



# Licence

## *Environmental Protection Act 1986, Part V*

**Licensee:** Derby Industries Pty Ltd

**Licence:** L7352/1989/10

**Registered office:** 6 Short Street  
FREMANTLE WA 6160

**ACN:** 009 033 612

**Premises address:** Linley Valley Pork  
Lot 7 on Diagram 45818, Lot 8 on Diagram 43110, Lot 10 on Plan 12508,  
Lot 421 on Plan 300357 and Lot 5485 on Plan 114980  
Linley Valley Road  
Wundowie WA 6560  
as depicted in Schedule 1.

**Issue date:** Thursday, 5 February 2015

**Commencement date:** Friday, 13 February 2015

**Expiry date:** Wednesday, 12 February 2020

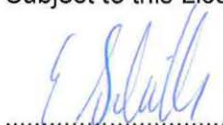
**Prescribed premises category**

Schedule 1 of the Environmental Protection Regulations 1987

Category number	Category description	Category production or design capacity	Approved premises production or design capacity
2	Intensive piggery: premises on which pigs are fed, watered and housed in pens.	1000 animals or more	3,500 animals per day
15	Abattoir: premises on which animals are slaughtered.	1000 tonnes or more per year	80,000 tonnes per annual period

**Conditions**

Subject to this Licence and the conditions set out in the attached pages.

  
.....  
Officer delegated under section 20  
of the *Environmental Protection Act 1986*



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## Introduction

This Introduction is not part of the Licence conditions.

### DER's industry licensing role

The Department of Environment Regulation (DER) is a government department for the state of Western Australia in the portfolio of the Minister for Environment. DER's purpose is to advise on and implement strategies for a healthy environment for the benefit of all current and future Western Australians.

DER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process DER works with the business owners, community, consultants, industry and other representatives to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DER also monitor and audit compliance with works approvals and licence conditions, take enforcement action as appropriate and develop and implement licensing and industry regulation policy.

### Licence requirements

This licence is issued under Part V of the Act. Conditions contained with the licence relate to the prevention, reduction or control of emissions and discharges to the environment and to the monitoring and reporting of them.

Where other statutory instruments impose obligations on the Premises/Licensee the intention is not to replicate them in the licence conditions. You should therefore ensure that you are aware of all your statutory obligations under the Act and any other statutory instrument. Legislation can be accessed through the State Law Publisher website using the following link:

<http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>

For your Premises relevant statutory instruments include but are not limited to obligations under the:

- *Environmental Protection (Unauthorised Discharges) Regulations 2004* – these Regulations make it an offence to discharge certain materials such as contaminated stormwater into the environment other than in the circumstances set out in the Regulations.
- *Environmental Protection (Controlled Waste) Regulations 2004* - these Regulations place obligations on you if you produce, accept, transport or dispose of controlled waste.
- *Environmental Protection (Noise) Regulations 1997* – these Regulations require noise emissions from the Premises to comply with the assigned noise levels set out in the Regulations.





You must comply with your licence. Non-compliance with your licence is an offence and strict penalties exist for those who do not comply.

Other guidelines and relevant industry standards which you should be aware of include:

- National Environmental Guidelines for Piggeries, 2<sup>nd</sup> edition, published by Australia Pork Limited, 2010; and
- 'Water Quality Protection Notes (WQPN)' published by Department of Water.

Licence holders are also reminded of the requirements of section 53 of the Act which places 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.

#### **Licence fees**

If you have a licence that is issued for more than one year, you are required to pay an annual licence fee prior to the anniversary date of issue of your licence. Non payment of annual licence fees will result in your licence ceasing to have effect meaning that it will no longer be valid and you will need to apply for a new licence for your Premises.

#### **Ministerial conditions**

If your Premises has been assessed under Part IV of the Act you may have had conditions imposed by the Minister for the Environment. You are required to comply with any conditions imposed by the Minister.

#### **Premises description and Licence summary**

Derby Industries Pty Ltd operates Linley Valley Pork (LVP) which includes an intensive piggery and an abattoir situated on Linley Valley Road, Wooroloo.

The abattoir slaughters approximately 14,000 pigs per week. Prior to slaughtering, the pigs are housed in a lairage that consist of a series of pens, which have a slatted concrete surface. Other abattoir operations include dehairing, boning, chilling and freezing of the pork products. Animal by-products such as blood, waste tallow, meat tissue, gut contents and hair are collected and transported off-site for processing.

Wastewater generated from the piggery and abattoir operations is sent to the site's wastewater treatment system.

Following a breach of a wall of Pond 1 of the wastewater treatment system on 10 /01/2014, a geotechnical risk assessment of waste water treatment Ponds 2 - 9 was conducted by CMW Goesciences Pty Ltd. The subsequent report - *Embankment Dam Stability Assessment, Linley Valley Pork, Linley Valley Road, Wooroloo WA*, noted that a number of pond embankment dams were considered to provide a high level of risk with respect to slope instability. The report included recommendations for pond repair and management. LVP has commenced implementation of these recommendations, and the recommendations have been included in this licence as an improvement condition. Ponds 1 and 8 have been removed from the wastewater treatment system.

The waste water treatment system now comprises of anaerobic Ponds 2 and 3, and aerobic Ponds 4, 5, 6, 7 and 9.

Semi-treated wastewater is piped off the premises to the neighbouring El Caballo premises and further treated in ponds prior to irrigation onto land under licence L6736/1993/11 (licensee Park Royal Holdings Pty Ltd). No discharge to land occurs on the premises which is the subject of this licence.

Odour emissions from the abattoir are currently managed by containing odour emitting sources in an enclosed environment and through frequent removal of waste offsite via licensed contractors to licensed rendering places. Possible sources of odour emissions include the effluent treatment



ponds (anaerobic), the animal pens, manure and the abattoir (blood collection and storage, offal bins).

The nearest watercourse to the Premises is Wooroloo Brook which is an intermittent stream that runs through the LVP property.

This Licence is the successor to licence L7352/1989/9. The licence includes an amendment sought by the Licensee to remove the wastewater containment structures Pond 1 and Pond 8 from the licence.

As part of this licence reissue, DER has not reassessed the acceptability or impacts of emissions and discharges from the Premises or revisited any existing emission control levels. No changes to the conditions on the previous licence have been made with the exception of conditions 1.3.2 and 1.3.3 relating to waste water containment, and the addition of improvement condition 4.1.1 for submission for reports relating to waste water structures, waste water balance and groundwater.

The licence has also been updated to the latest format version.

The site is rated as medium risk and has been reissued for 5 years.

The previous licences and works approvals issued for the Premises since 21/02/2005 are:

Instrument log		
Instrument	Issued	Description
L7352/1989/6	21/02/2005	Licence re-issue
L7352/1989/7	13/02/2006	Licence re-issue
L7352/1989/9	13/02/2010	Licence re-issue
L7352/1989/9	13/10/2010	Licence amendment
L7352/1989/9	15/08/2013	Licence amendment to REFIRE format

#### Severance

It is the intent of these Licence conditions that they shall operate so that, if a condition or a part of a condition is beyond the power of this Licence to impose, or is otherwise *ultra vires* or invalid, that condition or part of a condition shall be severed and the remainder of these conditions shall nevertheless be valid to the extent that they are within the power of this Licence to impose and are not otherwise *ultra vires* or invalid.

#### END OF INTRODUCTION





## Licence conditions

### 1 General

#### 1.1 Interpretation

1.1.1 In the Licence, definitions from the *Environmental Protection Act 1986* apply unless the contrary intention appears.

1.1.2 In the Licence, unless the contrary intention appears:

**'Act'** means the *Environmental Protection Act 1986*;

**'annual period'** means the inclusive period from 1 April until 31 March in the following year;

**'AS/NZS 5667.1'** means the Australian Standard AS/NZS 5667.1 *Water Quality – Sampling – Guidance of the Design of sampling programs, sampling techniques and the preservation and handling of samples*;

**'AS/NZS 5667.6'** means the Australian Standard AS/NZS 5667.6 *Water Quality – Sampling – Guidance on sampling of rivers and streams*;

**'AS/NZS 5667.10'** means the Australian Standard AS/NZS 5667.10 *Water Quality – Sampling – Guidance on sampling of waste waters*;

**'averaging period'** means the time over which a limit or target is measured or a monitoring result is obtained;

**'CEO'** means Chief Executive Officer of the Department of Environment Regulation;

**'CEO'** for the purpose of correspondence means;

Manager Licensing (Process Industries Sector – Metropolitan)  
Department of Environment Regulation  
Locked Bag 33  
CLOISTERS SQUARE WA 6850  
Telephone: (08) 9333 7510  
Facsimile: (08) 9333 7550  
Email: grswanbooragoon@der.wa.gov.au;

**'Code of Practice for the Storage and handling of dangerous goods'** means the "Storage and handling of dangerous goods, Code of Practice" published by the Department of Mines and Petroleum, as amended from time to time;

**'controlled waste'** has the definition in *Environmental Protection (Controlled Waste) Regulations 2004*;

**'dangerous goods'** has the meaning defined in the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*;



**'environmentally hazardous material'** means material (either solid or liquid raw materials, materials in the process of manufacture, manufactured products, products used in the manufacturing process, by-products and waste) which if discharged into the environment from or within the premises may cause pollution or environmental harm. Note: Environmentally hazardous materials include dangerous goods where they are stored in quantities below placard quantities. The storage of dangerous goods above placard quantities is regulated by the Department of Mines and Petroleum;

**'freeboard'** means the distance between the maximum water surface elevations and the top of retaining banks or structures at their lowest point.;

**'fugitive emissions'** means all emissions not arising from point sources.

**'hardstand'** means a surface with a permeability of  $10^{-9}$  metres/second or less;

**'Licence'** means this Licence numbered L7352/1989/9 and issued under the Act ;

**'Licensee'** means the person or organisation named as Licensee on page 1 of the Licence;

**'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;

**'Premises'** means the area defined in the Premises Map in Schedule 1 and listed as the Premises address on page 1 of the Licence;

**'Schedule 1'** means Schedule 1 of this Licence unless otherwise stated;

**'Schedule 2'** means Schedule 2 of this Licence unless otherwise stated;

**'six monthly'** means the 2 inclusive periods from 1 April to 30 September and 1 October to 31 March in the following year;

**'spot sample'** means a discrete sample representative at the time and place at which the sample is taken;

**'usual working day'** means 0800 – 1700 hours, Monday to Friday excluding public holidays in Western Australia;

1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the standard in force from time to time during the term of this Licence.

1.1.4 Any reference to a guideline or code of practice in the Licence means the version of that guideline or code of practice in force from time to time, and shall include any amendments or replacements to that guideline or code of practice made during the term of this Licence.



## 1.2 General conditions

- 1.2.1 Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence, where the emission amounts to:
- (a) pollution;
  - (b) unreasonable emission;
  - (c) discharge of waste in circumstances likely to cause pollution; or
  - (d) being contrary to any written law.
- 1.2.2 The Licensee shall operate and maintain all pollution control and monitoring equipment to the manufacturer's specification or any internal management system.
- 1.2.3 The Licensee, except where storage is prescribed in section 1.3, shall ensure that environmentally hazardous materials are stored in accordance with the Code of Practice for the Storage and handling of dangerous goods.
- 1.2.4 The Licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.
- 1.2.5 The Licensee shall:
- (a) implement all practical measures to prevent stormwater run-off becoming contaminated by the activities on the Premises; and
  - (b) treat contaminated or potentially contaminated stormwater as necessary prior to being discharged from the Premises.<sup>1</sup>
- Note1: The Environmental Protection (Unauthorised Discharges) Regulations 2004 make it an offence to discharge certain materials into the environment.

## 1.3 Premises operation

- 1.3.1 The Licensee shall ensure that all wastewaters from piggery operations including wash down water, by-products wastewater and contaminated run-off are directed to a wastewater treatment system.
- 1.3.2 The Licensee shall ensure that waste material is only stored and/or treated within vessels or compounds provided with the infrastructure detailed in Table 1.3.1.

**Table 1.3.1: Containment infrastructure**

Storage vessel or compound	Material	Infrastructure requirements
Anaerobic Ponds 2 and 3 as shown on map 2 in Schedule 1	Wastewater	Clay lined ponds
Aerobic Ponds 4, 5, 6, 7 and 9 shown on map 2 in Schedule 1		
Abattoir by-products facility	Blood, waste meat tissue, gut contents and animal hair	Transportable sealed tankers
	Faecal matter and wash-down water	Bunded impervious hardstand





- 1.3.3 The Licensee shall manage all wastewater treatment ponds such that:
- (a) overtopping of the waste water treatment ponds does not occur;
  - (b) a minimum top of embankment freeboard of 600mm is maintained for Ponds 2 and 3;
  - (c) a minimum top of embankment freeboard of 1 metre is maintained for Ponds 4, 5, 6, 7 and 9;
  - (d) stormwater runoff is prevented from causing erosion of outer pond embankments;
  - (e) there is no discernible seepage loss of waste water treatment ponds;
  - (f) the integrity of the containment infrastructure is maintained;
  - (g) trapped overflows are maintained on the outlet of ponds to prevent carry-over of surface floating matter; and
  - (h) vegetation and floating debris (emergent or otherwise) is prevented from encroaching onto pond surfaces or inner pond embankments.
- 1.3.4 The Licensee shall ensure that where wastes produced on the Premises are not taken off-site for lawful use or disposal, they are managed in accordance with the process requirements in Table 1.3.2.

Table 1.3.2: Management of Waste		
Waste type	Process	Process requirements
Wastewater and process water	Handling and storage prior to treatment	All wastewater to be captured within the contained concrete hardstand, waste water collection pits and drainage system, and screened to capture any solid material prior to discharge to the treatment ponds.
	Treatment	All wastewater and process water captured in the concrete hardstand and wastewater collection pits to be diverted to the on-site wastewater treatment ponds.
Abattoir by-products	Handling and storage prior to disposal	<ul style="list-style-type: none"><li>i) All abattoir by-products shall be collected from all screens, traps and other similar devices at least daily; and</li><li>ii) All manure from the Lairage Sheds shall be removed daily while the sheds are in use.</li></ul>

- 1.3.5 The Licensee shall maintain a level indicator connected to audible alarms on the wastewater collection pit(s) before the level of the overflow pipe(s).
- 1.3.6 The Licensee shall ensure that should the alarms referred to in condition 1.3.5 be activated, slaughtering will immediately cease and not be resumed until the fault leading to the over-filling of the collection pit has been rectified.





## **2 Emissions**

### **2.1 General**

- 2.1.1 The Licensee shall record and investigate the exceedance of any descriptive or numerical limit or target specified in any part of section 2 of this Licence.

### **2.2-2.4 Point source emissions to air, surface water and groundwater**

There are no specified conditions relating to point source emissions to air, surface water or groundwater in this section.

### **2.5 Emissions to land**

There are no specified conditions relating to emissions to land in this section.

### **2.6 Fugitive emissions**

There are no specified conditions relating to fugitive emissions in this section.

### **2.7 Odour**

- 2.7.1 The Licensee shall ensure that odour emitted from the Premises does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person who is not on the Premises.

### **2.8 Noise**

There are no specified conditions relating to noise in this section.



### 3 Monitoring

#### 3.1 General monitoring

##### 3.1.1 The licensee shall ensure that:

- (a) all water samples are collected and preserved in accordance with AS/NZS 5667.1;
- (b) all wastewater sampling is conducted in accordance with AS/NZS 5667.10;
- (c) all surface water sampling is conducted in accordance with AS/NZS 5667.4, AS/NZS 5667.6 or AS/NZS 5667.9 as relevant; and
- (d) all laboratory samples are submitted to and tested by a laboratory with current NATA accreditation for the parameters being measured.

##### 3.1.2 The Licensee shall ensure that:

- (a) monthly monitoring is undertaken at least 15 days apart;
- (b) quarterly monitoring is undertaken at least 45 days apart;
- (c) six monthly monitoring is undertaken at least 5 months apart; and
- (d) annual monitoring is undertaken at least 9 months apart.

#### 3.2-3.4 Monitoring of point source emissions to air, surface water and groundwater

There are no specified conditions relating to monitoring of point source emissions to air, surface water or groundwater in this section.

#### 3.5 Monitoring of emissions to land

There are no specified conditions relating to monitoring of emissions to land in this section.

#### 3.6 Monitoring of inputs and outputs

##### 3.6.1 The Licensee shall install and maintain suitable metering devices to undertake the monitoring in Table 3.6.1 according to the specifications in that table:





Table 3.6.1: Monitoring of inputs and outputs				
Input/Output	Parameter	Units	Averaging period	Frequency
Wastewater pumped from the abattoir/piggery concrete hardstand via a stainless steel screen to the anaerobic Pond 2 (Pond 2 located in map 2 in Schedule 1)	Volume	m <sup>3</sup>	Monthly	Cumulative
Wastewater pumped offsite from Pond 9 (Pond 9 located in map 2 in Schedule 1)	Volume	m <sup>3</sup>	Monthly	Cumulative
	Total Suspended Solids (TSS)	mg/L	Spot sample	Every 6 months whilst wastewater is made available for off-site treatment and re-use or at least one sample prior to providing a "one-off" volume of treated wastewater for off-site re-use.
	Total dissolved Solids (TDS)	mg/L		
	5-Day Biochemical Oxygen Demand (BOD5)	mg/L		
	Total Nitrogen (TN)	mg/L		
	Total Phosphorus (TP)	mg/L		

### 3.7 Process monitoring

There are no specified conditions relating to process monitoring in this section.

### 3.8 Ambient environmental quality monitoring

3.8.1 The Licensee shall undertake the monitoring specified in Table 3.8.1 and record it.

Table 3.8.1: Monitoring of ambient surface water quality				
Monitoring point reference	Parameter	Units	Averaging period	Frequency
Wooroloo Brook Upstream and Downstream (SS02 & SS03) as located on map 3 in Schedule 1.	pH	-	Spot sample	Every 3-months
	Total Suspended Solids (TSS)	mg/L		
	Total dissolved Solids (TDS)	mg/L		
	5-Day Biochemical Oxygen Demand (BOD5)	mg/L		
	Total Nitrogen (TN)	mg/L		
	Total Phosphorus (TP)	mg/L		

### 3.9 Meteorological monitoring

There are no specified conditions relating to meteorological monitoring in this section.



## 4 Improvements

### 4.1 Improvement programme

4.1.1 The Licensee shall complete the improvements in Table 4.1.1 by the date of completion in Table 4.1.1.

**Table 4.1.1: Improvement programme**

Improvement reference	Improvement	Date of completion
IR1	The Licensee shall submit to the CEO a report that includes an assessment of the water balance of the wastewater treatment ponds listed in Table 1.3.2 to determine if the wastewater treatment ponds have capacity to treat and hold wastewater for the maximum amount of wastewater expected as a result of operation of the Premises.	15/03/2015
IR2	The Licensee shall submit to the CEO a report confirming the implementation of repair, maintenance and management of the wastewater system ponds in accordance with recommendations made in the report CMW Goesciences Pty Ltd, 2014, <i>Embankment Dam Stability Assessment, Linley Valley Park, Linley Valley Road, Woorlolo, WA</i> .	30/06/2015
IR3	The Licensee shall submit to the CEO a report that includes an assessment on the impact on groundwater as a result of the operation of the prescribed premises activity. The assessment shall contain but not be limited to: <ul style="list-style-type: none"><li>• the depth to groundwater;</li><li>• any groundwater monitoring results undertaken at the premises or up or down hydraulic gradient of the premises; and</li><li>• discussion on trends evident from and the groundwater monitoring results inclusive of any influences of wastewater storage.</li></ul>	30/06/2015





## 5 Information

### 5.1 Records

- 5.1.1 All information and records required by the Licence shall:
- (a) be legible;
  - (b) if amended, be amended in such a way that the original and subsequent amendments remain legible or are capable of retrieval;
  - (c) except for records listed in 5.1.1(d) be retained for at least 6 years from the date the records were made or until the expiry of the Licence or any subsequent licence; and
  - (d) for those following records, be retained until the expiry of the Licence and any subsequent licence:
    - (i) off-site environmental effects; or
    - (ii) matters which affect the condition of the land or waters.
- 5.1.2 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.
- 5.1.3 The Licensee shall complete an Annual Audit Compliance Report indicating the extent to which the Licensee has complied with the conditions of the Licence, and any previous licence issued under Part V of the Act for the Premises for the annual period.
- 5.1.4 The Licensee shall implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the Premises and any action taken in response to the complaint.

### 5.2 Reporting

- 5.2.1 The Licensee shall submit to the CEO at the Contact Address an annual environmental report within 30 calendar days after of the end of the annual period. The report shall contain the information listed in Table 5.2.1 in the format or form specified in that table.

Table 5.2.1: Annual Environmental Report		
Condition or table (if relevant)	Parameter	Format or form <sup>1</sup>
Table 3.6.1	Cumulative volumes	Monthly flow rates in tabular form
Table 3.6.1 and 3.8.1	pH, Total Suspended Solids, Total Dissolved Solids, 5-Day Biochemical Oxygen Demand, Total Nitrogen, Total Phosphorus	LR1
5.1.3	Compliance	AACR
5.1.4	Complaints summary	None specified
-	Monthly number of: (a) Piggery operation: number of animals housed; and (b) Abattoir operation: tonnages of animal slaughtered.	Tabular format: monthly maximum including total
-	Any changes to site boundaries, location of groundwater monitoring bores, surface drainage channels.	None specified
-	Summary of any failure or malfunction of any pollution control equipment or any incidents that have occurred during the year and any action taken	None specified

Note 1: Forms are in Schedule 2



- 5.2.2 The Licensee shall ensure that the Annual Environmental Report also contains:
- (a) an assessment of the information contained within the report against previous monitoring results and Licence limits and/or targets; and
  - (b) a list of any original monitoring reports submitted to the Licensee from third parties in the reporting period and make these reports available on request.

### 5.3 Notification

- 5.3.1 The Licensee shall ensure that the parameters listed in Table 5.3.1 are notified to the CEO at the Contact Address and in accordance with the notification requirements of the table.

Table 5.3.1: Notification requirements			
Condition or table (if relevant)	Parameter	Notification requirement <sup>1</sup>	Format or form <sup>2</sup>
2.1.1	Breach of any limit specified in the Licence	Part A: As soon as practicable but no later than 5PM of the next usual working day.  Part B: As soon as practicable	N1
-	Any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution		

Note 1: No notification requirement in the Licence shall negate the requirement to comply with s72 of the Act.

Note 2: Forms are in Schedule 2

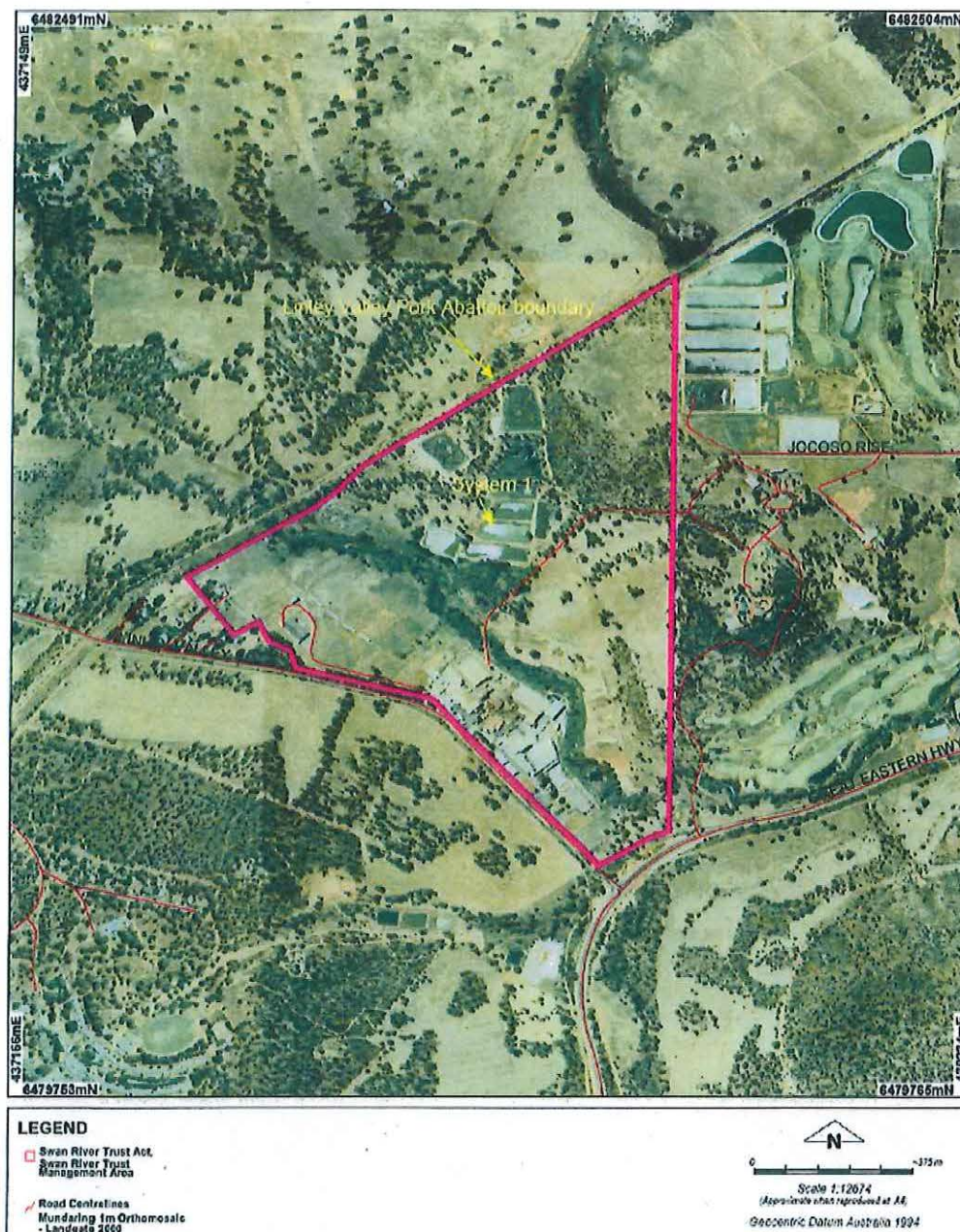




## Schedule 1: Maps

### Map 1 - Premises map

The Premises is shown in the map below. The pink line depicts the Premises boundary.







Map 2 – Pond layout







Map 3 – Surface water monitoring locations





## Schedule 2: Reporting & notification forms

These forms are provided for the proponent to report monitoring and other data required by the Licence. They can be requested in an electronic format.

### ANNUAL AUDIT COMPLIANCE REPORT PROFORMA

#### SECTION A LICENCE DETAILS

Licence Number:	Licence File Number:
Company Name: Trading as:	ACN:
Reporting period: _____ to _____	

#### STATEMENT OF COMPLIANCE WITH LICENCE CONDITIONS

1. Were all conditions of the Licence complied with within the reporting period? (please tick the appropriate box)

Yes ☐ Please proceed to Section C

No ☐ Please proceed to Section B

Each page must be initialled by the person(s) who signs Section C of this Annual Audit Compliance Report (AACR).

Initial:





## SECTION B

### DETAILS OF NON-COMPLIANCE WITH LICENCE CONDITION.

Please use a separate page for each Licence condition that was not complied with.

a) Licence condition not complied with:	
b) Date(s) when the non compliance occurred, if applicable:	
c) Was this non compliance reported to DER?:	
<input type="checkbox"/> Yes <input type="checkbox"/> Reported to DER verbally Date _____ <input type="checkbox"/> Reported to DER in writing Date _____	<input type="checkbox"/> No
d) Has DER taken, or finalised any action in relation to the non compliance?:	
e) Summary of particulars of the non compliance, and what was the environmental impact:	
f) If relevant, the precise location where the non compliance occurred (attach map or diagram):	
g) Cause of non compliance:	
h) Action taken, or that will be taken to mitigate any adverse effects of the non compliance:	
i) Action taken or that will be taken to prevent recurrence of the non compliance:	

Each page must be initialled by the person(s) who signs Section C of this AACR

Initial:





## SECTION C

### SIGNATURE AND CERTIFICATION

This Annual Audit Compliance Report (AACR) may only be signed by a person(s) with legal authority to sign it. The ways in which the AACR must be signed and certified, and the people who may sign the statement, are set out below.

Please tick the box next to the category that describes how this AACR is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the licence holder is		The Annual Audit Compliance Report must be signed and certified:
An individual	<input type="checkbox"/> <input type="checkbox"/>	by the individual licence holder, or by a person approved in writing by the Chief Executive Officer of the Department of Environment Regulation to sign on the licensee's behalf.
A firm or other unincorporated company	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A corporation	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	by affixing the common seal of the licensee in accordance with the <i>Corporations Act 2001</i> ; or by two directors of the licensee; or by a director and a company secretary of the licensee, or if the licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A public authority (other than a local government)	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
a local government	<input type="checkbox"/> <input type="checkbox"/>	by the chief executive officer of the licensee; or by affixing the seal of the local government.

It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this annual audit compliance report is correct and not false or misleading in a material particular.

SIGNATURE: \_\_\_\_\_

NAME:  
(printed) \_\_\_\_\_

POSITION: \_\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

SEAL (if signing under seal)

SIGNATURE: \_\_\_\_\_

NAME:  
(printed) \_\_\_\_\_

POSITION: \_\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_



Licence: L7352/1989/9  
Form: N1

Licensee: Westpork Pty Ltd  
Date of breach:

**Notification of detection of the breach of a limit or any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution.**

These pages outline the information that the operator must provide.

Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

**Part A**

Licence Number	
Name of operator	
Location of Premises	
Time and date of the detection	

**Notification requirements for the breach of a limit**

Emission point reference/ source	
Parameter(s)	
Limit	
Measured value	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

**Notification requirements for any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution**

Date and time of event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances potentially released	
Best estimate of the quantity or rate of release of substances	
Measures taken, or intended to be taken, to stop any emission	
Description of the failure or accident	



## Part B

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident.	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission.	
The dates of any unauthorised emissions from the installation in the preceding 24 months.	

Name*	
Post	
Signature on behalf of Westpork Pty Ltd	
Date	





# Decision Document

## *Environmental Protection Act 1986, Part V*

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**Proponent:** Derby Industries Pty Ltd  
**Licence:** L7352/1989/10

**Registered office:** 6 Short Street  
FREMANTLE WA 6160

**ACN:** 009 033 612

**Premises address:** Linley Valley Pork  
Lot 7 on Diagram 45818, Lot 8 on Diagram 43110, Lot 10 on Plan 12508,  
Lot 421 on Plan 300357 and Lot 5485 on Plan 114980  
Linley Valley Road  
Wundowie WA 6560  
as depicted in Schedule 1.

**Issue date:** Thursday, 5 February 2015

**Commencement date:** Friday, 13 February 2015

**Expiry date:** Wednesday, 12 February 2020

### Decision

Based on the assessment detailed in this document the Department of Environment Regulation (DER), has decided to issue an amended licence. DER considers that in reaching this decision, it has taken into account all relevant considerations.

Decision Document prepared by: Lindy Twycross  
Licensing Officer

Decision Document authorised by: Ed Schuller  
Manager Licensing



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## 1 Purpose of this Document

This decision document explains how DER has assessed and determined the application and provides a record of DER's decision-making process and how relevant factors have been taken into account. Stakeholders should note that this document is limited to DER's assessment and decision making under Part V of the *Environmental Protection Act 1986*. Other approvals may be required for the proposal, and it is the proponent's responsibility to ensure they have all relevant approvals for their Premises.

### Works approval and licence conditions

DER has three types of conditions that may be imposed on works approvals and licences. They are as follows;

#### Standard conditions (SC)

DER has standard conditions that are imposed on all works approvals and licences regardless of the activities undertaken on the Premises and the information provided in the application. These are included as the following conditions on works approvals and licences:

Works approval conditions: 1.1.1-1.1.4, 1.2.1, 1.2.2, 5.1.1 and 5.1.2.

Licence conditions: 1.1.1-1.1.4, 1.2.1-1.2.4, 5.1.1-5.1.4 and 5.2.1.

For such conditions, justification within the Decision Document is not provided.

#### Optional standard conditions (OSC)

In the interests of regulatory consistency DER has a set of optional standard conditions that can be imposed on works approvals and licences. DER will include optional standard conditions as necessary, and are likely to constitute the majority of conditions in any licence. The inclusion of any optional standard conditions is justified in Section 4 of this document.

#### Non standard conditions (NSC)

Where the proposed activities require conditions outside the standard conditions suite DER will impose one or more non-standard conditions. These include both premises and sector specific conditions, and are likely to occur within few licences. Where used, justification for the application of these conditions will be included in Section 4.



## 2 Administrative summary

Administrative details		
Application type	Works Approval <input type="checkbox"/> New Licence <input checked="" type="checkbox"/> Licence amendment <input type="checkbox"/> Works Approval amendment <input type="checkbox"/>	
Activities that cause the premises to become prescribed premises	Category number(s)	Assessed design capacity
	2	3,500 animals per day
	15	80,000 tonnes per annual period
Application verified	Date: 03/12/2014	
Application fee paid	Date: 31/12/2014	
Works Approval has been complied with	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Compliance Certificate received	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Commercial-in-confidence claim	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Commercial-in-confidence claim outcome	NA	
Is the proposal a Major Resource Project?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Was the proposal referred to the Environmental Protection Authority (EPA) under Part IV of the <i>Environmental Protection Act 1986</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No: EPA Report No:
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the <i>Environmental Protection Act 1986</i> )?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Department of Water consulted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises within an Environmental Protection Policy (EPP) Area Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes include details of which EPP(s) here.		
Is the Premises subject to any EPP requirements? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, include details here, eg Site is subject to SO <sub>2</sub> requirements of Kwinana EPP.		





### **3 Executive summary of proposal and assessment**

Derby Industries Pty Ltd operates Linley Valley Pork (LVP) which includes an intensive piggery and an abattoir situated on Linley Valley Road, Wundowie.

The abattoir slaughters approximately 14,000 pigs per week. Prior to slaughtering, the pigs are housed in a lairage that consist of a series of pens, which have a slatted concrete surface. Other abattoir operations include dehairing, boning, chilling and freezing of the pork products. Animal by-products such as blood, waste tallow, meat tissue, gut contents and hair are collected and transported off-site for processing.

Following a breach of a wall of Pond 1 of the wastewater treatment system on 10 /01/2014/01/2014, a geotechnical risk assessment of waste water treatment Ponds 2 - 9 was conducted by CMW Goesciences Pty Ltd. The subsequent report - *Embankment Dam Stability Assessment, Linley Valley Pork, Linley Valley Road, Wooroloo WA*, noted that a number of pond embankment dams were considered to provide a high level of risk with respect to slope instability. The report included recommendations for pond repair and management. LVP has commenced implementation of these recommendations, and the recommendations have been included in this licence as an improvement condition. Ponds 1 and 8 have been removed from the wastewater treatment system.

The waste water treatment system now comprises of anaerobic Ponds 2 and 3, and aerobic Ponds 4, 5, 6, 7 and 9.

Semi-treated wastewater is sent off-site to the neighbouring El Caballo premises and further treated prior to irrigation onto land (under licence L6736/1993/11, Park Royal Holdings Pty Ltd). No discharge to land occurs on the premises which is the subject of this licence.

Odour emissions from the abattoir are currently managed by containing odour emitting sources in an enclosed environment and through frequent removal of waste offsite via licensed contractors to licensed rendering places. Possible sources of odour emissions include the effluent treatment ponds (anaerobic), the animal pens, manure and the abattoir (blood collection and storage, offal bins).

The nearest watercourse to the Premises is Wooroloo Brook which is an intermittent stream that runs through the LVP property.

This Licence is the successor to licence L7352/1989/9. The licence includes an amendment sought by the Licensee to remove the waste water containment structures Pond 1 and Pond 8 from the licence.

As part of this licence reissue, DER has not reassessed the acceptability or impacts of emissions and discharges from the Premises or revisited any existing emission control levels. No changes to the conditions on the previous licence have been made with the exception of conditions 1.3.2 and 1.3.3 relating to waste water containment, and the addition of improvement condition 4.1.1 for submission for reports relating to waste water structures, waste water balance and groundwater.

The licence has also been updated to the latest format version.

The licence is assessed as medium risk and has been reissued for 5 years.



## 4 Decision table

All applications are assessed in line with the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987*, and DER's Operational Procedure on Assessing Emissions and Discharges from Prescribed Premises. Where other references have been used in making the decision they are detailed in the decision document.

DECISION TABLE				
Works Approval / Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
Premises operation	L1.3.2 L1.3.3	OSC NSC	<p>Waste water leaking from anaerobic Pond 1 was detected during Linley Valley Pork's (LVP) daily inspection on 10 January 2014. The spill was caused by the breach of a wall of Pond 1. Pond 1 was immediately removed from the wastewater treatment system. CMW Geosciences Pty Ltd (CMW) carried out a geotechnical investigation on the embankments of the series of wastewater treatment Ponds 2- 9 and provided a pond embankment stability risk assessment with recommendations.</p> <p><u>Emission Description</u> <i>Emission:</i> Wastewater being discharged from wastewater ponds from leakage or overtopping of pond capacity.</p> <p><i>Impact:</i> CMW's report included that:</p> <ul style="list-style-type: none"><li>the ponds have been constructed by local cut fill earthworks most likely with limited material selection and compaction control; and</li><li>a number of pond embankment dams are considered to provide a high level of risk with respect to slope instability.</li></ul> <p>Impact could result in localised alteration to the environment with contamination of surrounding land, surface water systems and groundwater. Worolloo Brook runs through the LVP property and is approximately 150m south of the wastewater treatment system. Potential impacts on ecology of surface water from the addition of nutrients. Depth to groundwater is approximately 9m though topography of the site varies.</p>	<p>Amendment application supporting documentation</p> <p>CMW Geosciences Pty Ltd, 24 July 2014, <i>Embankment Dam Stability Assessment, Linley Valley Pork, Linley Valley Road, Worolloo, WA</i></p>





DECISION TABLE				
Works Approval / Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
			<p><i>Controls:</i> CMW's report made a number of recommendations for remedial work and management of the ponds, including:</p> <ul style="list-style-type: none"><li>• remedial/maintenance works to Ponds 4 and 8,</li><li>• increasing freeboard of Ponds 4, 5, 6, 7 and 9 to 1.0 metres to improve pond wall stability and to provide a water volume buffer for extreme weather events; and</li><li>• ensuring elevated water levels do not develop within Ponds 2 and 3.</li></ul> <p>LVP has disconnected Pond 1 and Pond 8 from the waste water treatment system and commenced implementation of the recommendations of the report.</p> <p><u>Risk Assessment</u> <i>Consequence:</i> Moderate <i>Likelihood:</i> Unlikely <i>Risk Rating:</i> Moderate</p> <p><u>Regulatory Controls</u> Condition 1.3.2 has been amended to account for the disconnection of Pond 1 and Pond 8 as wastewater containment structures.</p> <p>The previous licence condition 1.3.3 required a minimum embankment freeboard of 600mm. CMW's report recommended that a freeboard of 1 metre be maintained in Ponds 4 – 9. This recommendation has been added to condition 1.3.3.</p> <p>An improvement condition for a water balance has been included to confirm that the wastewater treatment system can accommodate the inflow with the removal of Ponds 1 and 8 (see Improvements section below).</p>	



## DECISION TABLE

Works Approval / Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
			<p>An improvement condition has been included to ensure all the recommendations of the CMW report are completed and implemented (see Improvements section below).</p> <p>An improvement condition has been included for completion of a groundwater impact report (see Improvements section below).</p> <p><u>Residual Risk</u> <i>Consequence:</i> Moderate <i>Likelihood:</i> Rare <i>Risk Rating:</i> Moderate</p>	
Improvements	L4.1.1	NSC	<p>Water balance calculations made in 2009 demonstrated that the wastewater system using Ponds 1 – 9 could easily treat inflow of 600ML per year. Current inflows are approximately 300ML per year with the abattoir's throughput of 50,000 tonnes per year and piggery housing up to 3,500 animals. IR1 has been added to confirm the ponds have capacity to treat and hold wastewater for the maximum licenced capacity of the premises with removal of Pond 1 and Pond 8 from the system.</p> <p>IR2 has been added to ensure all the recommendations of the CMW report are completed and implemented.</p> <p>Groundwater monitoring is not required by conditions of the licence. IR3 has been added to assess impacts to ground water.</p>	CMW Goesciences Pty Ltd, 24 July 2014, <i>Embankment Dam Stability Assessment, Linley Valley Pork, Linley Valley Road, Woorlolo, WA</i>
Licence Duration	N/A	N/A	The licence is assessed as medium risk and has been reissued for 5 years.	



## 5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
12/01/2015	Application for licence reissue advertised in the West Australian newspaper.	No comments received	Not applicable
20/01/2015	Draft reissue licence sent to Licensee for comment	Requests : (i) For optional standard wording 1.3.3(h) changed to allow vegetation to encroach surface of anaerobic ponds.  (ii) For IR3 to provide historical groundwater information to determine if groundwater has been impacted by wastewater storage on site, as a preliminary assessment, rather than a detailed source pathway –receptor conceptual site model and risk assessment, at this stage.	(i) Advised that assessment for amendment 1.3.3(h) be completed as a separate amendment, as further information would be required for an assessment to be made.  (ii) Advised that IR3 would be reworded to require an assessment on the impact of the premises prescribed activities on groundwater, as an initial background assessment.





## 6 Risk Assessment

*Note: This matrix is taken from the DER Corporate Policy Statement No. 07 - Operational Risk Management*

**Table 1: Emissions Risk Matrix**

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Moderate	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	Extreme
Unlikely	Low	Moderate	Moderate	Moderate	High
Rare	Low	Low	Moderate	Moderate	High