



**Licence Number** L6932/1988/11

**Licence Holder** Derby Industries Pty Ltd

**ACN** 009 033 612

**File Number:** 2010/002314

**Premises** CM Farms - Nambeelup  
230 Gull Road  
NAMBEELUP WA 6207  
SHIRE OF MURRAY

Lot 89 on Plan 741  
Certificate of Title Volume 1112 Folio 243  
excluding the areas defined in Schedule 4

Lot 109 on Plan 741  
Certificate of Title Volume 1113 Folio 439

**Date of Amendment** 24 April 2020

## Amendment

The Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (DWER) has amended the above Licence in accordance with section 59 of the *Environmental Protection Act 1986* (EP Act), as set out in this Licence Amendment Report. The report constitutes written notice of an amendment to Licence L6932/1988/11 in accordance with section 59B(10) of the EP Act.

## A/Manager, Process Industries

### Regulatory Services

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

# Licence Amendment

## Amendment

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend Licence L6932/1988/11 granted to Derby Industries Pty Ltd for its Nambeelup piggery (the premises). This notice of amendment is given under section 59B(10) of the EP Act in the form of a revised licence.

The following guidance statements have informed the decision made on this amendment:

- *Guideline: Industry Regulation Guide to Licensing* (June 2019)
- *Guidance Statement: Regulatory Principles* (July 2015)
- *Guidance Statement: Licence Duration* (August 2016)
- *Guideline: Decision Making* (June 2019)
- *Guidance Statement: Risk Assessment* (February 2017)

## Amendment description

Licence L6932/1988/11 is held by Derby Industries Pty Ltd (licence holder) for an intensive piggery on Gull Road, Nambeelup. This licence was reviewed and an amended licence was issued on 16 August 2018.

The premises utilises four wastewater ponds for the storage of treated wastewater generated from piggery operations. Condition 21 of L6932/1988/11 previously required the desludging of ponds 3 be performed prior to 30 April 2020 and the desludging of pond 4 by 30 April 2021.

The licence holder submitted a licence amendment application on 12 March 2020 to extend the timeframes for the desludging of ponds 3 and 4. This is in response to an ongoing contaminated sites investigation that has identified that the ponds may be impacted and should not be desludged until a remediation action plan has been finalised and appropriate actions regarding the desludging will be addressed. The licence holder has advised that the remediation action plan will be developed in consultation with DWERs Contaminated Sites Branch and Regulatory Services Branch and is expected to be finalised in mid 2020.

The licence holder was provided with a copy of the draft amended licence and amendment report for comment on 22 April 2020. The licence holder requested some minor changes to the amendment report and requested that condition 13 be amended to remove the requirement for monitoring metals some metals that were a one off requirement and to remove the pond monitoring requirement for total nitrogen and total phosphorus, also a one of requirement, as these requirement had been met. The Amendment and Licence have been amended to reflect the changes. The licence holder also waived the remainder of the 21 comment period by email on 23 April 2020.

## Licence history

Table 1 provides the works approval and amendment history for L6932/1988/11.

**Table 1: Licence history**

Instrument	Issued	Description
L6932/1988/10	22/01/2009	Licence L6932/1988/10 was transferred from George Weston Foods Ltd to the Licence Holder on 22 January 2009.
L6932/1988/11	21/10/2010	The eleventh version of Licence L6932/1988 was issued to the Licence Holder on 21 October 2010 with an expiry date of 26 October 2015.
W4720/2010/1	21/10/2010	Works Approval – Decommissioning Ponds 3 & 4 and construction of Pond 6 – HDPE lined.
W4997/2010/1	01/09/2011	Works Approval – Pond 5 (aerobic) refurbishment, extension and lined with HDPE.
L6932/1988/11	15/12/2011	Licence amendment following WA Composts Pty Ltd obtaining separate licence to operate a composting facility at Nambeelup Farm (L8410/2009).
W5679/2014/1	17/07/2014	Works Approval – Pond 2 (aerobic) lined with HDPE.
L6932/1988/11	23/10/2015	Licence Amendment – Extend licence duration by 12 months to allow for the re-assessment of the risk of all emissions and discharges from the Premises.
L6932/1988/11	28/01/2016	Licence amendment to allow construction of a second anaerobic pond (Pond 0).
L6932/1988/11	13/10/2016	Licence L6932/1988/11 was amended by notice on 13 October 2016 to extend the licence duration to 26 October 2017. This extension was to allow this licence Review to take place.
L6932/1988/11	11/10/2019	Licence L6932/1988/11 was amended by notice on 11 October 2019 to extend the licence duration to 26 October 2024. This extension was to allow the Licence Holder to continue to operate and finish improvement works on the premises.
L6932/1988/11	24/04/2020	Licence amendment to extend the due date for desludging of ponds 3 and 4 and remove redundant conditions

## Decision

The Delegated Officer has extended the timeframe for desludging of ponds 3 and 4 by 1 year (Pond 3 to 30 April 2021 and Pond 4 to 30 April 2022) to allow for the remediation action plan across the site to be finalised. The Delegated Officer has determined that by extending the desludging timeframes the emission risk profile from the premises does not change.

The Delegated Officer has also taken this opportunity to remove redundant conditions where the licence holder has submitted the required documents.

## Details of the Amendment

Table 5 of condition 16 (previously Table 7 of condition 21) in Licence L6932/1988/11 has been amended by the insertion of the highlighted text and the deletion of the strikethrough highlighted text as shown below.

16. The Licence Holder must remove all sludge material:
  - (a) from the locations specified in column 1 of Table 5;
  - (b) by the date specified in column 2 of Table 5; and
17. (c) dispose of or store the material as per column 3 of Table 5.

**Table 5: Sludge removal from decommissioned ponds**

Column 1	Column 2	Column 3
<b>Location as shown on the Premises Layout Map in Schedule 1</b>	<b>Completion date</b>	<b>Disposal options</b>
Pond 1	30 April 2019	Removed from the Premises; or Stored in an area that: <ol style="list-style-type: none"> <li>is bunded to retain all liquid from the sludge removed from the ponds; and</li> <li>meets the hydraulic conductivity requirements of less than <math>1.0 \times 10^{-9}</math> m/s,</li> </ol> prior to removal from the Premises.
Pond 3	30 April <del>2020</del> 2021	
Pond 4	30 April <del>2021</del> 2022	

Table 2 shows the redundant conditions that have been removed from the licence as well as their requirements and completion date.

**Table 2: Redundant conditions removed from the licence**

Condition removed or amended	Requirement	Completion date
14 (amended)	Monitoring of total nitrogen and total phosphorus in ponds 2, 5 and 6	Results submitted in 2019 annual report received by the department on 28 February 2020 (DWER document ref DWERDT258866).
13 (amended)	Monitoring of cadmium, chromium, copper, iron manganese, nickel and lead in groundwater	On 17 July 2019 the licence holder submitted an email (DWER document ref A1808146) that included: <ul style="list-style-type: none"> <li>a report on the testing of the pond liners which included the repair and retesting of liners</li> <li>a construction report for the additional groundwater bore MW12; and</li> <li>a depth to groundwater report.</li> </ul>
16	Testing of pond liners for ponds 0, 2, 5 and 6	
17	Report on the liner testing and repairs	
18	Construction of additional groundwater bore	
19	Report on the installation of the additional groundwater bore	
20	Depth to groundwater report	

## Basis for the Decision

In amending the Licence to extend the timeframe, the Delegated Officer has considered the following:

- the current contamination investigations being undertaken across the premises; and
- the improvement works that have been completed to date, including pond liner testing and repair and the desludging of pond 1.

The Delegated Officer considers that extending the desludging timeframes requires the licence holder to undertake the required works in a timely manner while allowing adequate time for the completion of the desludging works following the contamination investigations.

Carmen Standring  
A/Manager, Process Industries

*An officer delegated by the CEO under section 20 of the EP Act*

## Appendix 1: Key documents

	Document title	In text ref	Availability
1.	Licence L6932/1988/11	L6932/1988/11	<a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>
2.	Email from Land Insights dated 17/7/2019 containing pond liner testing groundwater bore and depth to groundwater reports (DWER reference A1808146)	N/A	
3.	DWER, June 2019. <i>Guideline: Industry Regulation Guide to Licensing</i> . Department of Water and Environment Regulation, Perth		
4.	DER, July 2015. <i>Guidance Statement: Regulatory Principles</i> . Department of Environment Regulation, Perth.		
5.	DER, August 2016. <i>Guidance Statement: Licence Duration</i> . Department of Environment Regulation, Perth.		
6.	DER, February 2017. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.		
7.	DER, June 2019. <i>Guideline: Decision Making</i> . Department of Environment Regulation, Perth.		