



*Section 73A  
Environmental Protection Act 1986.*

## **PREVENTION NOTICE**

Reference No: REG202602

### **PERSON/S TO WHOM THIS NOTICE IS ISSUED**

**Mundella Foods Pty Ltd (ACN 055 862 774)**  
155 Spencer Street  
SOUTH BUNBURY WA 6230

In its capacity as owner and **Occupier** of the **Premises** and holder of Licence number L8015/2003/4 (Attachment 1)

AND

**Mr Hayden Glen Russell**

In his capacity as the **Occupier** of the **Premises**

### **PREMISES TO WHICH THIS NOTICE RELATES (the Premises)**

The Premises, the subject of this section 73A *Environmental Protection Act 1986* (WA) Prevention Notice (**Notice**), is situated on:

Mundella Foods comprising:

1. Lot 2 on Deposited Plan 51860. 46 Randell Road, MARDELLA WA 6125

As identified in Appendix 2 of this Notice

### **REASONS FOR WHICH THIS NOTICE IS ISSUED**

This Notice is given because I reasonably suspect that that a condition of pollution is likely to arise or has arisen.

On 28 and 29 May 2026, Inspectors from the Department of Water and Environmental Regulation (the Department) conducted inspections of the Premises and observed wastewater and solid waste discharging from the grease trap tanks and overflowing from the grease trap sump area. The discharge extended beyond containment, pooling in and covering a previously grassed area to a depth of approximately 100 mm.

The wastewater was observed flowing uncontrolled across the gravel driveway and carpark areas, before discharging approximately 20 meters into an adjoining paddock where multiple pools of wastewater formed on top of the soil.

The licensed 22kL wastewater holding tank was full to capacity. A 25kL tanker trailer was full to capacity with wastewater and showed evidence of recent overflow. These observations suggest that the 22kL wastewater storage capacity has been exceeded, resulting in uncontrolled discharge to the soil and potentially the groundwater environment.

Based on this evidence, I am reasonably satisfied that wastewater and waste storage systems at the Premises are not being effectively managed, resulting in uncontrolled discharges and emissions. In the absence of immediate intervention and effective containment measures, these discharges of emissions present an unacceptable risk of ongoing pollution, including contamination of the soil and potential impacts to the groundwater environment, as well as ongoing unreasonable odours impacting the health and amenity of surrounding residents.

### **The nature of the suspected pollution:**

I have reason to believe that a condition of pollution has arisen, or is likely to arise, through the direct or indirect alteration of the soil and groundwater environment to the detriment of an environmental value, namely a beneficial use, that involves an emission, and further, there continue to be emissions of unreasonable odour from the Premises into the surrounding environment.

Therefore, this notice is being given to require the Occupier to take measures to prevent the condition of pollution from arising or control or abate that condition if it arises.

I am satisfied that because Mundella Food Pty Ltd and Hayden Glen Russell are the Occupier of the Premises from which the waste and odour emissions have emanated and the Occupier upon whom the requirements of Licence L8015/2003/4 issued on 29 July 2025 are binding, you are the appropriate person to whom to give this Notice.

### **Requirements of this Notice:**

1. Immediately prevent all wastewater generated by the milk processing facility from discharging to land on the Premises, by ensuring that all waste and wastewater is directed to, stored within, managed and removed off-site and in accordance with the conditions of Licence L8015/2003/4.

The requirements and timeframes stipulated in this Notice may be amended by an **Inspector or Authorised Person** in writing, on application by Mundella Foods Pty Ltd, Mr Hayden Glen Russell, or their authorised representative, with reasonable justification.

Alex Bite  
**Acting Director Water Assurance**  
(INSPECTOR No. DER022)

*An inspector appointed under section 87 and 88 of the EP Act.*

With approval from Executive Director Assurance as per delegation 172.

29 May 2026

**Important Information:**

A PERSON WHO IS BOUND BY THIS PREVENTION NOTICE AND WHO DOES NOT COMPLY WITH THIS NOTICE COMMITS AN OFFENCE UNDER THE *ENVIRONMENTAL PROTECTION ACT 1986*.

Under section 103 of the *Environmental Protection Act 1986*:

- a person who is aggrieved by a requirement contained in this prevention notice may within 21 days of being given this notice lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal; and
- any other person who disagrees with a requirement contained in this prevention notice may within 21 days of the making of that requirement lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal.

PENDING THE DETERMINATION OF AN APPEAL REFERRED TO ABOVE, THE RELEVANT REQUIREMENTS CONTAINED IN THIS PREVENTION NOTICE CONTINUE TO HAVE EFFECT.

Note that under section 118 of the *Environmental Protection Act 1986* that each person who is a director or who is concerned in the management of the body corporate may be taken to have also committed the same offence.

## APPENDIX 1

### DEFINITIONS

**In this Notice, unless the contrary intention appears –**

**'Act'** means the *Environmental Protection Act 1986* (WA);

**'Authorised person'** means a person or member of a class of persons appointed under section 87(1) of the *Environmental Protection Act 1986*

**'CEO'** means Chief Executive Officer, Department of Water and Environmental Regulation;

**'CEO'** for the purposes of correspondence means;

Chief Executive Officer  
Department of Water and Environmental Regulation  
Locked Bag 10  
JOONDALUP DC WA 6919  
Telephone: (08) 6364 7000  
Email: [compliance@dwer.wa.gov.au](mailto:compliance@dwer.wa.gov.au)

**'Days'** means all days including weekends and public holidays.

**'the Department'** means Department of Water and Environmental Regulation.

**'DWER'** means Department of Water and Environmental Regulation.

**'Inspector means'** a person appointed to be an inspector under section 88 of the *Environmental Protection Act 1986*

**'Grease Traps'** means grease traps with pumps located at the **premises**

**'Grease traps and sump areas'** means grease trap and sump areas that can be seen in appendix 2 of this notice and is the Premises and Infrastructure Map of **licence L8015/2003/4**

**'Licence'** means the licence L8015/2003/4 issued by DWER under Part V of the Act

**'Licence holder'** means Mundella Foods Pty Ltd (ACN 055 862 774)

**'Occupier'** means **Hayden Glen Russell and Mundella Foods Pty Ltd (ACN 055 862 774)**

**'Paddock'** means the unsealed, vegetated area located within the Premises boundary, adjacent to the gravel driveway and hardstand areas, into which wastewater has been observed to flow and accumulate.

**'Person/s'** means any word or expression descriptive of a person includes a public body, company, or association or body of persons, corporate or unincorporate. As defined by section 5 of the *Interpretation Act 1984* (WA).

**'Pollution'** as defined by section 3A(1) of the Environmental Protection Act 1986.

**'Premises'** means Premises to which this Notice applies, as specified at the front of this Notice and means Mundella Foods Pty Ltd comprising:

- Lot 2 on Deposited Plan 51860, 46 Randell Road, MARDELLA WA 6125

**'Provide in writing'** includes by email with an authorised signature.

**'Suitably Authorised Facility'** means facility that is lawfully allowed to accept and handle the waste required to be removed from the Premises by Requirement 2 of this Notice.

**"Tanker trailer"** means mobile or stationary bulk liquid storage vessel, including the 25-kilolitre trailer located at the Premises, used for the storage, transport or handling of wastewater, effluent or other liquid waste.

**'Wastewater'** means whey, waste milk or any other liquid waste produced from milk processing activities

**'Wastewater Holding Tank'** means wastewater holding tank located at the **premises**

# APPENDIX 2

