

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-100282400; E-100282988

12 July 2022

Take notice: that under the *Environmental Protection Act 1994* (the EP Act) a direction notice was issued to Mixed Metals Pty Ltd (you) orally on 11 July 2022 by an authorised person under section 363B of the EP Act.

The direction notice is to confirm the oral direction notice issued to you yesterday, in accordance with s.363B(3) of the EP Act, in respect to the activities conducted by you at 14 Manufacturer Drive, Molendinar on part of Lot 2 on WD6641 (your premises).

The department notes that on 11 July 2022 you took reasonable steps to comply with this notice.

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 was appropriate to give you an opportunity to remedy the matter.

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

- On 11 July 2022, authorised persons from the Department of Environment and Science (the department) observed prescribed water contaminants discharging from your premises.

- A number of prescribed water contaminants are listed under Schedule 10 of the Environmental Protection Regulation 2019 including oil, industrial waste and regulated waste.
- Authorised persons observed prescribed water contaminants, including oily water, within the stormwater infrastructure downstream of your premises.
- S.440ZG of the EP Act provides that a person must not unlawfully deposit a prescribed water contaminant in a roadside gutter or stormwater drainage. S.440ZG of the EP Act also provides that a person must not unlawfully deposit a prescribed water contaminant at another place, or in a way, so that the contaminant could reasonably be expected to wash, blow, fall or otherwise move into waters, a roadside gutter or stormwater drainage.
- There is no relevant authorisation for the act and so in accordance with s.493A of the EP Act you have deposited the contaminants unlawfully in contravention of s.440ZG.
- The authorised person is satisfied on reasonable grounds that you have contravened a prescribed provision under s.363B(1) of the EP Act and it was appropriate to allow you to remedy the contravention.
- Some of the contaminants discharged were contained behind sand/soil bunds installed in the stormwater drainage line downstream of your premises.

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. The contaminants discharged from your premises and contained within the stormwater drainage line downstream of your premises must be removed as soon as possible and must commence no later than **'TONIGHT' being on 11 July 2022.**
2. All contaminants removed as part of the clean-up must be transported and disposed of as regulated waste to a facility that may lawfully receive such waste.
3. You must demonstrate reasonable attempts to comply with this notice by making phone calls to operators that may lawfully remove the contaminants **immediately.**

Take notice:

- The contravention must be remedied from **Monday 11 July 2022.**
- The requirements of the direction notice take effect immediately upon the oral 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 EP 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 \$1,196,718.75.
- The maximum penalty for a corporation contravening a direction notice is 3000 penalty units, totalling \$431,250.

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

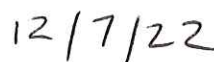
The department may also consider alternative and additional compliance or enforcement action in relation to the offences that are the subject of this notice.

Should you have any queries in relation to the notice, please contact the Gold Coast Compliance Centre on 07 5626 6871.



Signature

Yvette Morgan
Acting Compliance Delivery Manager
Authorised Person
Environmental Protection Act 1994
Department of Environment and Science



Date

Enquiries:
Gold Coast Compliance Centre
Ph: (07) 5626 6871
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>.