



Licence

Environmental Protection Act 1986, Part V

Licensee: **Brownes Foods Operations Pty Limited**

Licence: **L4437/1988/12**

Registered office: 22 Geddes Street
BALCATTA WA 6021

ACN: 146 849 881

Premises address: Brunswick Milk Processing Facility
58 Ommaney Road
BRUNSWICK WA 6224

Being Lot 2 on Diagram 68941, Lot 300 on Plan 62226, Lot 200 on Plan 59989 and part of Lot 103 on Plan 45900, as depicted in Schedule 1.

Issue date: Thursday, 21 November 2013

Amendment date: Wednesday, 14 August 2024

Expiry date: Wednesday, 28 November 2029

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
17	Milk processing: premises on which – (a) Milk is separated or evaporated (other than a farm); or (b) Evaporated or condensed milk, butter, ice cream, cheese or any other dairy product is manufactured, and from which liquid waste is or is to be discharged onto land or into waters.	100 tonnes or more per year	80,000 tonnes per annual period

Conditions

This Licence is subject to 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.

DWER's industry licensing role

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

DWER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process DWER 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. DWER also monitors and audits compliance with works approvals and licence conditions, takes enforcement action as appropriate and develops and implements licensing and industry regulation policy.

Licence requirements

This Licence is issued under Part V of the Act. Conditions contained within 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/Licence Holder 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.

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 Environment. You are required to comply with any conditions imposed by the Minister.

Premises description and Licence summary

The Brownes Brunswick facility is a milk processing facility located in Brunswick that services the dairy industry across the South West region. The factory was established in the 1950s and is located on the edge of the town site, immediately adjacent to residential, industrial and rural land uses.

The facility receives milk for processing and manufacture into a range of dairy products. The on-site operations include:

- receipt of tankered whole milk;
- processing whole milk into a range of dairy products, including skim milk concentrate, yoghurt, desserts, cheese and thickened cream;
- the treatment of process wastewater through a series of wastewater lagoons, which treats the wastewater to a secondary standard;
- disposal of treated wastewater via flood irrigation of both on-site and off-site pasture;
- off-site disposal of whey (seasonal by-product of cheese production) as pig feed and/or spreading over local farms as a soil conditioner; and
- off-site disposal of screened solids.

The main emissions from the site are discharges of treated wastewater to land, fugitive emissions in the form of odour, and to a lesser extent noise from milk trucks which deliver on a 24/7 basis. In recent times odour has been a source of ongoing complaints from the local community.

This Licence is the result of a department-initiated amendment to extend the duration, to allow sufficient time for a detailed review to be undertaken.

The licences and works approvals issued for the Premises since 1989 are:

Instrument log		
Instrument	Issued	Description
L1393	14/07/1989	First licence issued by EPA to Peters Creameries (WA) Pty Ltd. 2-part licence with separate EPA and WAWA conditions
L2162	20/07/1990	Licence reissue. Nominal throughput listed as 65 ML/yr
L2810	13/05/1991	Licence reissue. Issued for 2 years. Nominal throughput increased to 70 ML/yr
L2810	29/01/1992	Licence amendment requiring a management plan to address nutrient loading to the on-site irrigation area and performance of the treatment lagoon system
W787	27/03/1992	Works approval for installation of a solids trap
L4437	30/07/1993	Licence reissue. Issued for 3 years
L4437	26/11/1996	Licence reissue. Issued for 1 year. EPA & WAWA conditions combined into one licence, issued by DEP
L4437/2	27/10/1997	Licence reissue
L4437/3	3/11/1998	Licence reissue. Issued to PB Foods Ltd
W2839	10/11/1999	Works approval for construction of a second anaerobic pond
L4437/4	15/11/1999	Licence reissue. Request from Brownes to increase throughput to 100 ML/yr declined; preamble amended to reflect 75 ML/yr
L4437/4	28/03/2000	Clerical amendment. Throughput also reverted back to 70 ML/yr
L4437/5	18/10/2000	Licence reissue
L4437/5	11/12/2000	Licence amendment following commissioning of new pond constructed under W2839



L4437/6	4/02/2002	Licence reissue
L4437/7	16/10/2002	Licence reissue. Throughput increased to 80 ML/yr
L4437/8	10/11/2003	Licence reissue. Premises boundary amended to include additional irrigation areas on adjacent farming land for spreading of whey
L4437/9	5/11/2004	Licence reissue. Condition added requiring submission of a NIMP. Issued for 3 years
L4437/9	11/05/2006	Transferred to Fonterra Brands Australia (P&B) Pty Ltd
L4437/1988/10	27/11/2007	Licence reissue. Issued for 3 years
L4437/1988/10	18/03/2010	Transferred to Brownes Foods Pty Ltd
L4437/1988/11	25/11/2010	Licence reissue. Issued for 3 years
L4437/1988/11	19/01/2012	Transferred to Brownes Foods Operations Pty Ltd
L4437/1988/12	21/11/2013	Licence reissue in REFIRE format. Issued for 5 years
L4437/1988/12	22/01/2015	Licence amendment to include additional irrigation areas
L4437/1988/12	29/04/2016	Amendment by notice to extend the licence duration to 2024
L4437/1988/12	14/08/2024	CEO-initiated amendment to extend the licence duration, to allow sufficient time for a detailed review to be undertaken

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 For the purposes of this Licence, unless the contrary intention appears:

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

'Annual Audit Compliance Report' means a report submitted in a form approved by the CEO (relevant guidelines and templates may be available on the department's website);

'annual period' means the inclusive period from 1 July until 30 June in the following year;

'Approved Irrigation Management Plan' means the document titled "Brownes Dairy Nutrient and Irrigation Management Plan, Brunswick, Shire of Harvey – Report No. AA2014/10, Version 1" prepared by Aurora Environmental and dated 31 May 2014;

'AS 4482.1' means the Australian Standard AS 4482.1-2005 *Guide to the investigation and sampling of sites with potentially contaminated soil - Non-volatile and semi-volatile compounds*;

'AS 4482.2' means the Australian Standard AS 4482.2-1999 *Guide to the sampling and investigation of potentially contaminated soil - Volatile substances*;

'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;

'CEMS' means continuous emissions monitoring system;

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

'CEO' for the purpose of correspondence means;

Director General
Department administering the Environmental Protection Act 1986
Locked Bat 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;

'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;

'Licence' means this Licence numbered L4437/1988/12 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;

'quarterly' means the 4 inclusive periods from 1 April to 30 June, 1 July to 30 September, 1 October to 31 December and in the following year, 1 January to 31 March;

'Schedule 1' means Schedule 1 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 holiday in Western Australia; and

'µS/cm' means microsiemens per centimetre.

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 relevant and effective 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.¹

Note 1: 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 milk processing 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 within the infrastructure detailed in Table 1.3.1.

Table 1.3.1: Containment infrastructure		
Vessel or compound	Material	Infrastructure requirements
Solids separator	Screened fats and solids	Concrete lined
Anaerobic ponds 1 & 2	Wastewater	Synthetic/non-synthetic lined to achieve permeability of $<1 \times 10^{-9}$ m/s
Aerobic ponds 3 & 4		
Storage ponds 1 & 2	Treated wastewater	

- 1.3.3 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 requirements in Table 1.3.2.

Table 1.3.2: Management of Waste		
Waste type	Disposal strategy	Operational requirements
Treated wastewater	Irrigation	In accordance with the Approved Irrigation Management Plan

- 1.3.4 The Licensee shall manage all wastewater treatment and storage ponds such that:
- (a) overtopping of the ponds does not occur;
 - (b) a freeboard at or greater than 300 mm is maintained;
 - (c) the integrity of the containment infrastructure is maintained;
 - (d) trapped overflows are maintained on the outlet of ponds to prevent carry-over of surface floating matter; and
 - (e) vegetation and floating debris (emergent or otherwise) is prevented from encroaching onto pond surfaces or inner pond embankments.



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 Emissions to land

- 2.2.1 The Licensee shall ensure that where waste is emitted to land from the emission points in Table 2.2.1 and identified on the Premises map in Schedule 1 it is done so in accordance with the conditions of this Licence.

Table 2.2.1: Emissions to land		
Emission point reference and location on Premises map	Description	Source including abatement
L1	Pipe feeding irrigation of 5 pasture paddocks known as Irrigation Areas A, B, C, D and E	Wastewater from milk processing operations, treated via biological pond system

- 2.2.2 The Licensee shall not cause or allow emissions to land greater than the limits listed in Table 2.2.2.

Table 2.2.2: Emission limits to land			
Emission point reference	Parameter	Limit (including units)	Averaging period
Irrigation Areas A, B, C, D and E	Load of total nitrogen	250 kg/ha	Annual
	Load of total phosphorus	60 kg/ha	
	Load of BOD ¹	30 kg/ha/day	Monthly

Note 1: 5-day Biochemical Oxygen Demand.

- 2.2.3 The Licensee shall target emissions to land at or below the levels specified in Table 2.2.3.

Table 2.2.3: Emission targets to land			
Emission point reference	Parameter	Target (including units)	Averaging period
L1	pH	≥6.0 and ≤9.0	Spot sample
	Total suspended solids	100 mg/L	
	Total dissolved solids	2 000 mg/L	
	BOD ¹	40 mg/L	
	Oil & grease	5 mg/L	
Irrigation Areas A, B, C, D and E	Load of total nitrogen	230 kg/ha	Annual
	Load of total phosphorus	50 kg/ha	
	Load of BOD ¹	20 kg/ha/day	Monthly

Note 1: 5-day Biochemical Oxygen Demand.

2.3 Odour

- 2.3.1 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.



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 5667.6;
- (d) all soil sampling is conducted in accordance with AS 4482.1 and AS 4482.2 as relevant; and
- (e) all laboratory samples are submitted to and tested by a laboratory with current NATA accreditation for the parameters being measured unless indicated otherwise in the relevant table.

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; and
- (c) six monthly monitoring is undertaken at least 5 months apart.

3.1.3 The Licensee shall record production or throughput data and any other process parameters relevant to any non-continuous or CEMS monitoring undertaken.

3.1.4 The Licensee shall ensure that all monitoring equipment used on the Premises to comply with the conditions of this Licence is calibrated in accordance with the manufacturer's specifications.

3.1.5 The Licensee shall, where the requirements for calibration cannot be practicably met, or a discrepancy exists in the interpretation of the requirements, bring these issues to the attention of the CEO accompanied with a report comprising details of any modifications to the methods.

3.2 Monitoring of emissions to land

3.2.1 The Licensee shall undertake the monitoring in Table 3.2.1 according to the specifications in that table.

Table 3.2.1: Monitoring of emissions to land					
Emission point reference	Monitoring point reference	Parameter	Units	Averaging Period	Frequency
L1	M1 – outfall pipe to relevant irrigation area	Volumetric flow rate (cumulative)	L/s m³/day	Monthly	Continuous
		pH ¹	pH unit	Spot sample ²	Monthly whilst irrigating
		Total nitrogen	mg/L		
		Total phosphorus			
		Total dissolved solids			
		Total suspended solids			
		BOD ³			
		Oil and grease			
		Load of total nitrogen	kg/ha		
		Load of total phosphorus			

Note 1: In-field non-NATA accredited analysis permitted.

Note 2: Samples shall not be collected during periods of low flow or if excessively diluted by stormwater.

Note 3: 5-day Biochemical Oxygen Demand.



3.3 Ambient environmental quality monitoring

3.3.1 The Licensee shall undertake the monitoring in Tables 3.3.1 and 3.3.2 according to the specifications in those tables and record and investigate results that do not meet any target specified.

Table 3.3.1: Monitoring of ambient surface water quality					
Monitoring point reference and location	Parameter	Target	Units	Averaging period	Frequency
WQ1	pH ¹	≤9.0 and ≥6.0	pH unit	Spot sample	Monthly when flowing
	Electrical conductivity	N/A	µS/cm		
	Total suspended solids	≤100	mg/L		
	BOD ²	≤40			
	Total nitrogen	≤10			
	Total phosphorus	≤5			
	Oil and grease	≤5			

Note 1: In-field non-NATA accredited analysis permitted.

Note 2: 5-day Biochemical Oxygen Demand.

Table 3.3.2: Monitoring of ambient soil quality				
Monitoring point reference and location	Parameter	Units	Averaging period	Frequency
S1 – S5	pH ¹	pH unit	Spot sample	Six monthly
	*Electrical conductivity ¹	µS/cm		
	Sodium adsorption ratio			
	Sodium	mg/kg		
	Magnesium			
	Calcium			
	Ammoniacal nitrogen			
	Nitrate-nitrogen			
	Ortho-phosphorus			

Note 1: In-field non-NATA accredited analysis permitted.

4 Information

4.1 Records

4.1.1 All information and records required by the Licence shall:

- be legible;
- if amended, be amended in such a way that the original and subsequent amendments remain legible or are capable of retrieval;
- except for records listed in 4.1.1(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
- for those following records, be retained until the expiry of the Licence and any subsequent licence:
 - off-site environmental effects; or
 - matters which affect the condition of the land or waters.

4.1.2 The Licensee shall ensure that:

- 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
- 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.



- 4.1.3 The Licensee must:
- (a) undertake an audit of their compliance with the conditions of this Licence during the preceding annual period; and
 - (b) prepare and submit to the CEO, by no later than 1 September in each year, an Annual Audit Compliance Report in the approved form.
- 4.1.4 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.

4.2 Reporting

- 4.2.1 The Licensee shall submit to the CEO an Annual Environmental Report by 1 September in each year. The report shall contain the information listed in Table 4.2.1 in the format or form specified in that table.

Table 4.2.1: Annual Environmental Report	
Condition or table	Parameter
-	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
3.1.3	Volume of milk processed during the annual period
Table 3.2.1	Monitoring of emissions to land
	Contaminant loading to land of parameters (total annual loading kg/ha/yr for nitrogen and phosphorus, average daily loading kg/ha/day for BOD)
Table 3.3.1	Assessment of any ambient surface water monitoring against relevant environmental guidelines
Table 3.3.2	Assessment of any ambient soil monitoring against relevant environmental guidelines
4.1.4	Complaints summary

- 4.2.2 The Licensee shall ensure that the Annual Environmental Report also contains:
- (a) any relevant process, production or operational data recorded under Condition 3.1.3; and
 - (b) an assessment of the information contained within the report against previous monitoring results and Licence limits and/or targets.
- 4.2.3 The Licensee shall submit the information in Table 4.2.2 to the CEO according to the specifications in that table.

Table 4.2.2: Non-annual reporting requirements				
Condition or table	Parameter	Reporting period	Reporting date (after end of the reporting period)	Format or form
Table 2.2.3	Target exceedances	Quarterly	28 calendar days	Not specified
-	Copies of original monitoring reports submitted to the Licensee by third parties	Not Applicable	Within 14 days of the CEO's request	As received by the Licensee from third parties



4.3 Notification

4.3.1 The Licensee shall ensure that the parameters listed in Table 4.3.1 are notified to the CEO in accordance with the notification requirements of the table.

Table 4.3.1: Notification requirements		
Condition or table	Parameter	Notification requirement¹
-	Taking process equipment offline for maintenance works that may result in increased odour emissions	No less than 72 hours in advance of works ²
3.1.5	Calibration report	As soon as practicable.

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

Note 2: The following information shall be included: (i) when desludging is proposed to occur, (ii) the desludging method, (iii) action to mitigate potential odour impacts, and (iv) the method by which the community will be advised of the desludging activities.

Schedule 1: Maps

Premises map

The Premises and the locations of the emission points defined in Table 2.5.1 and the monitoring points defined in Tables 3.8.1 and 3.8.2 are shown in the map below. The red line depicts the Premises boundary.

