



Licence Number	L9179/2018/1	
Licence Holder	Jaden Cocking	
ACN	N/A	
Registered business address	RMB 405 KOOJAN WA 6510	
File Number	DER2018/001165-1	
Duration	18/03/2019 to	17/03/2039
Date of Issue	18/03/2019	
Date of amendment	25/09/2019	
Prescribed Premises	Category 61A As defined in Schedule 2	
Premises	Jindabyne Farm Cocking Road, MOGUMBER Legal description – Lot 1806 on Deposited Plan 008582 Certificate of Title Volume 2213 Folio 504 Lot 7 on Deposited Plan 019255 Certificate of Title Volume 2213 Folio 503 Lot 6 on Deposited Plan 019255 Certificate of Title Volume 2213 Folio 500	

This Licence is granted to the Licence Holder, subject to the following conditions, on 25 September 2019, by:

Stephen Checker
MANAGER WASTE INDUSTRIES
REGULATORY SERVICES

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. 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 defense 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
ACN	Australian Company Number
Annual Period	means a 12 month period commencing from 1 July until 30 June.
Condition	means a condition to which this Licence is subject under s.62 of the EP Act.
Biosolids	means sludge from a wastewater treatment plant that has undergone further treatment to reduce disease causing pathogens and volatile organic matter significantly, resulting in a stabilised material suitable for beneficial use. Does not include industrial and food processing sludges.
Biosolids cake	means stabilised biosolids that have been dewatered by mechanical or solar means to usually greater than 15% total solids
Books	has the same meaning given to that term under 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 6027 Telephone: (08) 6367 7000 Facsimile: (08) 6367 7001 Email: 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).
CLBAR	means the contaminant limited biosolids application rate, which is the rate which ensures that the concentration of any limiting contaminants does not exceed the maximum allowable soil contaminant concentration, as calculated in the Western Australian guidelines for biosolids management
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> .
Inclement weather	means weather which is stormy, rainy, or snowy
Implementation Agreement or Decision	has the same meaning given to that term under the EP Act.
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.
Limiting Factor	means the lower rate of the nitrogen limited biosolids application rate (NLBAR), the contaminant limited biosolids application rate (CLBAR) and the phosphorus limited biosolids application rate (PLBAR) if required, as defined in the Western Australian guidelines for biosolids management. The Limiting Factor in relation to conditions of this Licence are stated in the respective Review of Environmental Factors report
Lime amended biosolids (LAB)	means biosolids that have had sufficient lime added to destroy or inhibit regrowth of microorganisms (including pathogens)
Material Environmental Harm	has the same meaning given to that term under the EP Act.
NATA	means the National Association of Testing Authorities, Australia
NATA accredited	means in relation to the analysis of a sample that the laboratory is NATA accredited for the specified analysis at the time of the analysis
NLBAR	means the nitrogen limited biosolids application rate, which is based on the nitrogen demand of the crop, as calculated in the Western Australian guidelines for biosolids management
Pollution	has the same meaning given to that term under the EP Act.
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.
PLBAR	means the phosphorus limited biosolids application rate, which is the rate at which phosphorus can be applied to soils without excess leaching into the environment, which is only calculated for soils with limited ability to immobilise phosphorus, as calculated in the Western Australian guidelines for biosolids management

Review of Environmental Factors	means a third party independent auditor's review and certification of a proposed biosolids application
Serious Environmental Harm	has the same meaning given to that term under the EP Act.
Unreasonable Emission	has the same meaning given to that term under the EP Act.
Waste	has the same meaning given to that term under the EP Act.

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 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	
Discharge to Land – application of biosolids to arable land	Subject to compliance with Conditions 2 to 5
General Emissions (excluding Specified Emissions)	
<p>Emissions which:</p> <ul style="list-style-type: none"> • arise from the Primary Activities set out in Schedule 2 	<p>Emissions excluded from General Emissions are:</p> <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>.

Premises Operation

2. The Licence Holder shall only accept waste on to the Premises if:
- it is of a type listed in Table 3;
 - the quantity accepted is at or below any quantity limit listed in Table 3; and
 - it meets any specification listed in Table 3.

Table 3: Infrastructure and equipment controls table

Waste type	Quantity Limit	Specification
Dewatered biosolids cake OR Dewatered biosolids LAB	73,990 tonnes per annual period	<ul style="list-style-type: none"> from Water Corporation wastewater treatment plants only; and only for use within the Premises.

3. The licence Holder shall ensure that biosolids wastes bought onto the Premises are only subjected to the processes set out in Table 4 and in accordance with any process limits described in that Table.

Table 4: Waste processing

Waste type	Process	Process requirements ¹
Dewatered biosolids cake OR Dewatered biosolids LAB	Storage	<ul style="list-style-type: none"> (i) stored within a paddock on a slope gradient of less than or equal to 3%; (ii) stockpiled for not more than 30 days between unless stored within a bunded area; (iii) weekly flystrike monitoring is to be undertaken if stockpiled for more than seven (7) days between October to May; (iv) storage sites are 100m away from all drinking water supply bores; and (v) storage sites are 100m away from surface water bodies including Dams.
Dewatered biosolids cake OR Dewatered biosolids LAB	Land application	<ul style="list-style-type: none"> (i) biosolids are not to be applied within 1km of any occupied residences offsite of the Premises (ii) biosolids are not to be applied within 100m of permanent watercourses and high water mark of agricultural dams; (iii) biosolids are not to be applied within 50m of ephemeral watercourses; (iv) biosolids are not to be applied within 50m of any animal enclosure; (v) ensure that the quantity of biosolids per hectare directly applied to land does not exceed the Limiting Factor for a particular paddock, crop type and biosolids composition; (vi) ensure application is carried out as per the biosolids application assessment details within the 'Review of Environmental Factors report'; (viii) only biosolids cake or LAB will be applied to each parcel of land; (ix) biosolids graded as "P3 C2" or higher quality to be received and applied to the Premises;

Waste type	Process	Process requirements ¹
		(x) biosolids to be incorporated into the soil profile within 36 hours of application to the land area unless soil conditions are considered unfavorable; (xi) biosolids not to be applied pending or during inclement weather; and (xii) biosolids are not to be applied on land with slopes >12%; (xiii) Ensure soil conservation practices are implemented on 6-12% slopes to minimize soil erosion;

Note 1: In accordance with the *Western Australian guidelines for biosolids management, December 2012*.

4. The Licence holder maintain a logbook that records the quality and quantity of biosolids supplied, the application rate, the date of supply, the location of properties supplied, depth of incorporation and the area where biosolids have been applied (i.e. paddock name). Logbooks are to be made available to an inspector upon request.
5. The Licence Holder shall ensure that a Review of Environmental Factors is undertaken for any application of biosolids on the Premises outside of the scope of the document titled '*Review of Environmental Factors Jindabyne Farm, Water Corporation/ Aroona Alliance, PM-#19600185-v2*'. The Review of Environmental Factors shall:
 - a) Verify that limiting factors and acceptable application rates have been identified and are managed for the proposed application; and
 - b) include a contour map which identifies any areas with slopes 6-12% where biosolids are to be applied and identifies the specific soil conservation practices that will be undertaken in accordance with Process Requirement (xiii) of Table 4 in Condition 3.

Monitoring

6. The Licence Holder shall undertake the monitoring in Table 5 according to the specifications in that table.

Table 5: Monitoring of inputs and outputs

Input/Output	Parameter	Units	Averaging Period	Frequency
Waste inputs	Biosolids cake or LAB	Tonnes	Recorded at the time of delivery	Each load arriving at Premises.
Waste outputs		Tonnes	Recorded at the time of exit	Each load leaving or rejected from the Premises.

Record-keeping

7. 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) monitoring undertaken in accordance with Conditions 6 of this Licence; and
 - (c) complaints received under Condition 8 of this Licence;
 - (d) Contaminant/ pathogen grade classification as per Appendix 5 of the *Western Australian guidelines for biosolids management, December 2012*;
- In addition, the Books must:
- (e) be legible;
 - (f) if amended, be amended in such a way that the original and subsequent amendments remain legible and are capable of retrieval;
 - (g) be retained for at least 3 years from the date the Books were made; and
 - (h) be available to be produced to an Inspector or the CEO.
8. 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.
9. The Licence Holder must submit to the CEO, no later than 31 calendar days after the end of the 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.
10. The Licence Holder shall submit to the CEO, no later than 31 calendar days after the end of the annual period, an Annual Environmental Report which shall contain the information listed in Table 6.

Table 6: Annual Environmental Report

Condition	Requirement
3 & 5	Verification details on the applied biosolids application rate in accordance with the submitted REF
3	A contour map which identifies any areas with slopes 6-12% where biosolids were applied during the annual period and identifies the specific soil conservation practices that were undertaken in accordance with Process Requirement (xii) of Table 4 in Condition 3 along with photographic evidence of the soil conservation practices having been undertaken
8	Complaints summary

11. 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: Premises Map

The Premises are shown in the map below. The Blue line depicts the Premises boundary



Schedule 2: Primary Activities

The Premises prescribed categories under schedule 1 of *Environmental Protection Regulation 1987*

Prescribed Premises categories

Category number	Category Description	Category production or design capacity	Approved Premises production or design capacity
61A	Solid waste facility: premises (other than premises within category 67A) on which solid waste produced on other premises is stored, reprocessed, treated, or discharged onto land	1,000 tonnes or more per annual period	73,990 tonnes per annual period