Government of Western Australia
Department of Water and Environmental Regulation

Works Approval

Works Approval Number	W6062/2017/1
Works Approval Holder	Scotts Fishing Co Pty Ltd
ACN	125 441 081
Registered business address	342 Eliza Shaw Drive White Peak WA 6532
File Number	DER2017/001003
Duration	17/10/2017 to 17/10/2025
Date of amendment	6/10/2022
Prescribed Premises	Category 2 Intensive Piggery
Premises	Scotts Fishing Co Pty Ltd Lot 25 on Plan 24065 Willigulli Road Sandy Gully WA 6535

This works approval is granted to the works approval holder, subject to the following conditions, on 06 October 2022, by:

Caron Goodbourn

Digitally signed by Caron Goodbourn
Date: 2022.10.07 09:50:01 +08'00'

Caron Goodbourn
MANAGER, PROCESS INDUSTRIES
an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

Explanatory notes

These explanatory notes do not form part of this Works Approval.

Defined terms

Definition of terms used in this Works Approval can be found at the start of this Works Approval. Terms which are defined have the first letter of each word capitalised throughout this Works Approval.

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 and works approvals, takes enforcement action and develops and implements licensing and industry regulation policy.

Works Approval

Section 52 of the EP Act provides that an occupier of any premises commits an offence if any work is undertaken on, or in relation to, the premises which causes the premises to become, or to become capable of being, Prescribed Premises, except in accordance with a works approval.

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 Works Approval 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 Works Approval Holder to ensure that any action or activity referred to in this Works Approval is permitted by, and is carried out in compliance with, statutory requirements.

The Works Approval Holder must comply with the Works Approval. Contravening a Works Approval Condition is an offence under s.55 of the EP Act.

Responsibilities of Works Approval Holder

Separate to the requirements of this Works Approval, general obligations of Works Approval Holders are set out in the EP Act and the regulations made under the EP Act. For example, the Works Approval Holder must comply with the following provisions of the EP Act:

- the duties of an occupier under s.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 Works Approval Holder has a duty to report to the Department 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 Works Approval 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 Works Approval Holder and these are set out in the EP Act. Section 74A(b)(iii) 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 Works Approval Holder can prove that an Emission or Discharge occurred in accordance with a Works Approval.

This Works Approval 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 the Works authorised through this Works Approval are authorised to be conducted in accordance with the Conditions of this Works Approval.

Amendment of Works Approval

The Works Approval Holder can apply to amend the Conditions of this Works Approval 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 Works Approval at any time on the initiative of the CEO without an application being made.

Duration of Works Approval

The Works Approval will remain in force for the duration set out on the first page of this Works Approval 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 Works Approval in accordance with s.59A of the EP Act.

Definitions and interpretation

Definitions

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

Table 1: Definitions

Term	Definition
ARI	Means the Average Recurrence Interval, and defined as the average, or expected, value of the periods between exceedances of a given rainfall total accumulated over a given duration.
AS1289.3.1.2	means the Australian Standard AS 1289.3.1.2 Methods of testing soils for engineering purposes - Soil classification tests - Determination of the liquid limit of a soil - One point Casagrande method (subsidiary method).
AS 1289.3.3.1	means the Australian Standard AS 1289.3.3.1 Methods of testing soils for engineering purposes - Soil classification tests - Calculation of the plasticity index of a soil.
AS 1289.3.6.1	means the Australian Standard AS 1289.3.6.1 Methods of testing soils for engineering purposes - Soil classification tests - Determination of the particle size distribution of a soil - Standard method of analysis by sieving.
AS 1289.3.8.1	means the Australian Standard AS 1289.3.8.1 Methods of testing soils for engineering purposes – Soil classification tests – Dispersion - Determination of Emerson class number of a soil.
AS 1289.5.2.1	means the Australian Standard AS 1289.5.2.1 Methods of testing soils for engineering purposes - Soil compaction and density tests - Determination of the dry density/moisture content relation of a soil using modified compactive effort.
AS 1289.5.4.2-2007	means the Australian Standard AS 5.4.2 Methods of testing soils for engineering purposes - Soil compaction and density tests - Compaction control test.
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 *Environmental Protection Act 1986* Locked Bag 33 Cloisters Square PERTH WA 6850 info-der@dwer.wa.gov.au
Condition	means a condition to which this Works Approval is subject.
Department	means the Department established under s.35 of the *Public Sector Management Act 1994* 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 Works Approval Holder in writing and sent to the Works Approval's address for notifications, as described at the front of this Works Approval, in relation to: (a) compliance with the EP Act or this Works Approval; (b) the Books or other sources of information maintained in accordance with this Works Approval; or (c) the Books or other sources of information relating to Emissions from the Premises.
DWER	Department of Water and Environmental Regulation
EP Act	means the *Environmental Protection Act 1986* (WA).
EP Regulations	means the *Environmental Protection Regulations 1987* (WA).
Inspector	means an inspector appointed by the CEO in accordance with s.88 of the EP Act.
Premises	refers to the premises to which this Works Approval applies, as specified at the front of this Works Approval and as shown on the map in Schedule 1 to this Works Approval.
Works	refers to the Works described in Schedule 2, at the locations shown in Schedule 1 of this Works Approval to be carried out at the Premises, subject to the Conditions.

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 Works Approval means the version of the standard, guideline or code of practice in force at the time of granting of this Works Approval and includes any amendments to the standard, guideline or code of practice which may occur from time to time during the course of the Works Approval; and

(e) unless specified otherwise, any reference to a section of an Act refers to that section of the EP Act.

Conditions

Infrastructure and equipment

1. The Works Approval Holder must install and undertake the Works for the infrastructure and equipment:

   (a) specified in Column 1; and
   (b) to the requirements specified in Column 2;

   of Table 3 in Schedule 2.

2. The Works Approval Holder must not depart from the requirements specified in Column 2 of Table 3 except:

   (a) where such departure does not increase risks to public health, public amenity or the environment; and
   (b) all other Conditions in this Works Approval are still satisfied.

3. Subject to Condition 2, within 30 days of the completion of the Works specified in Column 1 of Table 3 in Schedule 2, the Works Approval Holder must provide to the CEO a report with photographs confirming each item of infrastructure or component of infrastructure specified in Column 1 of Table 3 has been constructed with no material defects and to the requirements specified in Column 2.

4. Where a departure from the requirements specified in Column 2 of Table 3 of Schedule 2 occurs and is of a type allowed by Condition 2, the Works Approval Holder must provide to the CEO a description of, and explanation for, the departure along with the report required by Condition 3.

Emissions

5. The Works Approval Holder must not cause any Emissions from the Works authorised through this Works Approval except for 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**
General Emissions	
Emissions which arise from undertaking the Works set out in Schedule 2.	Emissions excluded from General Emissions are: • 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 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 P*rotection (Unauthorised Discharges) Regulations 2004*.

Record-keeping

6. The Works Approval Holder must maintain accurate Books including information, reports and data in relation to the Works and the Books must:

   (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;

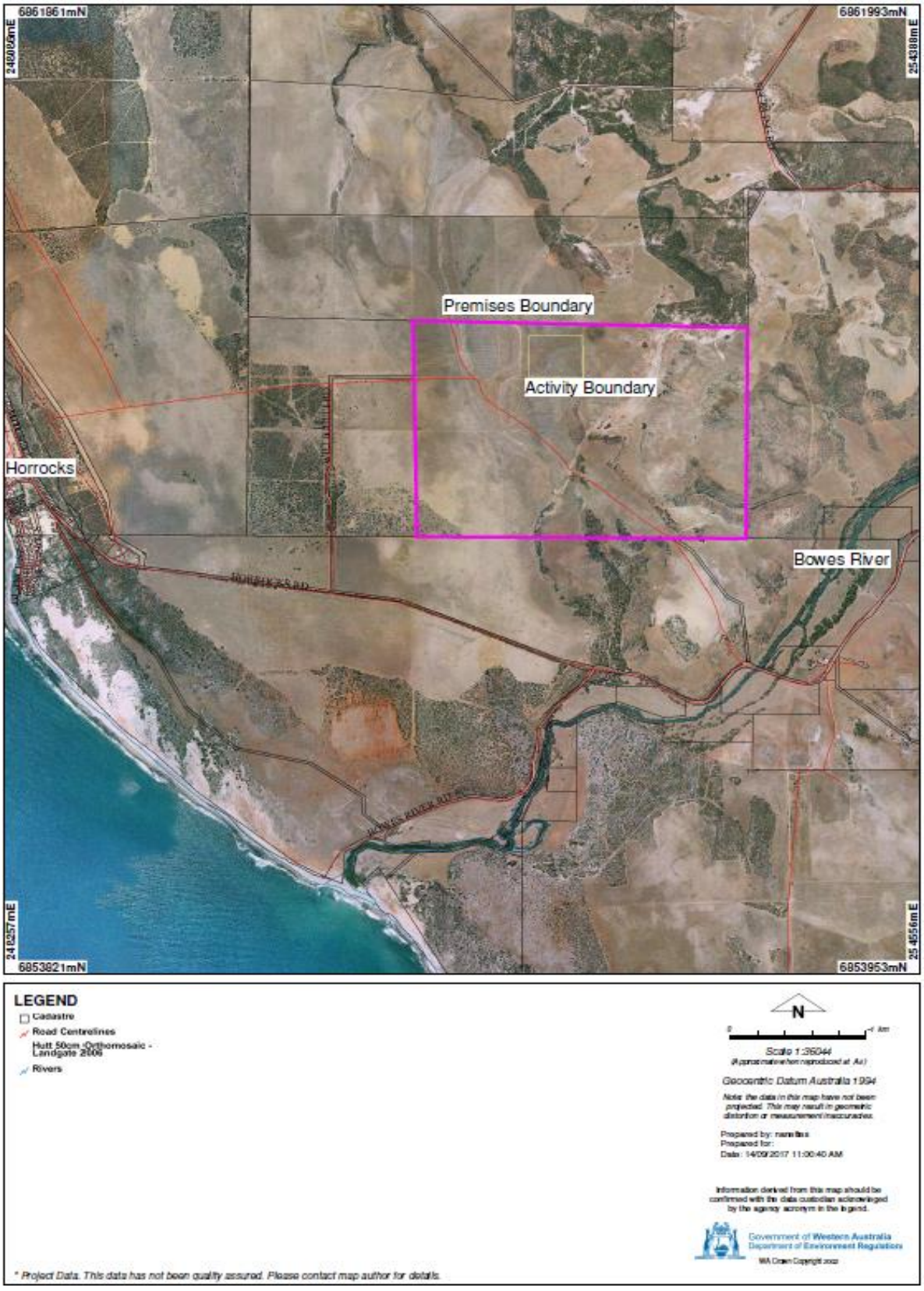
   (c) be retained for at least 3 years from the date the Books were made;

   (d) be available to be produced to an Inspector or the CEO.

7. The Works Approval 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 maps

The Premises boundary (pink outline) and the activity boundary (yellow outline) for the proposed piggery are depicted in the map below.



Schedule 2: Works

Table 3: Infrastructure and equipment requirements table

Column 1	Column 2
Infrastructure / Equipment	Requirements (design and construction)
All infrastructure and equipment	To be located generally in accordance with the site plan, as shown in Figure 1 of Schedule 2.
All piggery sheds	(a) The domed cover of the sheds are to be constructed from a water-proof and non-reflective PVC plastic; (b) The domed cover is to be 4m at the highest point and the width of the sheds are to be 12m wide with solid walls at ends and at the sides;; (c) The sheds are to be separated by a distance of at least five times their height to maximise ventilation; (d) All sheds are to be mechanically ventilated; (e) The floor and drainage system must prevent the discharge of effluent to the environment; and (f) Stormwater runoff is to be directed away from the sheds and the shed floors constructed to prevent the egress of stormwater.
Conventional piggery shed x 1	(a) The farrowing shed is to be constructed to hold a maximum of 40 sows at any one time; (b) The floor is to be concrete with partially slatted boards; (c) The floor must have a concrete pit underneath each farrowing crate capable of collecting all effluent from the farrowing crate; (d) The floor is to have a slope of 5 degrees to allow effective drainage of all flushing water and effluent to the effluent drainage system; and (e) The shed is to be designed and constructed to include a mist spray system to assist with cooling the sows during hot summer months and heating pads to keep suckers warm during the cold winter months.
Deep litter piggery sheds x 41	(a) The sheds must have a concrete floor with a slope of 3 degrees to allow effective drainage of all flushing water to the effluent drainage system; and (b) All sheds are to include a raised feeding area which is 3m in depth and 100mm above the floor of the shed where self-feeders are included in the feeding area.
Effluent drainage system	(a) The drains are to be constructed from smooth concrete with a minimum slope of 2 degrees to facilitate drainage of effluent apart from traffic areas where the pipes are to be constructed from unplasticised polyvinyl chloride (uPVC); (b) The dimensions of the drains are to be 200mm deep x 300mm wide; and (c) The drains are to direct all effluent and washdown water from the piggery sheds to the operating anaerobic pond.
All wastewater ponds	(a) Designed and constructed to the dimensions specified in Figure 6 and 7 of Schedule 2;; (b) Designed and constructed to be fit for purpose for receiving all effluent from the maximum number of pigs on site and of suitable capacity allowing for: (i) subject to (ii), a minimum top of embankment freeboard of 500mm at all times; and (ii) designed to spill no more than 1 in 10 years. (c) Embankments to be designed and constructed to prevent erosion as a result of stormwater runoff including;

Column 1	Column 2
Infrastructure / Equipment	Requirements (design and construction)
	(i) appropriate embankment construction material as well as sufficient compaction of soil; and (ii) batter slopes of approximately 18 degrees to maintain embankment stability; (d) Ponds to include a 300mm compacted clay liner which achieves a permeability of 1 x 10^{-9}m /second; (e) The clay liner must meet the following specifications: (i) more than 25% passing a 75-micron sieve; tested using AS 1289 3.6.1-2009; (ii) more than 15% passing a 2-micron sieve, tested using AS 1289 3.6.1-2009; (iii) liquid limit with acceptability of 30% to 70% tested using AS 1289 3.1.2-2009; (iv) plasticity index with acceptability of more than 15, tested using method AS 1289 3.3.1-2009; and (v) Emerson class number with acceptability of 5 to 6 tested using AS 1289 3.8.1-2006. (f) Soils used for the liner must be free from plant roots and reactive, soluble and organic matter; (g) With regards the percentage fines, the liner material must meet the following acceptability criteria; (i) The liner material must be homogeneous in nature and properties with no sandy patches exceeding the liner specification or rocks retained on a 37.5mm sieve; and (ii) The liner must be installed in at least two layers of equal thickness to ensure adequate compaction is achieved and be moisture-conditioned to achieve the maximum design soil density exceeding the 95 percent maximum (in place) dry density (MDD) determined using AS 1289 .5.2.1 (2003) and AS 1289 5.4.2 (2007). (h) The minimum thickness of the compacted soil liner should be 30 cm with a tolerance within 5 cm; (i) The compacted liner must uniformly cover both the base and perimeter of the pond to achieve one integrated holding pond; (j) The clay liner to be covered by a 100mm gravel layer to protect the liner during desludging events. The cover must be applied in a manner that does not damage the lining and allows access for machines to desludge the pond without damage to the liner; (k) The preparation and construction of the pond subgrade and liner must be supervised by a competent and experienced geotechnical professional; (l) The liner must be certified in accordance with section 17 (Liner certification) of *Water Quality Protection Note 27 – Liners for containing pollutants, using engineered soils*, Western Australian Department of Water (August 2013); (m) The inlet pipe for each pond is to be positioned beyond the toe of the pond wall and at a depth of less than 0.5m from the embankment crest level (above the maximum surface water level); (n) The inlet pipe is to be located in a position which allows access for inspection and the clearing of debris; (o) The outlet pipes are to include a tee fitting to exclude floating debris and minimise blockages; (p) The floor of the ponds are to be located a minimum of 2m above the highest level of groundwater; and (q) Pipes to be uPVC with a minimum 300mm diameter.

Column 1	Column 2
Infrastructure / Equipment	Requirements (design and construction)
Anaerobic ponds x 2	(a) Designed to allow access for desludging; and (b) Each pond to be constructed with a surface area of 300m^2 and a depth of 2m.
Facultative pond x 1	Constructed with a width of 25m, length of 25m and a depth of 1 metre.
Solid waste hardstand	(a) Base of hardstand to have a compacted clay base with a design permeability standard of 1 x 10^{-9} m/second; (b) Hardstand to include a minimum 300mm thickness layer of inert granular or gravel material to cover the compacted clay base where the granular layer is applied in a manner that allows the deposit and removal of solid waste without damage to the clay liner; and (c) Hardstand to include a sump to collect rainfall and leachate and bunded sides to contain leachate and prevent egress of stormwater.

At the time of assessment, Emissions and Discharges from the Works listed in Table 4 were considered in the determination of the risk and related Conditions for the Works Approval.

Table 4: Authorised Works

Works	Specification and Location
1 x conventional pig shed	Infrastructure as shown in Figure 2 and the location is shown in Figure 2 of Schedule 2
41 x deep litter pig sheds and	Infrastructure as shown in Figure 2 and the location is shown in Figure 2 of Schedule 2
2 x wastewater anaerobic ponds	Dimensions as shown in Figure 6 of Schedule 2 and the location as shown in Figure 2 of Schedule 2
1 x wastewater facultative pond	Dimensions as shown in Figures 7 of Schedule 2 and the location as shown in Figure 2 of Schedule 2
An effluent drainage system	The location is shown in Figure 2 of Schedule 2
A solid waste bunded hardstand area (labelled as deep litter composting)	The dimensions and location are shown in Figure 2 of Schedule 2

Site layout

The infrastructure and equipment are set out on the Premises in accordance with the site layout specified on the Premises map in Schedule 1 and in Figures 1 to 7 of Schedule 2.

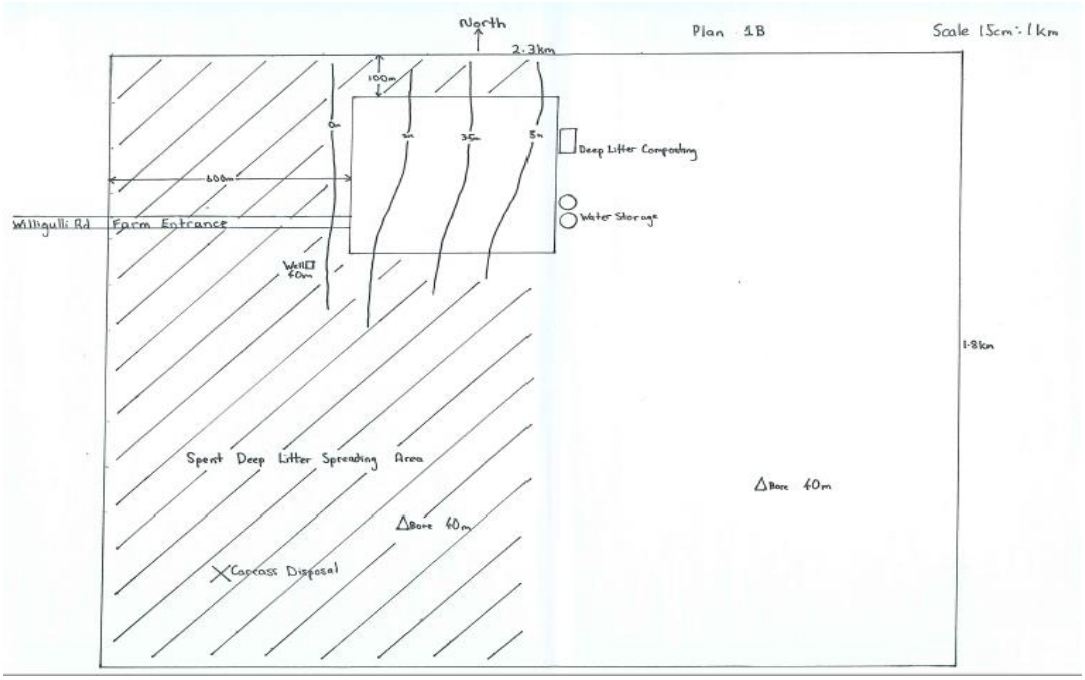


Figure 1: Infrastructure layout showing the activity boundary, burial pit and reuse spreading area

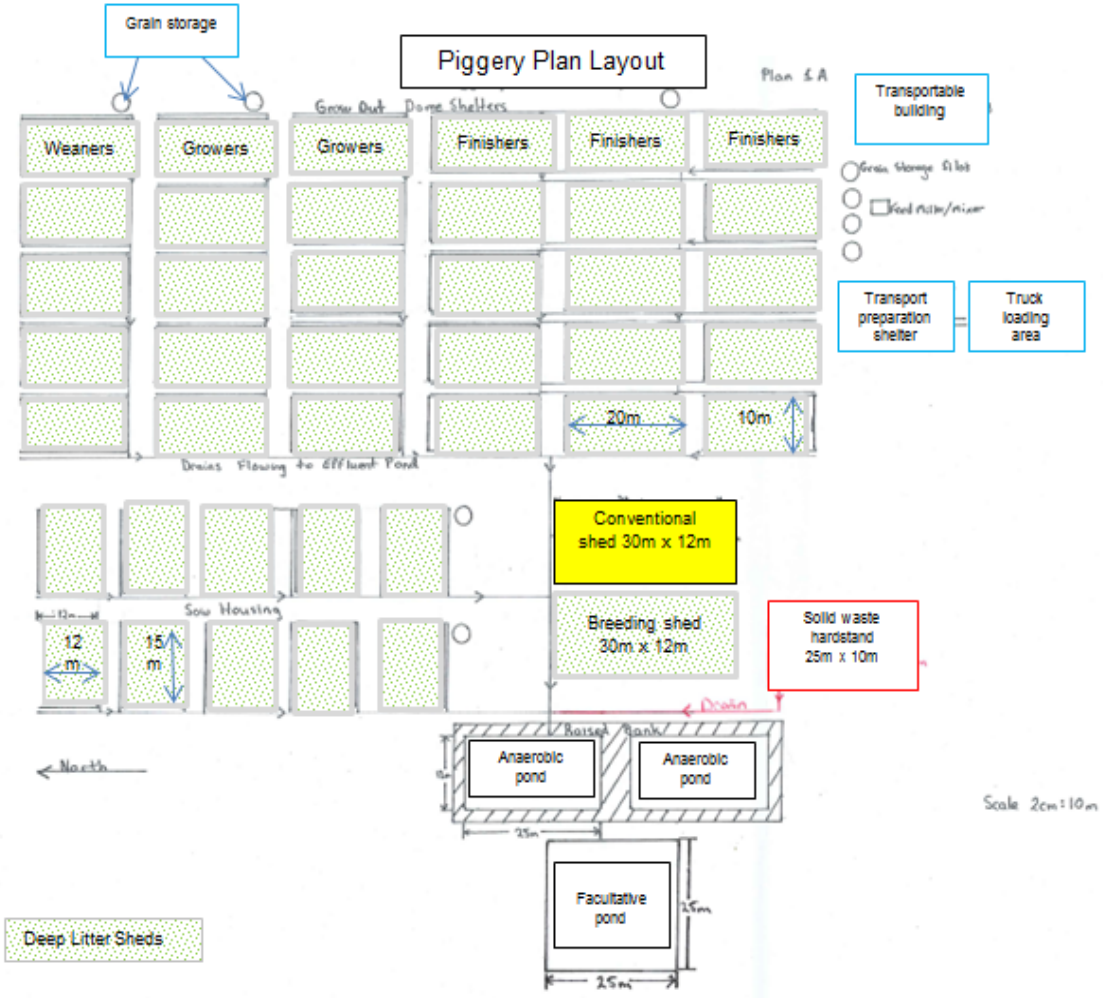


Figure 2: Premises layout showing the deep litter sheds and the conventional shed, effluent drainage system, solid waste hardstand and the wastewater ponds

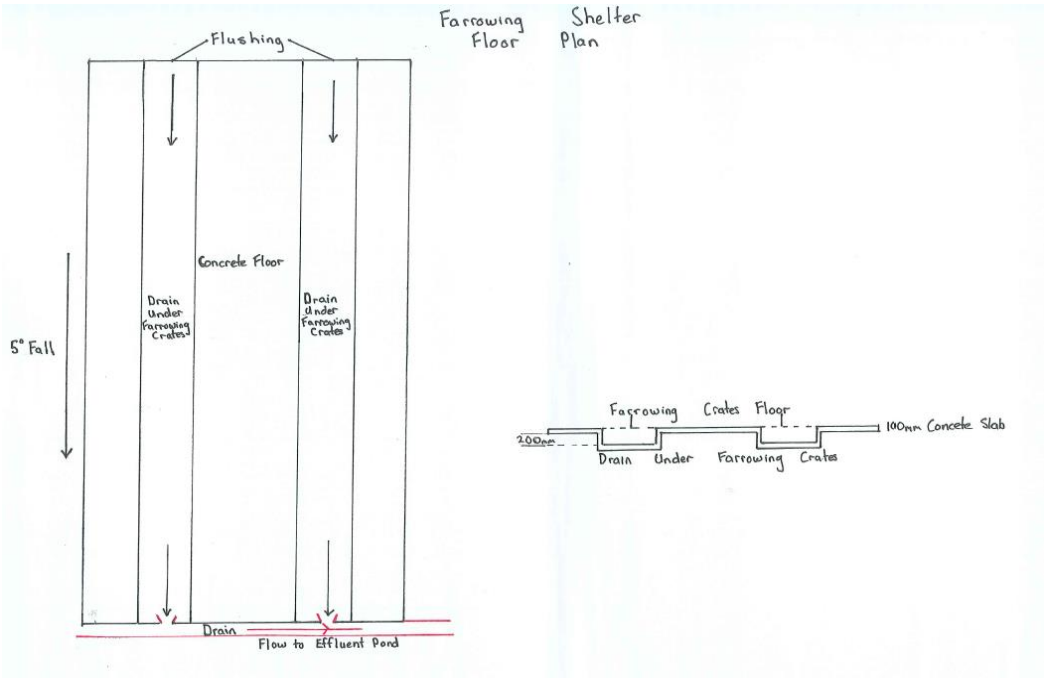


Figure 3: Conventional piggery shed layout (from Application)

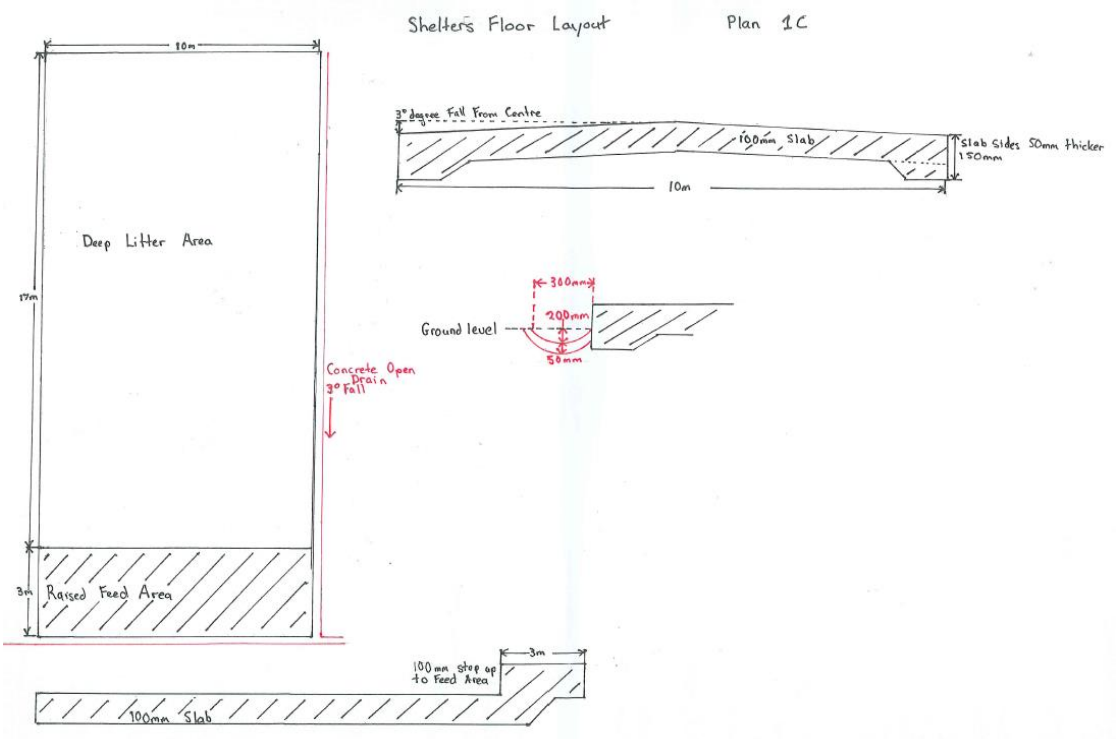


Figure 4: Deep litter piggery shed layout (from Application)

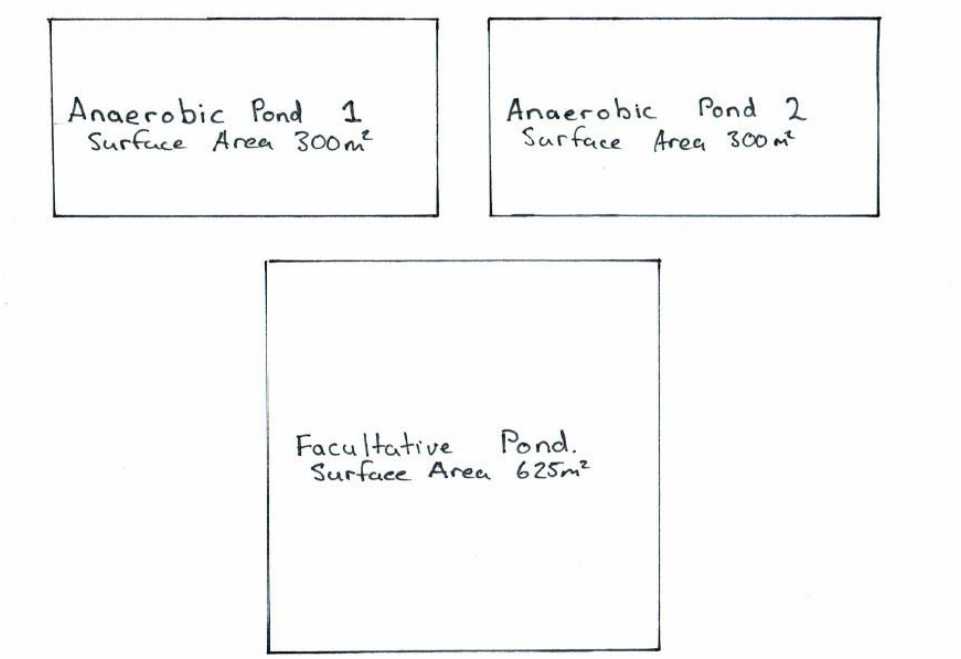


Figure 5: Layout and dimensions of the wastewater ponds (from Application)

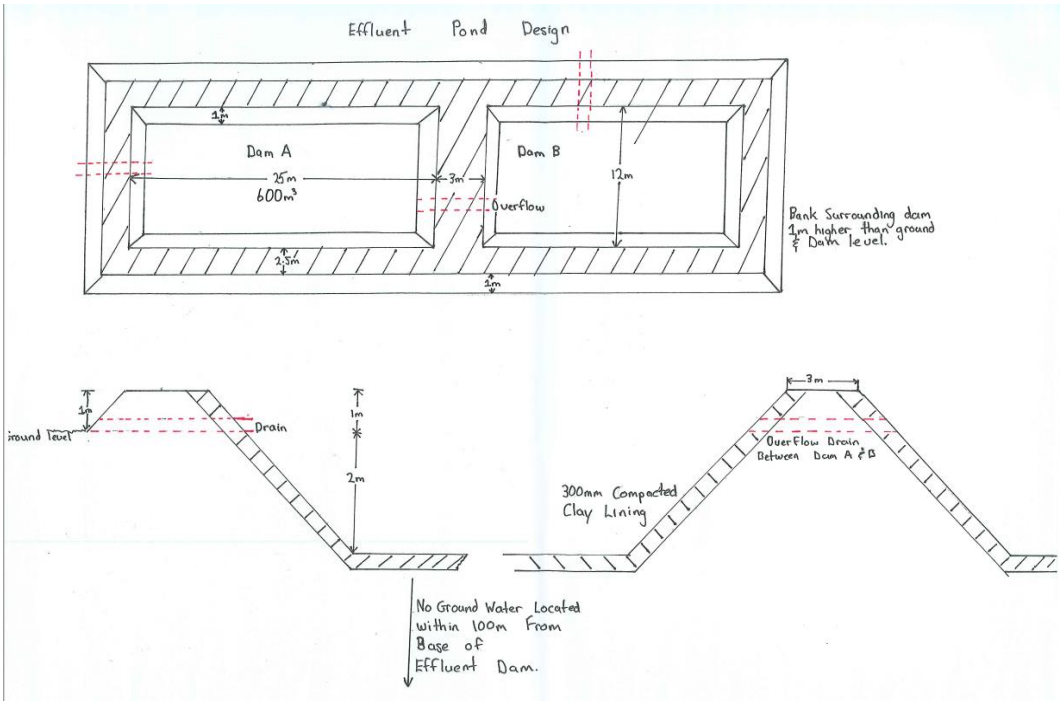


Figure 6: Anaerobic wastewater pond design (from Application)

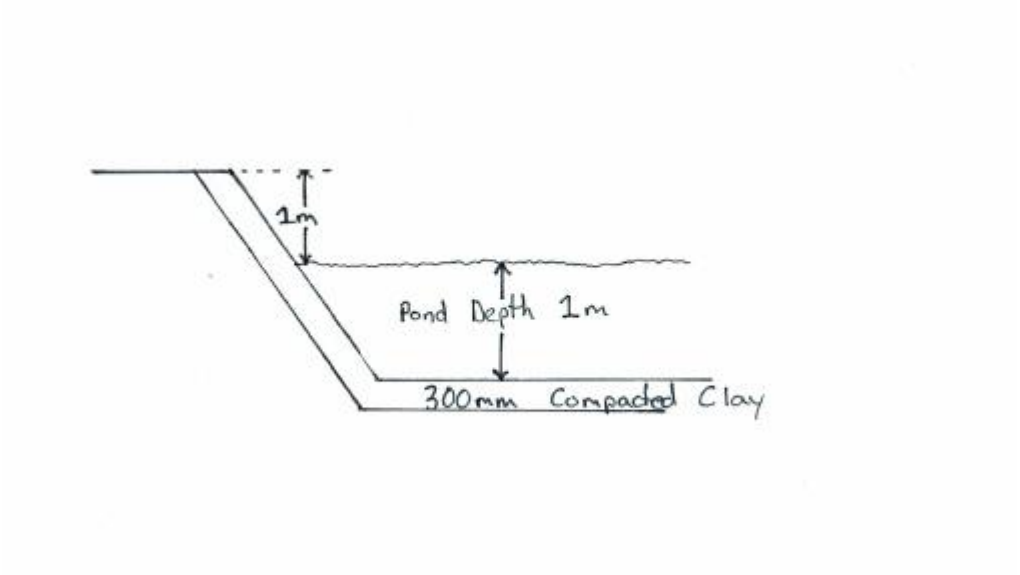


Figure 7: Dimensions of the facultative pond (from Application)