

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.

AMM ADMIN PTY LTD
ACN: 675 000 594
C/- GOLD COAST TAX
58 HIGHLAND WAY
UPPER COOMERA QLD 4209

Attn: Alice Callanan
Email: Alice@goldcoasttax.com.au

CC. Serah Garabed
Serah@adrians.com.au

Your reference: E-100634760
Our reference: C-CPLRC-100613884

29 April 2024

Dear Hellen Fuller

Take notice: that under the *Environmental Protection Act 1994* (the Act) a direction notice is issued to AMM ADMIN PTY LTD (you) by an authorised person under section 363B of the Act, on behalf of the administering authority. The administering authority is the Chief Executive of the Department of Environment, Science and Innovation (the department).

The direction notice is issued in relation to the activities of AMM ADMIN PTY LTD operating on land described as Lot 2 WD6641 situated at 14 Manufacturer Drive, Molendinar 4214 QLD (the premises).

A. Grounds

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

- you are contravening a prescribed provision, being section 426 of the Act which states: “A person must not carry out an environmentally relevant activity (ERA) unless the person holds, or is acting under, and environmental authority (EA) for the activity”; and
- it is likely that the contravention of section 426 will continue; and
- the matter relating to the contravention can be remedied and it is appropriate to give you an opportunity to remedy the matter. ‘Remedy’ includes cleaning up, fixing or rectifying any environmental harm (including nuisance) resulting from contravening the prescribed provision.



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

1. On 19 March 2024, authorised persons from the department conducted a boundary inspection of the premises.
2. During the inspection, authorised persons observed that in excess of six (6) tonnes or six (6) cubic metres of general waste including scrap metal that had been received, sorted and continue to be stored at the premises before being moved to a waste facility.
3. Under section 426 of the Act, a person must not carry out an ERA unless the person holds, or is acting under, an EA for the activity.
4. The ERA observed by authorised persons is consistent with the definition of ERA 62, Resource Recovery and Transfer Facility Operation, which is defined under Schedule 2 of the Environmental Protection Regulation 2019 as:
 - a. operating a facility for receiving and sorting, dismantling or baling waste; or receiving and temporarily storing waste before it is moved to a waste facility.
5. Under section 8AA(1) of the *Waste Reduction and Recycling Act 2011* (WRR Act), “waste” includes anything, other than an end of waste resource or a thing prescribed by regulation not to be waste, that is— (a) left over, or an unwanted by-product, from an industrial, commercial, domestic, or other activity; or (b) surplus to the industrial, commercial, domestic or other activity generating the waste.
6. Section 8AA(4) of the WRR Act provides that a thing can be waste, whether, or not it is of value.
7. Previously, an EA (EA0002464) to undertake ERA62 was held by AMM ADMIN GROUP PTY LTD (ACN: 649 147 366) at the premises. However, on 20 February 2024, AMM GROUP ADMIN PTY LTD was placed under external administration.
8. On 27 February 2024, under section 568 of the *Corporations Act 2001*, the liquidator disclaimed the EA (EA0002464). Serah Garabed confirmed on 22 March 2024 that AMM ADMIN PTY LTD (ACN: 670 000 594) is undertaking the activity on site.
9. On 5 April 2024, the department issued a pre-enforcement letter to the authorised contact for AMM ADMIN PTY LTD. No response was received.
10. A search of the department’s electronic databases indicates that you do not hold an EA to lawfully conduct the ERA at the premises.
11. The department reasonably believes that you are carrying out an ERA without holding or acting under an EA at the premises.
12. The department considers it reasonable to require you to cease conducting the ERA, until you hold or are acting under an EA for the ERA.

B. Reasonable Steps

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

1. **Immediately** on receipt of this notice, you must stop receiving, sorting and dismantling scrap metal and other waste at the premises; and
2. You must not recommence receiving, and sorting waste at the premises or elsewhere in the State of Queensland until you hold or are acting under an effective EA for the activity; and
3. **By 22 July 2024** you must:
 - a. Apply for, and have an application under assessment for an EA to carry out ERA 62; or
 - b. Hold or be acting under an effective EA to carry out ERA 62; or
 - c. Have removed all waste in excess of six tonnes or six cubic metres from the premises and lawfully transport and dispose of the waste to a facility that can lawfully receive it.
4. If you remove the waste from the premises, you must provide written documentation to the department to demonstrate the lawful removal and disposal of the waste from the premises by **22 July 2024**. This may include transport receipts, waste tracking documentation for all regulated wastes and/or receipts from disposal locations; and
5. The written documentation must be provided to GoldCoast.ES@des.qld.gov.au or via mail to Department of Environment, Science and Innovation, PO Box 4244, Robina QLD 4230

Take notice:

- The requirements of the direction notice take effect immediately upon service of the notice; and
- 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 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, Science and Innovation: 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 EP Act, the Department is required to maintain a register of certain documents and information authorised under the EP 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 EP 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

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

Under section 363E of the Act, is an offence to fail to comply with a Direction Notice unless the person has a reasonable excuse.

- The maximum penalty for wilfully contravening a direction notice is 1665 penalty units, totalling \$257,742 for an individual, or \$1,288,710 for a corporation.
- The maximum penalty for contravening a direction notice is 600 penalty units, totalling \$92,880 for an individual, or \$464,400 for a corporation.

Section 3 of the Penalties and Sentences Regulation 2015 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 Ben Leach on telephone number (07) 5626 6844.

Notice
Direction Notice



Signature

29 April 2024

Date

Ben Leach

Environmental Officer

Authorised Person

Department of Environment, Science and Innovation

Environmental Protection Act 1994

Enquiries:

Compliance Centre: **Gold Coast**

Mail: PO Box 4244 ROBINA QLD 4230

Email: GoldCoast.ES@des.qld.gov.au

Telephone: (07) 5626 6871