



Consolidated Licence

Licence Number	L7279/1994/9
Licence Holder	Westpork Pty Ltd
ACN	009 148 879
Registered business address	Unit 1 / 7 Foundry road MAYLANDS WA 6051
File Number	DER2015/001853
Duration	10/10/2012 to 9/10/2025
Date of issue	8/10/2012
Date of licence consolidation	30/01//2018
Premises	Martup Hills Piggery Lot 4861 on Plan 227772 Gorn Road, Mokup 6394 As defined by the coordinates in Schedule 1

This Licence is granted to the Licence Holder, subject to the following conditions, on 30 January 2018, by:

Paul Byrnes
Manager, Licensing (Process Industries)
Regulatory Services (Environment)

an officer delegated under section 20
of the *Environmental Protection Act 1986* (WA)

Explanatory notes

These explanatory notes do not form part of this Licence.

Defined terms

Definition of terms used in this Licence can be found at the start of this Licence. Terms which are defined have the first letter of each word capitalised throughout this Licence.

Department of Water and Environmental Regulation

The Department of Water and Environmental Regulation (DWER) is established under section 35 of the *Public Sector Management Act 1994* and designated as responsible for the administration of Part V, Division 3 of the *Environmental Protection Act 1986* (WA) (EP Act). The Department also monitors and audits compliance with licences, takes enforcement action and develops and implements licensing and industry regulation policy.

Licence

Section 56 of the EP Act provides that an occupier of Prescribed Premises commits an offence if Emissions are caused or increased, or permitted to be caused or increased, or Waste, noise, odour or electromagnetic radiation is altered, or permitted to be altered, from Prescribed Premises, except in accordance with a works approval or licence.

Categories of Prescribed Premises are defined in Schedule 1 of the *Environment Protection Regulations 1987* (WA) (EP Regulations).

This Licence does not authorise any activity which may be a breach of the requirements of another statutory authority including, but not limited to the following:

- conditions imposed by the Minister for Environment under Part IV of the EP Act;
- conditions imposed by DWER for the clearing of native vegetation under Part V, Division 2 of the EP Act;
- any requirements under the *Waste Avoidance and Resource Recovery Act 2007*;
- any requirements under the *Environmental Protection (Controlled Waste) Regulations 2004*; and
- any other requirements specified through State legislation.

It is the responsibility of the Licence Holder to ensure that any action or activity referred to in this Licence is permitted by, and is carried out in compliance with, other statutory requirements.

The Licence Holder must comply with the Licence. Contravening a Licence Condition is an offence under s.58 of the EP Act.

Responsibilities of a Licence Holder

Separate to the requirements of this Licence, general obligations of Licence Holders are set out in the EP Act and the regulations made under the EP Act. For example, the Licence Holder must comply with the following provisions of the EP Act:

- the duties of an occupier under section 61; and
- restrictions on making certain changes to Prescribed Premises unless the changes are in accordance with a works approval, Licence, closure notice or environmental protection notice (s.53).

Strict penalties apply for offences under the EP Act.

Reporting of incidents

The Licence Holder has a duty to report to DWER all discharges of waste that have caused or are likely to cause Pollution, Material Environmental Harm or Serious Environmental Harm, in accordance with s.72 of the EP Act.

Offences and defences

The EP Act and its regulations set out a number of offences, including:

- Offence of emitting an Unreasonable Emission from any Premises under s.49.

- Offence of causing Pollution under s.49.
- Offence of dumping Waste under s.49A.
- Offence of discharging Waste in circumstances likely to cause Pollution under s.50.
- Offence of causing Serious (s.50A) or Material Environmental Harm (s.50B).
- Offence of causing Emissions which do not comply with prescribed standards (s.51).
- Offences relating to Emissions or Discharges under regulations prescribed under the EP Act, including materials discharged under the *Environmental Protection (Unauthorised Discharges) Regulations 2004 (WA)*.
- Offences relating to noise under the *Environmental Protection (Noise) Regulations 1997 (WA)*.

Section 53 of the EP Act provides that a Licence Holder commits an offence if Emissions are caused, or altered from a Prescribed Premises unless done in accordance with a Works Approval, Licence or the requirements of a Closure Notice or an Environmental Protection Notice.

Defences to certain offences may be available to a Licence Holder and these are set out in the EP Act. Section 74A(b)(iv) provides that it is a defence to an offence for causing Pollution, in respect of an Emission, or for causing Serious Environmental Harm or Material Environmental Harm, or for discharging or abandoning Waste in water to which the public has access, if the Licence Holder can prove that an Emission or Discharge occurred in accordance with a Licence.

This Licence specifies the Emissions and Discharges, and the limits and Conditions which must be satisfied in respect of Specified Emissions and Discharges, in order for the defence to offence provision to be available.

Authorised Emissions and Discharges

The Specified and General Emissions and Discharges from Primary Activities conducted on the Prescribed Premises are authorised to be conducted in accordance with the Conditions of this Licence.

Emissions and Discharges caused from other activities not related to the Primary Activities at the Premises have not been Conditioned in this Licence. Emissions and Discharges from other activities at the Premises are subject to the general provisions of the EP Act.

Amendment of licence

The Licence Holder can apply to amend the Conditions of this Licence under s.59 of the EP Act. An application form for this purpose is available from DWER.

The CEO may also amend the Conditions of this Licence at any time on the initiative of the CEO without an application being made.

Amendment Notices constitute written notice of the amendment in accordance with s.59B(9) of the EP Act.

Duration of Licence

The Licence will remain in force for the duration set out on the first page of this Licence or until it is surrendered, suspended or revoked in accordance with s.59A of the EP Act.

Suspension or revocation

The CEO may suspend or revoke this Licence in accordance with s.59A of the EP Act.

Fees

The Licence Holder must pay an annual licence fee. Late payment of annual licence fees may result in the licence ceasing to have effect. A licence that has ceased to have effect due to non-payment of annual licence fees continues to exist; however, it ceases to provide a defence to an offence under s.74A of the EP Act.

Late fees are a component of annual licence fees and should a Licence Holder fail to pay late fees within the time specified the licence will similarly cease to have effect.

Definitions and interpretation

Definitions

In this Licence, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
AACR	means Annual Audit Compliance Report, available at: https://www.der.wa.gov.au/component/k2/item/6458-annual-audit-compliance-reports
AER	means Annual Environmental Report
AS/NZS 5667.11:1998	means the Australian and New Zealand Standard for <i>Water quality – Sampling</i> Guidance on sampling of groundwaters
Annual Period	means a 12 month period commencing from 1 July until 30 June in the following year
CEO	means Chief Executive Officer. CEO for the purposes of notification means: Director General Department Administering the <i>Environmental Protection Act 1986</i> Locked Bag 33 Cloisters Square PERTH WA 6850 info-der@dwer.wa.gov.au
Delegated Officer	means an Officer under section 20 of the EP Act
DWER	Department of Water and Environmental Regulation
EP Act	means the <i>Environmental Protection Act 1986</i> (WA)
EP Regulations	means the <i>Environmental Protection Regulations 1987</i> (WA)
mBGL	means metres below ground level
NATA	means the National Association of Testing Authorities, Australia
Premises	refers to the premises to which this Licence applies, as specified at the front of this Licence and as shown on the map in Schedule 1 to this Licence
SPU	means standard pig units

Interpretation

In this Licence:

- the words 'including', 'includes' and 'include' will be read as if followed by the words 'without limitation';
- where any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;
- where tables are used in a Condition, each row in a table constitutes a separate Condition;
- any reference to an Australian or other standard, guideline or code of practice in this Licence means the version of the standard, guideline or code of practice in force at the time of granting of this Licence and includes any amendments to the standard, guideline or code of practice which may occur from time to time during the course of the Licence; and
- unless specified otherwise, any reference to a section of an Act refers to that section of the EP Act.

Conditions

Animal Holding Capacity

1. The Licence Holder must not hold more than 8,671 SPU at any one time on the Premises.

Emissions

2. The Licence Holder must not cause any Emissions from the Primary Activities on the Premises except for Specified Emissions and General Emissions described in Column 1 of Table 2 subject to the exclusions, limitations or requirements specified in Column 2 of Table 2.

Table 2: Authorised Emissions table

Column 1	Column 2
Emission type	Exclusions/Limitations/Requirements
Specified Emissions	
Point source noise emissions	Subject to compliance with the <i>Environmental Protection (Noise) Regulations 1997</i>
General Emissions (excluding Specified Emissions)	
Emissions which: <ul style="list-style-type: none"> • arise from the Primary Activities set out in Table 3 of Condition 3 and Schedule 2. 	Emissions excluded from General Emissions are: <ul style="list-style-type: none"> • Unreasonable Emissions; or • Emissions that result in, or are likely to result in, Pollution, Material Environmental Harm or Serious Environmental Harm; or • Discharges of Waste in circumstances likely to cause Pollution; or • Emissions that result, or are likely to result in, the Discharge or abandonment of Waste in water to which the public has access; or • Emissions or Discharges which do not comply with an Approved Policy; or • Emissions or Discharges which do not comply with a prescribed standard; or • Emissions or Discharges which do not comply with the conditions in an Implementation Agreement or Decision; or • Emissions or Discharges the subject of offences under regulations prescribed under the EP Act, including materials discharged under the Environmental Protection (Unauthorised Discharges) Regulations 2004.

Infrastructure and equipment

3. The Licence Holder must ensure that the infrastructure and equipment specified in Column 1 of Table 3 are maintained in good working order and operated in accordance with the requirements specified in Column 2 of Table 3.

Table 3: Infrastructure and equipment controls table

Column 1	Column 2
Site infrastructure and equipment	Operational requirements
All pig sheds	<ul style="list-style-type: none"> (i) The number of pigs to be kept on side at any one time is not to exceed 8,671 SPU; (ii) All piggery accommodation sheds to include concrete floors with a flushing effluent removal system; (iii) Under floor pits in the conventional sheds to be flushed on a minimum of once per week; (iv) All effluent from the under floor pits including wash down water, urine, faeces, spilt water and spilt feed to be directed to the operational anaerobic pond; and (v) Effluent to be transported by PVC pipe and lay-flat hose to the wastewater treatment system.
Sludge Drying Beds x 2	<ul style="list-style-type: none"> (i) The sludge drying beds to be lined where the liners achieve a permeability of 1×10^{-9} m per second; (ii) Any incident rainwater and leachate to be contained within the sludge drying beds where it is to be collected and directed to the wastewater treatment system; and (iii) All sludge from the wastewater ponds to be stored on the sludge drying beds prior disposal off site.
All wastewater treatment ponds	<ul style="list-style-type: none"> (i) All wastewater ponds to be lined where the liners achieve a permeability of 1×10^{-9} m per second; (ii) The wastewater pond system to be inspected at a minimum of every second day; (iii) A minimum top of embankment freeboard of 500mm is maintained on all wastewater ponds; (iv) stormwater runoff is prevented from causing the erosion of outer pond embankments; (v) Overtopping of the wastewater ponds does not occur except as a result of an extreme rainfall event (greater than 1-in-10 year event of 72 hours duration); (vi) Vegetation and floating debris (emergent or otherwise) is prevented from encroaching onto pond surfaces or inner pond embankments; (vii) Trapped overflows are maintained between treatment ponds to prevent the carry-over of surface floating matter to subsequent ponds; and (viii) Desludging of the ponds is to be carried out in a manner that does not damage the integrity of the pond liner(s).
Carcass burial pit(s)	<ul style="list-style-type: none"> (i) Mortalities and afterbirth are to be collected from the conventional sheds on a daily basis and disposed to the carcass burial pit; (ii) On disposal in the burial pit, all carcasses to be covered with a minimum of 500mm of inert cover material such as sand or clay; (iii) Sufficient stockpiles of cover material are to be maintained close to the burial pit to allow daily cover of carcasses; (iv) Visual inspections of the burial pit(s) are to be carried out on a minimum of every third day; (v) A minimum of 2m is maintained between the base of the carcass burial pits and the highest level of groundwater; (vi) Burial pits are to be located a minimum of 300m away from water courses and a minimum of 50m away from nearby residential dwellings; and (vii) Stormwater is to be directed away from the burial pit(s).

Groundwater monitoring

4. The Licence Holder shall undertake the monitoring specified in Table 4:

Table 4: Monitoring of groundwater quality

Monitoring point reference	Parameter	Unit	Averaging period	Frequency
GB1A – GB2B as shown in Schedule 3	Standing water level	mBGL	Spot sample	Six monthly
	pH	--		
	Total dissolved solids	mg/L		
	Total nitrogen			
	Total phosphorus			

5. The Licence Holder shall ensure that all groundwater sampling, as detailed in Table 4, be conducted in accordance with AS/NZS 5667.11.

Record-keeping

6. The Licence Holder must maintain accurate and auditable Books including the following records, information, reports and data required by this Licence:

- the number of animals held on the Premises for each month in SPU;
- the calculation of fees payable in respect of this Licence;
- the maintenance of infrastructure required to ensure that it is kept in good working order in accordance with Condition 3 Table 3 of this Licence;
- groundwater monitoring undertaken in accordance with Condition 4 and Table 4 of this Licence;
- complaints received under Condition 7 of this Licence; and

In addition, the Books must:

- be legible;
- if amended, be amended in such a way that the original and subsequent amendments remain legible and are capable of retrieval;
- be retained for at least 3 years from the date the Books were made; and
- be available to be produced to an Inspector or the CEO.

7. The Licence Holder must record the number and details of any complaints received by the Licence Holder relating to its obligations under this Licence and its compliance with Part V of the EP Act at the Premises, and any action taken by the Licence Holder in response to the complaint. Details of complaints must include:

- an accurate record of the concerns or issues raised, for example a copy of any written complaint or a written note of any verbal complaints made;
- the name and contact details of the complainant, if provided by the complainant;
- the date of the complaint; including the meteorological details at the time of the complaint; and
- the details and dates of the actions taken by the Licence Holder in response to the complaints.

8. The Licence Holder must submit to the CEO an AACR indicating the extent to which the Licence Holder has complied with the Conditions in this Licence for the preceding Annual Period.
9. The Licence Holder must submit to the CEO an AER within 60 calendar days after the end of the annual period. The report shall contain the information listed in Table 5 in the format or form specified in that table.

Table 5: Annual Environmental Report: Monitoring of groundwater quality

Condition or table (as relevant)	Parameter
Table 4	Groundwater monitoring results
Condition 6 (a)	The number of animals, to be recorded in SPU, for each month of the reporting period
Condition 7	Complaints
Condition 8	Compliance - AACR

10. The AER shall contain:
 - (a) details of the methods and procedures used;
 - (b) graphical presentation of results;
 - (c) comparison of results against previous monitoring results; and
 - (d) a discussion of any anomalies.

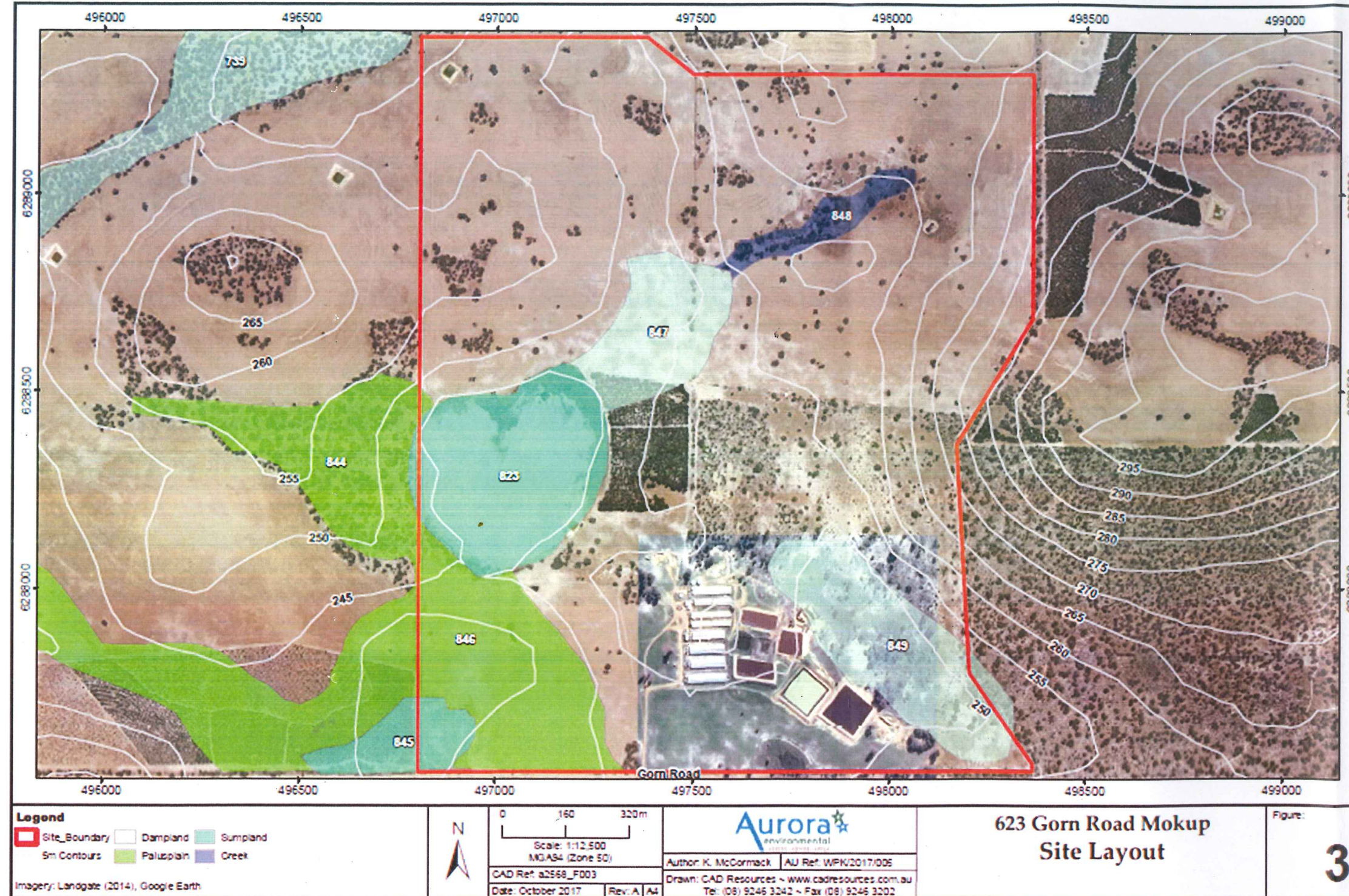
Site layout

11. The Primary Activity infrastructure and equipment situated on the Premises are listed in Table 7 of Schedule 2 and their location is set out in Schedule 3.

Schedule 1: Maps

Premises map

The Premises are depicted on the map below including the boundary coordinates, elevation and nearby surface water area.



Schedule 2: Primary Activities

At the time of the assessment, Emissions and Discharges from the following Primary Activities were considered in the determination of the risk and related Conditions for the Premises.

The Primary Activity is listed in Table 6:

Table 6: Primary Activities

Primary Activity	Premises production or design capacity
Category 2: Intensive piggery; premises on which pigs are fed, watered and housed in pens	8,671 SPU

Infrastructure and equipment

The Primary Activity infrastructure and equipment situated on the Premises is listed in Table 7

Table 7: Infrastructure and equipment

Site infrastructure and equipment	Dimensions	Plan reference
Original conventional shed	95m x 14m	General layout map in Schedule 3
Original conventional shed	90m x 18m	
Original conventional shed	95m x 14m	
Original conventional shed	95m x 14m	
Farrowing Shed	Constructed in 2012 (W5128). Dimensions 80m x 20m	
Farrowing Shed	Constructed 2013 (W5388). Dimensions 80m x 18m	
Dry Sow Shed	Constructed 2013 (W5388). Dimensions 85m x 18m	
Dry Sow Shed	Constructed 2013 (W5388). Dimensions 96m x 18m	
Sludge Drying Bed	Combined volume of 16.2ML	
Sludge Drying Bed		
Anaerobic pond 1	Constructed 2012 (W5128). Clay lined. Dimensions 12.6ML	
Anaerobic pond 2	Constructed 2013 (W5388). Clay lined. Dimensions 15.7ML	
Facultative pond	Clay lined. Dimensions 8.6ML	
Evaporation pond 1	Clay lined. Dimensions 23.0ML	
Evaporation pond 2	Constructed 2013 (W5388). HDPE lined. Dimensions 7.9ML. Used for emergency storage	
Carcass burial pit(s)	--	