



Licence Number L6932/1988/11

Licence Holder Derby Industries Pty Ltd

ACN 009 033 612

File Number: 2010/002314

Premises CM Farms - Nambeelup
Lot 89 on Plan 741 and Lot 109 on Plan 741
Gull Road
NAMBEELUP WA 6207

Date of Amendment 23 October 2017

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 Amendment Notice. This Amendment Notice constitutes written notice of the amendment in accordance with section 59B(9) of the EP Act.

Date signed: 23 October 2017

Jonathan Bailes

**A/SENIOR MANAGER, INDUSTRY REGULATION (PROCESS INDUSTRIES)
REGULATORY SERVICES (ENVIRONMENT)**

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

Amendment Notice

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the Licence issued under the EP Act for a prescribed premises as set out below. This notice of amendment is given under section 59B(9) of the EP Act.

Amendment description

This Amendment Notice is the result of a DER initiated amendment and relates to the extension of the licence expiry date from 26 October 2017 to 26 October 2018.

Amendment history

Table 1 provides the amendment history for L6932/1988/11

Table 1: Licence amendments

Instrument	Issued	Amendment
L6932/1998/11	21/10/2010	Licence re-issue
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 on site (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 period for a period of 12 months
L6932/1988/11	28/01/2016	Licence amendment to allow construction of a second anaerobic pond
L6932/1988/11	13/10/2016	Amendment Notice 1 Licence duration extended to 26 October 2017
L6932/1988/11	23/10/2017	Amendment Notice 2 Licence duration extended to 26 October 2018

Decision

Section 63 of the EP Act prescribes that a licence shall continue in force for such period as is specified in the licence. In making the decision to amend the licence, the Delegated Officer had regard to DER's *Guidance Statement: Licence Duration* that provides for the granting of a licence for up to 20 years duration.

The current Licence is due to expire on 26 October 2017. DWER are currently investigating odour issues in the Mandurah area. As part of the investigation, potential odour risks were identified on the premises. Therefore, the Delegated Officer has determined it appropriate to carry out a full risk-based review of the licence. The Delegated Officer has determined that the licence duration will be extended by 12 months to allow the review process to be completed.

In determining to amend the duration of the licence, the following matters were considered by the Delegated Officer:

- A risk-based review of the premises is currently being undertaken in accordance with DWER's regulatory framework independent of any change to extend the licence duration;
- The premises will be subject to ongoing compliance inspections and investigations following incidents and complaints, in accordance with the EP Act;
- In the event that risk issues arise in relation to the premises, the CEO may, depending on the circumstances:
 - Amend the conditions of the licence at any time;
 - In the event of an alleged offence, exercise enforcement powers under the EP Act, including an environmental protection notice; and
 - In the event of a breach of licence conditions, revoke the licence.
- Extending the licence duration will enable DWER and the Licence Holder to undertake an ordered and structured implementation of DWER's risk-based regulatory framework to the premises; and
- Extending the licence duration will enable DWER to consult with third parties relating to the implementation of DWER's risk-based regulatory framework to the premises and due consideration of any submissions in the assessment and decision-making processes.

Licence Holder's comments

The Licence Holder was provided with the draft Amendment Notice on 5 October 2017. The Licence Holder made no comment and waived the statutory consultation period on 12 October 2017.

Amendment

1. The licence duration has been extended from 26 October 2017 to 26 October 2018.