



Section 73A  
*Environmental Protection Act 1986.*

## **PREVENTION NOTICE**

Reference No: NOTICE 202203

### **Person to whom this Prevention Notice is issued:**

Brajkovich Landfill & Recycling Pty Ltd (ACN 161 973 931)  
Unit 3, 24 Walters Drive  
OSBORNE PARK WA 6017

In its capacity as occupier of 220 Hester Avenue Neerabup WA 603, being Part of Lot 11533 on Deposited Plan 217813 on Certificate of Title LR3096/207.

### **Premises (the Premises) to which this Prevention Notice relates:**

The Premises the subject of this Prevention Notice (Notice) is located at:

- Part of Lot 11533 on Deposited Plan 217813 on Certificate of Title LR3096/207, known as Quinns Quarry 220 Hester Avenue Neerabup WA 6031, as defined by the coordinates in Appendix 2.

### **Reasons for which this Prevention Notice is issued:**

This Notice is given under section 73A of the *Environmental Protection Act 1986 (WA)* (EP Act) to Brajkovich Landfill & Recycling Pty Ltd, the occupier of the Premises and subject to Licence L7038/1997/13 (granted under section 57 of the EP Act), because I suspect on reasonable grounds that the operation of the Premises has caused and is likely to cause pollution.

Emissions from recent fires have caused pollution that has unreasonably interfered with the health, welfare, convenience, comfort, or amenity of persons.

The Premises was observed on 17 August 2022 and 15 November 2022 to be storing a large amount of non-conforming combustible waste without sufficient fire management controls. The Department of Fire and Emergency Services has advised that this poses a risk of a further fire. In the event of another fire in this non-conforming combustible waste, smoke is likely to arise and impact the health, welfare, convenience, comfort, or amenity of persons.

I am satisfied that because:

Brajkovich Landfill & Recycling Pty Ltd is the Occupier of the Premises from which pollution has been caused and is likely to arise, and that you are the appropriate person to whom to give this Notice.

### Requirements of this Notice:

1. Within 14 days from the date this Notice is given or at an alternate date based on reasonable grounds as agreed to in writing by the CEO of DWER, the person to whom this Notice is given must submit to the CEO of DWER:
  - a. a map that shows the location of all non-conforming waste stored on the Premises;
  - b. an estimate of the quantity (volume (m<sup>3</sup>) and mass (tonnes)) of all non-conforming waste stored on the Premises; and
  - c. details of the method used to estimate the volume of non-conforming waste stored on the Premises.
2. Within 45 days from the date this Notice is given or at an alternate date based on reasonable grounds as agreed to in writing by the CEO of DWER, the person to whom this Notice is given must remove all non-conforming waste identified in accordance with Requirement 1 to an appropriately authorised facility.
3. From the date this Notice is given, the person to whom this Notice is given must inspect all loads entering the Premises at the gatehouse to check whether non-conforming waste is present in the load.
4. From the date this Notice is given, the person to whom this Notice is given must reject waste loads and not accept them onto the premises where the inspection required by Requirement 3 identifies non-conforming waste in the load.
5. From the date this Notice is given, if any non-conforming waste is identified after acceptance of the waste load onto the Premises, the person to whom this Notice is given must ensure it is removed from the Premises by the same delivery vehicle or, where that is not possible, the person to whom this Notice is given must ensure that:
  - a. the non-conforming waste is stored in a designated storage area;
  - b. the non-conforming waste is removed from the Premises to an appropriately authorised facility; and
  - c. the designated storage area is completely cleared of all non-conforming waste at least weekly;
  - d. a record is maintained on the Premises of the time, date and quantity of waste removed from the designated storage area.
6. Within 14 days of the date this Notice is given or at an alternate date based on reasonable grounds as agreed to in writing by the CEO of DWER, the person to whom this Notice is given must implement and maintain the following requirements:
  - a. the non-conforming waste designated storage area must be clearly identified on a Premises site map;
  - b. install permanent markers along the boundary of the non-conforming waste designated storage area;
  - c. install clearly visible stockpile height markers at 5 metres above ground level in the non-conforming waste designated storage area;
  - d. erect visible signage that identifies the non-conforming waste designated storage area as such.

7. Within 21 days of the date this Notice is given or at an alternate date based on reasonable grounds as agreed to in writing by the CEO of DWER, the person to whom this Notice is given must ensure that non-conforming waste in the designated storage area is stored in a windrow that does not exceed:
  - a. 10 metres in length;
  - b. 5 metres in width;
  - c. 5 metres in height; and
  - d. has a separation distance of 5 metres from all other waste and product stockpiles.
8. The Person to whom this Notice is given must immediately notify the CEO of DWER when all the non-conforming waste has been removed from the Premises as required by Requirement 2.
9. The Person to whom this Notice is given must, within 14 days from the date of all non-conforming waste being removed from the Premises as required by Requirement 2, provide the following information to the CEO of DWER:
  - a. the mass (tonnes) and volume (m<sup>3</sup>) of all non-conforming waste removed from the Premises under Requirement 2 of this Notice;
  - b. the authorised Premises where the non-conforming waste was taken;
  - c. where non-conforming waste is taken to more than one authorised Premises, the mass (tonnes) and volume (m<sup>3</sup>) of non-conforming waste taken to each authorised Premises.



---

Michelle Andrews  
**CHIEF EXECUTIVE OFFICER**  
**DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION**

20 December 2022

**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 –**

**'EP Act'** means the *Environmental Protection Act 1986* (WA).

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

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: [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au)

**'Days'** means working days and excludes public holidays

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

**"Non-conforming Waste"** means waste other than the waste types listed in table 1 of the prescribed premises licence L7038/1997/13 and wastes that, following mechanical treatment via crushing and/or screening of clean fill and building and demolition waste, are not considered a recycled building material, which includes combustible waste materials that can pose a fire hazard if ignited by a flame, spark, or other source of ignition and includes, but not limited to, paper and cardboard, wood and wood-base products, rubber, textiles, metal with combustible contaminants and any other waste material which may pose a fire risk.

**'Person to whom this notice is given'** means Brajkovich Landfill & Recycling Pty Ltd, the holder of prescribed premises licence L7038/1997/13 under Part V Division 3 of the *Environmental Protection Act 1986*.

**'Premises'** means Part of Lot 11533 on Deposited Plan 217813 as shown on Certificate of Title LR3096/207, known as Quinns Quarry, 220 Hester Avenue, Neerabup WA 6031

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

**Appendix 2:**

**Premises boundary coordinates (GDA2020 MGA Zone 50)**

	<b>Easting</b>	<b>Northing</b>		<b>Easting</b>	<b>Northing</b>
1.	380459.283	6495083.619	18.	380024.912	6494954.841
2.	380409.319	6494816.805	19.	380030.930	6494943.149
3.	380359.353	6494549.992	20.	380048.072	6494914.991
4.	380365.705	6494130.231	21.	380076.313	6494851.879
5.	380238.457	6494128.301	22.	380090.739	6494846.680
6.	380232.315	6494154.903	23.	380106.790	6494843.904
7.	380200.519	6494292.598	24.	380113.265	6494844.304
8.	380127.255	6494536.178	25.	380122.262	6494852.290
9.	380053.990	6494779.757	26.	380125.735	6494856.966
10.	379965.208	6495017.218	27.	380135.721	6494877.052
11.	379954.518	6495075.197	28.	380138.215	6494890.850
12.	380025.803	6494982.721	29.	380132.517	6494900.180
13.	380030.923	6494966.692	30.	380132.375	6494935.064
14.	380030.923	6494966.692	31.	380139.926	6495013.940
15.	380030.923	6494966.692	32.	380139.926	6495013.940
16.	380030.923	6494966.692	33.	380220.646	6495037.691
17.	380030.923	6494966.692	34.	380272.603	6495095.133