



Licence Number	L7089/1997/1
Licence Holder	Fitonia Pty Ltd
ACN	008 914 494
Registered business address	Lot 4577 on Deposited Plan 205851 DARDANUP WA 6236
DWER File Number	2011/004309
Duration	06/10/2014 to 05/10/2025
Date of amendment	19 December 2019
Premises Details	TJ Depiazzi & Sons Composting Facility Legal description - Lot 4577 on Deposited Plan 205851 DARDANUP WA 6236

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Assessed production / design capacity
Category 67A: Compost manufacturing and soil blending: premises on which organic material (excluding silage) or waste is stored pending processing, mixing, drying or composting to produce commercial quantities of compost or blended soils	120 000 tonnes per annual period
Category 70: Screening etc. of material: premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated.	30 000 tonnes per year

This Licence is granted to the Licence Holder, subject to the following conditions, on 19 December 2019, by:

Tracey Hassell

**A/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.

Definitions and interpretation

Definitions

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

Table 1: Definitions

Term	Definition
Act	means the <i>Environmental Protection Act 1986</i> .
Annual Period	means a 12 month period commencing from 1 January until 31 December in that year.
Condition	means a condition to which this Licence is subject under s.62 of the EP Act.
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 6919 info@dwer.wa.gov.au
Code of practice for the storage and handling of dangerous goods	means the document titled "Storage and handling of dangerous goods: Code of Practice" published by the Department of Mines and Petroleum, as amended from time to time.
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).
Compost	means an organic product that has undergone controlled aerobic and thermophilic biological transformation through the composting process
Composting	the process whereby organic materials are microbiologically transformed under controlled aerobic conditions.
Dangerous goods	has the meaning defined in the Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007.
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.

Term	Definition
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> .
Green waste	means waste that originates from untreated trees or plants.
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.
Leachate	means liquid released by or water that has percolated through waste and which contains some of its constituents
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.
Organic waste	means all solid food and food processing wastes, paper wastes, wood waste, timber processing wastes, biosolids, manures and sludges
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.
Reportable Event	means an exceedance above the target limit specified in Column 4 of Table 6, in Schedule 3.
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

Infrastructure

1. The Licence Holder must install, undertake the works and maintain the infrastructure and equipment:
 - (a) specified in Column 1;
 - (b) to the requirements specified in Column 2; of Table 2 below.

Table 2: Infrastructure and equipment requirements table

Infrastructure / Equipment	Requirements
Parker 42"x30" crushing and screening unit	<ul style="list-style-type: none">• Maintain the pipes and spray bars of the main conveyor;• Maintain the pump, or maintain the connection to mains water supply, to provide water to the main conveyor; and• In accordance with the Manufacturer's servicing instructions.
Stormwater catchment basin	<ul style="list-style-type: none">• To be constructed to retain a volume of 205 m³ of stormwater without overtopping; and• The crushing and/or screening processing area within the Premises is to be graded to direct contaminated stormwater to the catchment basin, and away from the Premises boundary.

2. The Licence Holder must not depart from the requirements specified in Column 2 of Table 2 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.

Emissions

3. 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 3 subject to the exclusions, limitations or requirements specified in Column 2 of Table 3.

Table 3: Authorised Emissions table

Column 1	Column 2
Emission type	Exclusions/Limitations/Requirements
General Emissions (excluding Specified Emissions)	
Emissions which 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 <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i>.

Premises

4. The Licensee shall only accept waste on to the Premises if:
- (a) it is of a type listed in Table 4; and
 - (b) the quantity accepted is below any quantity limit listed in Table 4 and
 - (c) it meets any specification listed in Table 4.

Table 4: Waste acceptance

Waste type	Quantity limit tonnes / annual period	Specification ¹
Green waste	None specified	None specified
Organic waste	None specified	None specified
Material to be crushed and/or screened	30 000 tonnes per year	Screening of material extracted from within the Premises only

Note 1: Additional requirements for the acceptance of controlled waste (including animal effluent or residues; and vegetable and food processing waste) are set out in the *Environmental Protection (Controlled Waste) Regulations 2004*.

5. The Licensee shall ensure that wastes accepted onto the Premises are only subjected to the process set out in Table 5 and in accordance with any process limits described in that Table.

Table 5: Processing of materials

Waste type	Process	Process requirements
Green waste; and Organic waste	Receipt, handling and storage prior to composting	<ul style="list-style-type: none"> i) Waste shall not be stored within 35 metres of the Premises boundary and within 500 metres of the nearest odour/noise sensitive premises; and ii) Maintain a minimum of 5 metre firebreak around the greenwaste storage area.
	Treatment by composting	<ul style="list-style-type: none"> i) Windrows shall not exceed 1000 cubic metres; ii) Composting leachate is collected and returned to the composting process; and iii) Maintain a minimum of 5 metre firebreak around the composting area.
Material to be crushed and/or screened	Crushing and/or screening	Material to be sourced from within the Premises only.

6. The Licensee shall ensure that waste is stored and/or contained within infrastructure in accordance with Table 6 and that the integrity of the containment infrastructure is maintained.

Table 6: Containment infrastructure

Containment area / infrastructure	Material	Infrastructure requirements
Waste storage area	Green waste and Organic waste (feedstock)	Compacted gravel hardstand area with 200 mm high bund designed so that all water from the hardstand drains to a lined retention pond.
Composting area		Compacted gravel hardstand area with 200 mm high bund designed so that all water from the hardstand drains to a lined retention pond.
Retention pond	Stormwater and leachate from the composting storage and windrow area	Lined, with sufficient capacity to store a 1 in 10 year rainfall event with a minimum of 300 mm of freeboard.
Crushing and screening area	Screening material	Maintain contouring of the crushing and/or screening processing area within the Premises so that the ground slopes towards the swales and/or the stormwater drainage basin;
Stormwater drainage basin	Stormwater from the crushing and/or screening processing area	Maintain the stormwater drainage basin to ensure the basin volume is capable of retaining stormwater and does not overtop.

7. The Licensee shall not burn, or allow the burning of, greenwaste or compost on the premises.
8. The Licensee shall extinguish any fire that occurs within the greenwaste or compost area within 8 hours of becoming aware of the fire.
9. The Licensee shall recirculate water from the retention pond over the greenwaste and compost windrows.
10. The Licence Holder is only permitted to undertake crushing and screening activities between the hours of 07:00 to 17:30 Monday to Friday and 07:00 to 12:00 Saturdays, excluding Public Holidays.
11. The Licence Holder is to ensure a sprinkler system is routinely operated on each stockpile with sufficient throw to cover the diameter of each stockpile and sufficient volume to maintain stockpiles in a damp state to minimise visible dust lift off during operations.

Monitoring

12. The Licence Holder shall undertake the monitoring in Table 7 according to the specifications in that table.

Table 7: Waste acceptance

Output	Parameter	Units	Averaging Period	Frequency
Waste outputs	Material to be crushed and/or screened	tonnes	Monthly	Each load leaving or rejected from the Premises

Record-keeping

13. 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 works conducted in accordance with Condition 1 of this Licence;
 - (c) the maintenance of infrastructure required to ensure that it is kept in good working order in accordance with Condition 6 of this Licence;
 - (d) monitoring undertaken in accordance with Condition 12 of this Licence;
 - (e) complaints received under Condition 14 of this Licence.

In addition, the Books must:

- (f) be legible;
- (g) if amended, be amended in such a way that the original and subsequent amendments remain legible and are capable of retrieval;
- (h) be retained for at least 6 years from the date the Books were made; and
- (i) be available to be produced to an Inspector or the CEO.

14. 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.
15. The Licensee shall ensure that:
 - (a) any person left in charge of the Premises is aware of the conditions of the Licence and has access at all times to the Licence or copies thereof; and
 - (b) any person who performs tasks on the Premises is informed of all of the conditions of the Licence that relate to the tasks which that person is performing.
16. 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.
17. The Licence Holder must submit to the CEO, no later than 1 February annually, a Compliance Report indicating the extent to which the Licence Holder has complied with the Conditions in this Licence for the preceding Annual Period.
18. The Licence Holder must submit to the CEO, no later than 1 February annually, an Annual Environmental Report. The report shall contain the information listed in Table 8 in the format or form specified in that table.

Table 8: Annual Environmental Report

Condition or table (if relevant)	Parameter	Format or form ¹
-	Summary of any failure or malfunction of any pollution control equipment and any environmental incidents that have occurred during the annual period and any action taken	None specified
-	Monthly volumes of compost processed	None specified
Table 7	Monthly volumes of material to be crushed and/or screened that leaves or is rejected from the Premises	None specified
-	Any issues raised from inspections or incident responses during the reporting period, together with details as to how these have been addressed / rectified or, if the work is yet to be completed, how and when they will be completed / rectified.	None specified
-	Any changes to site boundaries, location of groundwater monitoring bores, surface drainage channels and on-site or off-site impacts or pollution.	None specified
17	Compliance	Annual Audit Compliance Report (AACR)
14	Complaints summary	None specified

19. The Licence Holder shall ensure that the parameters listed in Table 9 are notified to the CEO in accordance with the notification requirements of the table.

Table 9: Notification requirements

Condition or table (if relevant)	Parameter	Notification requirement¹	Format or form²
-	Any failure or malfunction of any pollution control equipment or any incident, which has caused, is causing or may cause pollution	Part A: As soon as practicable but no later than 5pm of the next usual working day. Part B: As soon as practicable	N1

Note 1: Notification requirements in the Licence shall not negate the requirement to comply with s72 of the Act

Schedule 1: Maps

Premises map

The Premises is shown in the map below.



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 10:

Table 10: Primary Activities

Category	Description	Category production or design capacity	Assessed production or design capacity or throughput
67A	Compost manufacturing and soil blending: premises on which organic material (excluding silage) or waste is stored pending processing, mixing, drying or composting to produce commercial quantities of compost or blended soils	1 000 tonnes or more per year	120 000 tonnes per annual period
70	Screening etc. of material: premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated.	More than 5 000 but less than 50 000 tonnes per year	30 000 tonnes per year