

Our Reference 3173530288
Contact Claire McQueeney
Date of Issue 18-May-2021



A.J. BUSH & SONS (MANUFACTURES) PTY LTD
ABN 94 000 058 453
38 PARRAMATTA ROAD
HOMEBUSH NSW 2140

PENALTY NOTICE ADVICE

Dear Mr King

Penalty Notice \$15,000 - Breach of Section 64(1) of the *Protection of the Environment Operations Act 1997*

A.J. BUSH & SONS (MANUFACTURES) PTY LTD is the holder of Environment Protection Licence No. 1100 (the licence) issued under the *Protection of the Environment Operations Act 1997* (POEO Act). The Licence authorises the carrying out of livestock processing activities at 1106 Windsor Road, Riverstone NSW (the premises).

Background

Condition O5.1 of the licence states:

O5.1 Animal based raw product cannot be stored outside of enclosed structures. Enclosed structures include silos, mixers, sealed buildings, conveyor belts, hoppers and sealed containers.

On the evening of 1 October 2020, the EPA received a number of reports from members of the community alleging offensive odours were being experienced in a new residential subdivision located to the east of the premises. Further reports were received by the EPA on the morning of 2 October 2020.

At approximately 2:35pm on 2 October 2020, two EPA officers entered the premises and attended the Feather Plant. The EPA officers identified that poultry feathers were stored, without cover or containment, on the hardstand in the receival area outside the Feather Plant. The EPA officers identified the poultry feathers as the main source of the odour.

On 7 October 2020, the EPA requested that the licensee provide a written report of the incident under Condition R3 of the licence. A.J. BUSH & SONS (MANUFACTURES) PTY LTD provided this written report on 21 October 2020.

On 24 November 2020, the EPA issued a notice to provide information and/or records (Notice No. 1602438) under s.193 of the POEO Act, to gather further information on the incident. A.J. BUSH & SONS (MANUFACTURES) PTY LTD provided a response to this notice on 8 December 2020.

Through the responses provided by A.J. BUSH & SONS (MANUFACTURES) PTY LTD, it is understood that approximately 15-20 tonnes of poultry feathers were stored on the hardstand outside the Feather Plant at the time of EPA inspection.

On 2 March 2021, the EPA issued a Notice to Show Cause (Notice No. 1606408) to provide A.J. BUSH & SONS (MANUFACTURES) PTY LTD with the opportunity to respond with any reason(s) why the EPA should not take regulatory action in response to the alleged breach of Condition O5.1, namely the storage of animal based raw product outside of an enclosed structure on 2 October 2020. A.J. BUSH & SONS (MANUFACTURES) PTY LTD provided a response to this notice on 17 March 2021.

Phone 131 555
Phone 02 9995 5555
(from outside NSW)

TTY 133 677, then
ask for 131 155

Locked Bag 5022,
PARRAMATTA
NSW 2124

4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

info@epa.nsw.gov.au
www.epa.nsw.gov.au
ABN 43 692 285 758

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Regulatory Action

It is alleged that at approximately 2:35pm on 02-Oct-2020 the following offence was committed:

Contravene condition of licence - Corporation by A.J. BUSH & SONS (MANUFACTURES) PTY LTD at 1106 Windsor Road, Riverstone NSW in contravention of Protection of the Environment Operations Act 1997 - 64(1). The incident involved the storage of raw animal product outside of an enclosed structure in contravention of Condition O5.1, which states:

O5.1 Animal based raw product cannot be stored outside of enclosed structures. Enclosed structures include silos, mixers, sealed buildings, conveyor belts, hoppers and sealed containers.

The EPA has reasonable grounds to believe that A.J. BUSH & SONS (MANUFACTURES) PTY LTD committed an offence under section 64(1) of the POEO Act by contravening licence condition O5.1 on 2 October 2020 by storing animal based raw product outside of an enclosed structure. Further, the EPA believes that there is sufficient evidence to provide the alleged offence.

The EPA has given consideration to this matter and in these circumstances, having regard to the EPA's Compliance Policy and Prosecution Guidelines, the EPA considers it appropriate to issue A.J. BUSH & SONS (MANUFACTURES) PTY LTD with Penalty Notice No. 1608730 (enclosed) for the offence.

Your choices are to;

- a) Pay the amount in full by one of the payment methods listed.
- b) Elect to have the matter dealt with by a court, or
- c) Request a review of the circumstances by providing a written representation.

Your payment, court election or request for review must be received by Revenue NSW to prevent further collection action taking place.

The *Fines Act 1996* prevents Revenue NSW from reducing a penalty, or extending the time for payment.

Yours sincerely

A handwritten signature in black ink, appearing to read 'CMQ', is located below the 'Yours sincerely' text.

Claire McQueeney
Operations Officer
Environment Protection Authority

Enc. Penalty Notice

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PENALTY NOTICE

PART A (General)

Full Name \ Company Name	A.J. BUSH & SONS (MANUFACTURES) PTY LTD		
Address	38 PARRAMATTA ROAD HOMEBUSH NSW 2140		
Date of Offence	02-Oct-2020	Date of Issue	18-May-2021

It is alleged that the following offence was committed:

Offence Code	Reg. Code	Short Title	Penalty Amount
34579	ZCA	Contravene condition of licence - Corporation	\$ 15,000.00

Name of officer			Issuing Authority		
Claire McQueeney			ENVIRONMENT PROTECTION AUTHORITY		
Client Code	101019	Client Edit Code	IV	Operation Code	C

Send this PART A notice to:

Revenue NSW

PO Box 786, STRAWBERRY HILLS NSW 2012

3173530288

PENALTY NOTICE

PART B (General)

Full Name \ Company Name	A.J. BUSH & SONS (MANUFACTURES) PTY LTD		
Address	38 PARRAMATTA ROAD HOMEBUSH NSW 2140		
Date of Offence	02-Oct-2020	Date of Issue	18-May-2021

It is alleged that the following offence was committed:

Offence Code	Reg. Code	Short Title	Penalty Amount
34579	ZCA	Contravene condition of licence - Corporation	\$ 15,000.00

Name of officer			Issuing Authority		
Claire McQueeney			ENVIRONMENT PROTECTION AUTHORITY		
Client Code	101019	Client Edit Code	IV	Operation Code	C

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A.J. BUSH & SONS (MANUFACTURES) PTY LTD
38 PARRAMATTA ROAD
HOMEBUSH NSW 2140

Penalty Notice

Penalty notice number	3173530288
Date of Offence:	02-Oct-2020
Amount due:	\$15,000.00
Date due:	15-Jun-2021
To pay now, call:	1300 130 112



NSW Environment Protection Authority

The NSW Environment Protection Authority (EPA) is the primary environmental regulator for New South Wales. We partner with business, government and the community to reduce pollution and waste, protect human health, and prevent degradation of the environment.

Act now to avoid further costs

Your payment options are below and the other options available to you are on the back of this fine. As the penalty notice recipient, you must respond to this fine.

Details of the offence

Offence Code: 34579

Offence: Contravene condition of licence - Corporation

Authorised Officer **Date of issue:** 18-May-2021

How to Pay (All payments must be made to Revenue NSW. See details below)



Online:
Reference number: **3173530288**
Visit www.revenue.nsw.gov.au/pay to pay by
Mastercard or Visa*



**Service
NSW**

Take this to your nearest Service NSW Centre and
pay by cash, cheque, or EFTPOS



Phone:
Call 1300 130 112 to pay by Mastercard or Visa*



Direct Debit:

Call 1300 492 392 to set up a direct debit
from your bank account or from MasterCard
or Visa.

*A card payment fee of 0.4% applies. This is not
subject to GST.

What are my other options?

I want to request a review of the fine

To read more information about possible grounds for leniency and to request a review, go to <http://www.revenue.nsw.gov.au/fines/pn/review>

You must be able to provide supporting evidence.

FACT: 98% of reviews result in the recipient still needing to pay the fine.

I want to have the fine decided in court

To have the matter determined by a court, complete and submit the court election form at <http://www.revenue.nsw.gov.au/fines/pn/court> You must provide reasons why you would like this matter dealt with in court. You cannot request a review after you have submitted the court election form.

FACT: The court may apply higher penalties or additional costs.

Privacy statement

Information collected from you, for the purpose stated on this form, may be provided to third parties with your consent or as required or permitted by law. Revenue NSW will correct or update your personal information at your request. Read more about privacy at www.revenue.nsw.gov.au

Revenue NSW contact details

Phone: 1300 138 118 (7:30 am – 8:00 pm, Monday to Friday)

Overseas callers: +612 4937 9207

Website: www.revenue.nsw.gov.au

Hearing or speech impaired users:

TTY 133 677 | **Speak and Listen** 1300 555 727

Telephone Interpreter service

131 450 and ask the interpreter to phone 1300 138 118
(7:30 am – 8:00 pm, Monday to Friday)

Revenue NSW: ISO 9001 – Quality Certified | Department of Finance, Services & Innovation

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