



Section 65  
*Environmental Protection Act 1986*

**ENVIRONMENTAL PROTECTION NOTICE**

Reference No: REG202603

**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**  
**Hayden Glen Russell**

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

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

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 to the **Occupiers**, being **Mundella Foods Pty Ltd** (ACN 055 862 774) and **Hayden Glen Russell** under section 65 of the *Environmental Protection Act 1986* (WA) (the Act) because I have reasonable grounds to suspect there is, or is likely to be, an emission or emissions from the **Premises** and that the emissions have caused or are likely to cause pollution.

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

- The emission of waste from the **Premises** into the environment that may result in soil contamination and direct or indirect alteration of the groundwater environment to its detriment or degradation, or to the detriment of an environmental value, namely a beneficial use.
- The emission of odour from the **Premises** which unreasonably interferes with the health, welfare, convenience, comfort or amenity of any person.

Therefore, this **Notice** has been given to require the **Occupier** to take measures to prevent, control and abate the pollution; and to investigate the extent and nature of the environmental harm and its potential consequences; and to report to the department on actions to comply with the requirements of this **Notice**.

I am satisfied that **Mundella Foods Pty Ltd** and **Hayden Glen Russell** are the **Occupiers** of the **Premises** from which the emissions have occurred, and you are the proper **Persons** to whom this Notice is given.

The terms used in this **Notice** have the meaning defined in Appendix 1 of this **Notice**.

The following requirements upon the **Persons** to whom the **Notice** is given are considered appropriate to achieve the following results:

- A. To prevent, control or abate milk processing wastewater which is likely to be discharged into the environment;
- B. To prevent, control or abate the condition of pollution, in the form of waste emissions to the soil and groundwater, that is likely to arise; and
- C. To prevent, control or abate the condition of pollution, in the form of unreasonable odour emissions that is likely to arise.

### **Requirements of this Notice**

#### *Discharging solid waste and wastewater*

1. Immediately upon receiving this **Notice**:
  - a. Cease discharging solid waste and wastewater to land on the **Premises**.
  - b. Cease discharging solid waste and wastewater to land outside of the **Premises'** boundary.
  - c. Cease discharging solid waste and wastewater to the **25kL tanker trailer**, the Fire Water Tank/s and any other storage tank or container not approved under licence L8015/2003/4.
  - d. All wastewater produced from the milk processing facility must be directed to the grease trap tanks.

#### *Storing wastewater*

2. Immediately upon receiving this **Notice**:
  - a. Direct all wastewater from the grease trap tanks only to the approved 22kL Wastewater holding tank, as detailed in Appendix 2, and, once installed and approved by the **CEO**, the new enclosed wastewater storage tank/s with a minimum capacity of 900kL (Licence L8015/2003/4 Condition 1.1 Works – new storage tanks).
  - b. The approved 22kL Wastewater holding tank is to remain enclosed with the access hatch secured in place.
  - c. The wastewater flow meter is to remain operational and measure the flow of wastewater to the 22kL Wastewater holding tank.
3. The volume of wastewater through the flow meter is to be monitored and recorded:
  - a. Immediately upon receiving this **Notice**, a clear digital photograph of the flow meter reading is to be taken and provided to the **CEO**.
  - b. Daily records are to be kept detailing the wastewater volume measured, the date and time recorded, and to be made available to the **CEO** upon request.
  - c. A clear digital photograph of the flow meter reading is to be taken each Friday and provided to the **CEO** by 2:00 PM on that Friday.

4. Wastewater is to be removed from the 22kL Wastewater holding tank within 7 days of reaching maximum capacity.

#### *Storing solid waste*

5. All solid waste is to be stored in covered, impermeable skip bin(s) located on a concrete hardstand.

#### *Removal of solid waste and wastewater*

6. Within 7 days of receiving this **Notice**:
  - a. Remove and transfer wastewater, solid waste and waste residue from within the **25kL tanker trailer** to a licensed controlled waste carrier, for disposal at an authorised facility.
  - b. Remove all Intermediate Bulk Containers (IBCs) storing waste and wastewater from the **Premises**.
  - c. Empty the grease trap tanks and remove the waste from the **Premises**.
7. Within 7 days of completing Requirement 6, copies of receipts from the licensed controlled waste carrier and authorised disposal facility and clear digital photographs of the empty **25kL tanker trailer** and grease trap tanks, are to be provided to the **CEO**.
8. Upon completing Requirement 6.c, thereafter, grease trap tanks are to be emptied when maximum capacity is reached.
9. Wastewater must only be removed from the **Premises** via the approved 22kL Wastewater holding tank and, once installed and approved by the **CEO**, the new enclosed wastewater storage tank/s with a minimum capacity of 900kL (Licence L8015/2003/4 Condition 1.1 Works – new storage tanks).
10. Wastewater and solid waste removed from the Premises is to be taken to a suitably authorised waste disposal facility by a licensed controlled waste carrier.
11. Immediately upon receiving this **Notice**, maintain ongoing monitoring and recording of solid waste and wastewater removed from the Premises for offsite disposal at a licensed waste facility. The records must:
  - a. Identify the type of waste; the volume and/or weight; the licensed controlled waste carrier details; the date and time of removal; and the licensed waste facility details;
  - b. Be legible;
  - c. If amended, be amended in such a way that the original version(s) and any subsequent amendments remain legible and are capable of retrieval;
  - d. Be retained by the licence holder for the duration of the licence L8015/2003/4; and
  - e. Be available to be produced to the **CEO** as required.

#### *Impact assessment and remediation*

12. Within 21 days of receiving this **Notice**, engage a **suitably qualified Environmental Consultant** (refer Appendix 1) to:
  - a. Conduct an impact assessment and prepare an Impact Assessment Report on the extent, nature and environmental risk of the waste emissions.
  - b. Prepare an Environmental Remediation Plan for the affected soil and groundwater within the **Premises**. The Environmental Remediation Plan must address the clean-up of emissions, remediation of environmental impacts, mitigation of ongoing environmental risks and include clear timeframes for each remediation action.
13. The impact assessment must be undertaken in accordance with DWER's Guideline: Assessment and management of contaminated sites (November 2021) document

(Attachment 2). The assessment is to include soil and groundwater sampling, with analysis of the following parameters:

- a. pH
- b. Electrical conductivity
- c. Total dissolved solids
- d. Organic carbon
- e. Total nitrogen
- f. Total phosphorus
- g. Soluble reactive phosphorus
- h. Filterable reactive phosphorus
- i. Nitrite and nitrate
- j. Ammonium
- k. Biological oxygen demand

14. The Impact Assessment Report must demonstrate:

- a. All water samples were collected and preserved in accordance with AS/NZS 5667.1:1998 and AS/NZS 5667.10:1998 Rec:2016;
- b. All groundwater samples were collected and preserved in accordance with AS/NZS 5667.11:1998;
- c. All soil samples were collected and preserved in accordance with AS 4482.1:2005; and
- d. All laboratory samples were submitted and tested by a laboratory with current NATA accreditation for the parameters being measured.

15. Within 60 days of the Environmental Consultant being appointed as per Requirement 12, provide to the **CEO**, the Impact Assessment Report and the Environmental Remediation Plan, prepared by the Environmental Consultant, for review and approval.

16. Within 7 days of receiving the **CEO's** approval for the Impact Assessment Report and the Environmental Remediation Plan within Requirement 15, commence implementation of the approved Environmental Remediation Plan in accordance with that approved Environmental Remediation Plan and within the timeframes specified in that plan.

17. Commencing from the date of receiving the **CEO's** approval for the Environmental Remediation Plan within Requirement 15, provide updates to the **CEO** every 14 days on the implementation of the remediation actions in accordance with the approved Environmental Remediation Plan.

18. Provide notification in writing to the **CEO** when implementation of the remediation actions undertaken in accordance with the approved Environmental Remediation Plan is completed.

#### *Waste Management.*

19. Within 21 days of receiving this **Notice**, engage a **suitably qualified professional** (refer Appendix 1) to:

- a. Assess the existing waste management system on the **Premises** and identify the deficiencies that have resulted in, or may result in, the discharge of waste to the environment.
- b. Identify the upgrades to the waste management system that are necessary to prevent the discharge of waste into the environment and the emission of unreasonable odours that may impact persons outside the **Premises'** boundary.

20. Within 60 days of the appointment of the suitably qualified professional within Requirement 19, provide to the **CEO** a Waste Management Upgrade Plan that details the infrastructure, operational measures and timeframe required to capture, store and contain all waste and odour emissions generated on the **Premises** and prevent discharges to the environment, for review and approval.
21. The Waste Management Upgrade Plan must demonstrate that the waste management system will have sufficient capacity and appropriate controls to prevent overflow, leakage or uncontrolled discharge of waste under all operating conditions.
22. Within 7 days of receiving the **CEO's** approval for the Waste Management Upgrade Plan within requirement 20, commence implementation of the wastewater management system upgrades in accordance with the approved Waste Management Upgrade Plan and within the timeframes specified in that plan.
23. Commencing from the date of receiving the **CEO's** approval for the Waste Management Upgrade Plan within requirement 20, provide updates to the **CEO** every 30 days on the implementation of the waste management system upgrades in accordance with the approved Waste Management Upgrade Plan.
24. Provide notification in writing to the **CEO** when implementation of the wastewater management system upgrades, undertaken in accordance with the approved Waste Management Upgrade Plan are completed.

*Works – new storage tank/s and secondary containment*

25. Within 21 days of receiving this **Notice**, prepare and provide to the **CEO**, a Proposed Works Plan demonstrating how compliance with Condition 1.1 (Works – new storage tanks) of licence L8015/2003/4 will be achieved, including a timeline for completion of installation of the infrastructure.
26. Within 21 days of receiving this **Notice**, prepare and provide to the **CEO**, a Proposed Works Plan demonstrating how compliance with Condition 4 (Works – secondary containment) of licence L8015/2003/4 will be achieved, including a timeline for completion of installation of the infrastructure.

**OTHER REQUIREMENTS**

27. Subject to section 65(4) of the Act, the **CEO** may vary the requirements and timeframes specified in this **Notice**, where the **CEO** considers sufficient justification has been provided, and it can be demonstrated that such variation will not result in an unacceptable risk to human health, the environment or any environmental value.

Ruth Dowd  
**EXECUTIVE DIRECTOR ASSURANCE**

*for the Chief Executive Officer under Delegation No. 187 (Gazetted 8 August 2025)*

12 June 2026

**ATTACHMENTS**

1. DWER Licence L8015-2003-4 (29.07.2025)
2. DWER Guideline - Assessment and management of contaminated sites

**Important Information:**

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

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.

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

- a person who is aggrieved by a requirement contained in this 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 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 NOTICE CONTINUE TO HAVE EFFECT.

## APPENDIX 1

### DEFINITIONS

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

‘the **Act**’ means the *Environmental Protection Act 1986 (WA)*.

‘**CEO**’ means Chief Executive Officer, Department of Water and Environmental Regulation and any officer delegated with the power and duties of the CEO under the *Environmental Protection Act 1986 (WA)*.

‘**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  
Fax: (08) 6364 7001  
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.

‘**Notice**’ means this Environmental Protection Notice, REG202603

‘**Occupier**’ means **Hayden Glen Russell and Mundella Foods Pty Ltd ACN 055 862 774**

‘**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.

‘the **Premises**’ refers to the 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 qualified environmental consultant**’ means the Environmental Consultant referred to in this Notice has qualifications and experience consistent with those described in Schedule B9 of the National Environment Protection (Assessment of Site Contamination) Measure 1999 (the NEPM).

‘**Suitably qualified professional**’ means a subject matter expert (being a company that employs a range of professional and technical staff or an individual person) that can demonstrate relevant qualifications, competencies and experience relevant to the work required to be undertaken and knowledge of relevant legislation, guidelines and scientific literature relating to the subject matter.

‘**25kL tanker trailer**’ means the triaxle steel tanker trailer, white in colour and bearing WA Department of Transport registration plate number KW15393.

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

APPENDIX 2

Premises and infrastructure map

The boundary of the prescribed premises is shown in the inset map of Figure 1. The pink line depicts the premises boundary. The main infrastructure is shown in Figure 1.



Figure 1: Prescribed premises boundary shown in pink (inset map) and main infrastructure.