details as per condition G8 of the EA. If the complaint identifies a breach of condition, such as condition A1 of the EA, the complaint must be reported to the department as per condition G1 of the EA.

C. Obligations

If you propose to dispose of the place or business to which the EPO relates, you **must** advise the buyer of the existence of this EPO.

If you cease to carry out the activity to which this EPO relates, you **must** give written notice of ceasing to carry out the activity to the department within 10 days of ceasing the activity.

Take notice:

- the requirements of this order take effect immediately upon service of the order;
- failure to comply with this order is an offence under the EP Act;

- this order remains in force until further notice from the administering authority.

D. Penalty

It is important that you know the impact to you personally as an individual or as a corporation for not meeting your obligations.

Failure to comply with an EPO is an offence.

- The maximum penalty for wilfully contravening an EPO is 6250 penalty units, totalling \$898,437.50 or five years imprisonment.
- The maximum penalty for contravening an EPO is 4500 penalty units, totalling \$646,875.00.

Failure to provide written notice to the buyer of the existence of the order is an offence.

- The maximum penalty is 50 penalty units, totalling \$7,187.50.

Failure to provide written notice to the department within 10 business days of ceasing the activity to which an environmental protection order relates is an offence.

- The maximum penalty is 50 penalty units, totalling \$7,187.50.

Section 3 of the *Penalties and Sentences Regulation 2015* prescribes the monetary value of a penalty unit.

E. Reviews and appeals

The provisions regarding reviews of decisions and appeals are found in sections 519 to 539 of the EP Act.

A person who is dissatisfied with an original decision made by the Department of Environment and Science (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.

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.

Should you have any queries in relation to the notice, please contact Luke O'Brien on (07) 5459 6138.



Signature

23/09/2022

Date

Tim Brain

Manager Compliance

Delegate of the Chief Executive

Department of Environment and Science

Environmental Protection Act 1994

Enquiries: Luke O'Brien

COMPLIANCE CENTRE: **Sunshine Coast**

Ph: (07) 5459 6138

Email: luke.obrien@des.qld.gov.au

Appendix A

Environmental Protection Regulation 2019 – Schedule 2

25 Meat processing

(1) Meat processing (the **relevant activity**) consists of either of the following—

- (a) processing 1,000t or more of meat or meat products in a year, whether or not the processing includes rendering;
- (b) rendering 100t or more of meat or meat products in a year, if the meat or meat products are not otherwise processed.

(2) The relevant activity does not include processing meat or meat products that—

- (a) involves only chilling, curing, drying, freezing, packaging or smoking the meat or meat products; or
- (b) does not involve any of the following—
 - (i) slaughtering animals;
 - (ii) rendering the meat or meat products;
 - (iii) the release of waste to waters;
 - (iv) the treatment of waste using anaerobic or facultative systems.

(3) In the following table, the aggregate environmental score, if any, for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
1 processing, not including rendering, in a year, the following quantity of meat or meat products—		
(a) 1,000t to 5,000t	16	
(b) more than 5,000t but not more than 50,000t	26	C
(c) more than 50,000t	41	C
2 processing, including rendering, in a year, the following quantity of meat or meat products—		
(a) 1,000t to 5,000t	25	
(b) more than 5,000t but not more than 50,000t	48	C
(c) more than 50,000t	66	C
3 rendering, without any other processing, in a year, the following quantity of meat or meat products—		
(a) 100t to 500t	no score	C
(b) more than 500t	29	C

(4) In this section—

processing, meat or meat products, includes slaughtering animals to produce meat or meat products.

rendering means extracting by-products from the processing of animals, including fat, tallow, derivatives of fat or tallow and matter containing protein.

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Section 14 Environmental harm

(1) Environmental harm is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

(2) Environmental harm may be caused by an activity—

- (a) whether the harm is a direct or indirect result of the activity; or
- (b) whether the harm results from the activity alone or from the combined effects of the activity and other activities or factors.

Section 15 Environmental nuisance

Environmental nuisance is unreasonable interference or likely interference with an environmental value caused by—

- (a) aerosols, fumes, light, noise, **odour**, particles or smoke; or
- (b) an unhealthy, **offensive** or unsightly condition because of contamination; or
- (c) another way prescribed by regulation.