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| Licence Number | L9186/2018/1 |
| Licence Holder | Mark Furphy 290 Gaths Road COMMODINE WA 6311 |
| File Number | DER2018/001639 |
| Duration | 27 June 2019 to 26 June 2044 |
| Date of issue | 26 June 2019 |
| Prescribed Premises | Category 2: Intensive piggery |
| Premises | Adelong Farm Piggery 290 Gaths Road COMMODINE WA 6311 Legal Description - Lot 9081 on Plan 135464 Part William Location 9081 and Lots 20, 21, 22, 3570, 3697, 4205, 8788, 9579,10418, 10424, 11540, 12165, 12932 and 14896 As defined by the coordinates in Schedule 1 |

This Licence is granted to the Licence Holder, subject to the following conditions, on 26 June 2019, by:

MANAGER, PROCESS INDUSTRIES
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 Environmental Harm (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.

Definitions and interpretation

Definitions

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

Table 1: Definitions

| Term | Definition |
|------------------------|--|
| Annual Period | means a 12 month period commencing from 27 June to 26 June in the following year |
| ARI | means the average recurrence interval or expected value of the periods between exceedances of a given rainfall total accumulated over a given duration |
| Bulking material | refers to material suitable for covering of pig carcasses and can include but is not limited to spent bedding, sand, clay, straw and sawdust |
| Condition | means a condition to which this Licence is subject under s.62 of the EP Act |
| 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 10 JOONDALUP DC WA 6919 info@dwer.wa.gov.au |
| Compliance Report | means a report in a format approved by the CEO as presented by the Licence Holder or as specified by the CEO (guidelines and templates may be available on the Department's website). |
| Department | means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act. |
| Department Request | means a request for Books or other sources of information to be produced, made by an Inspector or the CEO to the Licence Holder in writing and sent to the Licence Holder's address for notifications, as described at the front of this Licence, in relation to: (a) compliance with the EP Act or this Licence; (b) the Books or other sources of information maintained in accordance with this Licence; or (c) the Books or other sources of information relating to Emissions from the Premises. |
| Discharge | has the same meaning given to that term under the EP Act. |
| DWER | Department of Water and Environmental Regulation. |
| Emission | has the same meaning given to that term under the EP Act. |
| Environmental Harm | has the same meaning given to that term under the EP Act. |
| EP Act | means the <i>Environmental Protection Act 1986 (WA)</i> . |
| EP Regulations | means the <i>Environmental Protection Regulations 1987 (WA)</i> . |
| Hydraulic Conductivity | describes the ease with which a fluid (usually water) can move through the pore spaces or fractures. It depends upon the intrinsic permeability of the material and |

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| | the density and viscosity of the fluid. Hydraulic conductivity is expressed in metres per second (m/s) |
| Inspector | means an inspector appointed by the CEO in accordance with s.88 of the EP Act. |
| Licence | refers to this document, which evidences the grant of a Licence by the CEO under s.57 of the EP Act, subject to the Conditions. |
| Licence Holder | refers to the Occupier of the premises being the person to whom this Licence has been granted, as specified at the front of this Licence. |
| NEGIP | refers to the <i>National Environmental Guidelines for Indoor Piggeries</i> , Australian Pork Limited, 2018 |
| 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. |
| Prescribed Premises | has the same meaning given to that term under the EP Act. |
| Primary Activities | refers to the Prescribed Premises activities listed on the front of this Licence as described in Schedule 2, at the locations shown in Schedule 1. |
| Reuse Areas | refers to land where effluent and / or manure are beneficially used as inputs to a cropping system. For the purposes of this Licence, Reuse Area refers to the Lots highlighted in red in Schedule 1: Maps, Map 1: Premises boundary |
| SPU | refers to standard pig units, as defined in the NEGIP |

Interpretation

In this Licence:

- (a) the words 'including', 'includes' and 'include' will be read as if followed by the words 'without limitation';
- (b) 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;
- (c) where tables are used in a Condition, each row in a table constitutes a separate Condition;
- (d) 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
- (e) unless specified otherwise, any reference to a section of an Act refers to that section of the EP Act.

Conditions

Emissions

1. The Licence Holder must not cause any Emissions from the Primary Activities on the Premises except for 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 | |
| Solid waste applied to Reuse Areas | Subject to compliance with Condition 8 |
| General Emissions (excluding Specified Emissions) | |
| Emissions which arise from the Primary Activities set out in 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 <i>Protection (Unauthorised Discharges) Regulations 2004</i>. |

Works

Infrastructure and equipment (construction requirements)

2. The Licence Holder must construct and install the infrastructure listed in Table 3 in accordance with:
 - (a) the corresponding design and construction requirements;
 - (b) at the corresponding infrastructure locations; and
 - (c) within the corresponding timeframeas set out in Table 3 below.

3. The Licence Holder must not depart from the requirements specified in Table 3 except:
 - (a) where such departure does not increase risks to public health, public amenity or the environment; and
 - (b) all other Conditions in this Licence are still satisfied.
4. Where a departure from the requirements specified in Table 3 occurs and is of a type allowed by Condition 3, the Licence Holder must provide to the CEO a description of, and explanation for, the departure:

Table 3: Infrastructure - construction, location and timeframe requirements

| Infrastructure | Design, construction and installation requirements | Infrastructure location | Timeframe |
|---|--|---|-------------------|
| Bunding | (a) constructed of compacted earth or cement; (b) minimum 300mm in height above the adjacent ground surface; (c) be continuous around the perimeter; and (d) be impervious to stormwater runoff | (a) spent bedding storage area, and (b) carcass Storage Piles | 30 September 2019 |
| Contaminated stormwater runoff collection sumps | (a) the sumps are to be suitable to contain all incident rainwater and any leachate and runoff from within the banded areas; (b) the sumps are to have a clay base and sides which can achieve a hydraulic conductivity of 1×10^{-9} m/second; (c) the sumps are to have sufficient capacity to contain incident rainwater and runoff from a 1 in 10 year, 24 hour ARI within the banded areas. | (a) one sump is constructed within the bunding of the Spent Bedding Storage Pad; and (b) one sump is to be constructed within the bunding of the Carcass Storage Pile area | 30 September 2019 |
| Storm water diversion channels | (a) constructed so that all stormwater is directed away from the specified locations | (a) all pig sheds (b) spent bedding storage area, (c) carcass Storage Piles; and (d) all animal passageway areas | 30 September 2019 |

Construction Compliance Report

5. The Licence Holder must within **30 days** of each item required by condition 4 being constructed:
 - (a) undertake an audit of their compliance with the requirements of condition 4; and
 - (b) prepare and submit to the CEO an audit report on that compliance.
6. The audit report required by Condition 5 must:
 - (a) be certified by a suitably qualified professional engineer that each item of infrastructure listed in Table 3 meets the corresponding specifications and at the locations set out in Table 3 and has been constructed with no material defects;

- (b) include specifications that demonstrate the contaminated stormwater runoff sumps have sufficient capacity to contain run off from a 1 in 10 year, 24 hour ARI from within the bunded areas around the Spent Bedding Storage Pad and Carcass Storage Pile(s); and
- (c) include photographs and an A3 sized plan with a north directional arrow and scale which shows the location of the bunds, collection sumps and storm water diversion channels.

Infrastructure and equipment (operations)

7. The Licence Holder must ensure that the site infrastructure and equipment listed in Table 4 and located at the corresponding infrastructure location is maintained and operated in accordance with the corresponding operation requirement set out in Table 4.

Table 4: Infrastructure and equipment requirements

| Site infrastructure and equipment | Operational Requirements | Infrastructure location |
|-----------------------------------|---|--|
| Piggery Sheds | <ul style="list-style-type: none"> (a) mortalities are to be collected from the Piggery Sheds on a daily basis and disposed to the carcass composting pile(s); (b) ensure that sufficient dry straw bedding is evenly spread across the surface area of each piggery shed to ensure no less than 40 percent of the surface area of each shed's bedding is maintained as dry while pigs are accommodated in the shed; and (c) ensure that all bedding is removed from the piggery shed after each batch of pigs is removed and new bedding is placed in the Piggery Sheds prior to the next batch of pigs being accommodate in that Piggery Sheds | <p>As depicted in Schedule 1 Map 2: infrastructure layout at Adelong Farm and identified as:</p> <ul style="list-style-type: none"> • New Piggery Sheds; • Current Piggery Sheds; and • Carcass Storage Pile(s) |
| Stormwater Management | <ul style="list-style-type: none"> (a) stormwater diversion channels are maintained around all Piggery Sheds and Passageways (b) all contaminated stormwater runoff from within bunded areas is directed to a Collection Sump; (c) all accumulated sediments are removed from the Collection Sumps on an annual basis and the sediments discharged to the Carcass Storage Pile(s) or Spent Bedding Storage Pad; | <p>As depicted in Schedule 1 Map 2: infrastructure layout at Adelong Farm and identified as:</p> <ul style="list-style-type: none"> • New Piggery Sheds; • Current Piggery Sheds; • Carcass Storage Pile(s); • Spent Bedding Storage Pad; and • Passageways |
| Spent Bedding Storage Pad | <ul style="list-style-type: none"> (a) spent bedding is stored for a minimum of six months on the Spent Bedding Storage Pad prior spreading on the surrounding paddocks; and (b) trees and other deep rooted plants are not to be planted within one metre of the Spent Bedding Storage Pad | <p>As depicted in Schedule 1 Map 2: infrastructure layout at Adelong Farm and identified as the Spent Bedding Storage Pad</p> |

| Site infrastructure and equipment | Operational Requirements | Infrastructure location |
|-----------------------------------|--|--|
| Carcass Storage Pile(s) | <p>The area where carcasses are stored is to achieve the following:</p> <ul style="list-style-type: none"> (a) carcasses are placed separately in the Carcass Storage Pile(s), allowing a minimum of 15-200mm spent bedding / bulking material between each carcass; (b) carcasses are completely covered with spent straw / bulking material immediately following placement in the Carcass Storage Pile(s) to ensure that no parts of the carcass remain exposed; (c) carcass Storage Piles are turned at a minimum of once every six months; (d) carcass Storage Pile(s) are allowed to decompose for a minimum of 8 months prior spreading on the surrounding paddocks; (e) sufficient stockpiles of spent bedding and bulking material are maintained close to the Carcass Storage Pile(s) to allow daily cover of carcasses; and (f) trees and other deep rooted plants are not to be planted within one metre of the Carcass Storage Pile(s). | As depicted in Schedule 1 Map 2: infrastructure layout at Adelong Farm and identified as the Carcass Storage Pile(s) |

Specified Emissions

8. The Licence Holder must ensure that the application of solid waste to Reuse Areas is in accordance with Table 5.

Table 5: Operational requirements for the application of solid waste to the Reuse Areas

| Site Operation | Operational Requirements | Location |
|---|--|--|
| Application of solid waste to Reuse Areas | <ul style="list-style-type: none"> (a) application of solid waste to Reuse Areas is not to occur during periods when heavy rainfall is expected or the soil is very wet; (b) solid waste is to be applied evenly; (c) a 50m buffer is to be provided between the solid waste Reuse Areas and the nearby surface water line(s); (d) a separation buffer of 25m is to be maintained between the reuse area and all neighbouring boundaries; (e) a separation buffer of 50m is to be maintained between the Reuse Areas and public roads carrying more than 50 vehicles per day; (f) a separation buffer of 25m is to be maintained between the Reuse Areas and public roads carrying less than 50 vehicles per day; and (g) a separation buffer of 5m is to be maintained between the Reuse Areas and the internal roads, sheds and other infrastructure. | As depicted in Schedule 1 Maps, Map 1: Premises boundary |

Specified actions - maximum stocking density

9. The Licence Holder must ensure that the number of pigs held on site do not exceed 7,000 SPU in total at any one time.

Record-keeping

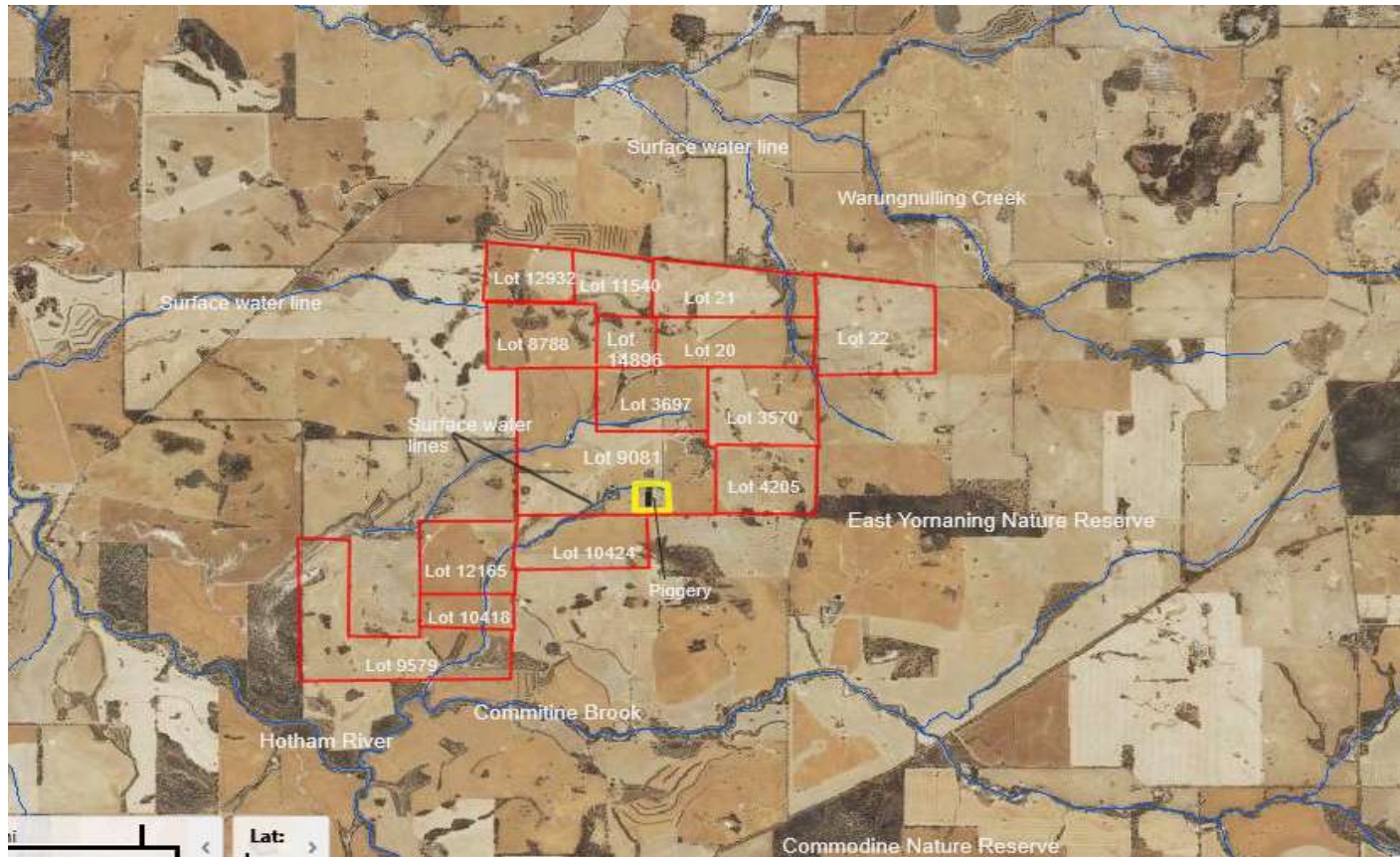
10. The Licence Holder must maintain accurate and auditable Books including the following records, information, reports and data required by this Licence:
 - (a) the calculation of fees payable in respect of this Licence;
 - (b) the maintenance of infrastructure required to ensure that it is kept in good working order in accordance with Condition of this Licence; and
 - (c) complaints received under Condition 11 of this Licence; andIn addition, the Books must:
 - (d) be legible;
 - (e) if amended, be amended in such a way that the original and subsequent amendments remain legible and are capable of retrieval;
 - (f) be retained for at least 3 years from the date the Books were made; and
 - (g) be available to be produced to an Inspector or the CEO.
11. The Licence Holder must maintain a weekly record of the number of pigs on the premises and shall include records of:
 - (a) the number of pigs and SPU held in each deep litter shed;
 - (b) the number of pigs received at the site in each load;
 - (c) the number of pigs leaving the site with each load; and
 - (d) the number of mortalities each week.
12. 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:
 - (a) 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;
 - (b) the name and contact details of the complainant, if provided by the complainant;
 - (c) the date of the complaint; and
 - (d) the details and dates of the actions taken by the Licence Holder in response to the complaints.
13. The Licence Holder must:
 - (a) Undertake an audit of their compliance with the conditions of this licence during the preceding annual period; and
 - (b) Prepare and submit to the CEO an Annual Audit Compliance Report in the approved form.
14. The Licence Holder must submit to the CEO, no later than **60 days** after the end of each annual period, a Compliance Report indicating the extent to which the Licence Holder has complied with the Conditions in this Licence for the preceding Annual Period including:

- (a) The Annual Audit Compliance Report;
 - (b) The maximum number of animals and SPU held on the premises for each month during the previous Annual Period as per Condition 11 of this Licence;
and
 - (c) Complaints received under Condition 12 of this Licence;
15. The Licence Holder must comply with a Department Request, within 14 days from the date of the Department Request or such other period as agreed to by the Inspector or the CEO.

Schedule 1 Maps

Map 1: Premises boundary

The Premises boundary (red outline) which includes the Reuse Areas and the piggery (yellow outline) are shown in the map below



Note: Map generated by DWER

Map 2: Infrastructure layout at Adelong Farm



Note: Map generated by DWER

Schedule 2: Primary Activities

At the time of 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 Activities are 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 | <7,000 SPU at any one time |

Infrastructure and equipment

The Primary Activity infrastructure and equipment located on the Premises are listed in Table 7.

Table 7: Infrastructure and equipment

| # | Reference in Error! Reference source not found. | Description |
|----|---|---|
| 1. | Current sheds (18) | Dimensions vary with 4 sheds (9m x 16m), 8 sheds (9m x 22m) and 6 sheds (10m x 22m). Sheds have concrete floors and hooped canvas rooves. Approximately 250 animals are housed in each shed |
| 2. | New sheds (8) | Dimensions are 12m x 28m. Sheds constructed under W6118/2017/1 with concrete floors and hooped metal rooves. Approximately 250 animals are housed in each shed |
| 3. | Carcass composting pad | Mortalities placed on a pile and covered with spent bedding. The carcass pile is allowed to compost for a minimum of 6 months and up to 12 months |
| 4. | Spent Bedding Storage Pad | Spent bedding contains manure, urine and spilt feed/water. Spent bedding is allowed to compost for a minimum of 6 months and up to 12 months |

Infrastructure layout

The site layout of the current infrastructure at Adelong Farm are specified on the Infrastructure Layout on Map 2.