
18 March 2022

Court prohibits operation of unlicensed site at Burton

The Environment Protection Authority has been granted a court order to restrain a local company and its manager from operating an unauthorised waste recovery or landfill depot.

D&J Holdings SA Pty Ltd and Kevin Green have, by agreement, been prohibited by the Environment, Resources and Development Court from receiving waste at 542 Waterloo Corner Road, Burton, or any other site.

In addition to writing to more than 50 customers they have dealt with or received waste from, the company and Mr Green must display signs at the entrance to the property to advise that the site is closed and that penalties could apply to anyone depositing waste there.

“No approvals for the operation of a waste recovery facility, waste reprocessing facility, or a landfill depot at this site have been obtained from the Environment Protection Authority,” the signs must read.

Disobeying the order may constitute contempt of court, for which an offender may be liable to imprisonment, a fine or other punishment. Anyone who knows of the orders and does anything that helps or permits the company or Mr Green to disobey these orders may be similarly penalised.

In seeking the order, the EPA alleged that at no time had the company or Mr Green held a licence under the *Environment Protection Act 1993* to undertake a prescribed activity of environmental significance.

It also alleged that since 2018 EPA officers had attended properties at Penfield and Direk where unlicensed activity was being undertaken by the respondents. One environment protection order and two clean-up orders had been issued in relation to these sites.

Mr Green and the company had continued to operate the Burton site, receiving and processing waste despite an ongoing prosecution in relation to the Penfield and Direk sites.

In May 2021 the EPA issued an environment protection order in relation to the Burton site. It said Mr Green and the company had received and stored more than 22,000 tonnes of construction and demolition waste for reprocessing or disposal.

The EPA alleged that unauthorised activity was still being undertaken in January 2022.