



Licence

Environmental Protection Act 1986, Part V

Licensee: National Indigenous Pastoral Enterprises Pty Ltd

Licence: L8344/2009/2

Registered office: Level 7, 121 King William St
ADELAIDE SA 5001

ACN: 108 266 548

Premises address: Roebuck Export Depot
Lot 382 on Plan 193561
BROOME WA 6725
As depicted in Schedule 1

Issue date: Thursday, 3 May 2012

Commencement date: Monday, 7 May 2012

Expiry date: Sunday, 6 May 2017

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
55	Livestock saleyard or holding pen: premises on which live animals are held pending their sale, shipment or slaughter.	10 000 animals or more per year	80 000 animals per year

Conditions

This Licence is subject to the conditions set out in the attached pages.

Date signed: 1 April 2016

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Ed Schuller
A/Director Licensing and Approvals (Process Industries)
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 regulates to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DER 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/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.

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 National Indigenous Pastoral Enterprises Pty Ltd (NIPE) operates the Roebuck Export Depot (RED), which accepts live cattle for assembly and preparation prior to live export at the Port of Broome. The facility has a design capacity to hold approximately 11,662 animals at any one time.

RED is located approximately 39 kilometres east of Broome on Broome Road. It is located on special lease H277386, a 100 hectare area within Dampier Location 382, Broome for the purpose of activities associated with the cattle industry and a freight yard.

The closest residence to the premises is the Roebuck Roadhouse (including caravan accommodation), located approximately 1.6 kilometres east northeast. The next closest residence is a rural property located 2 kilometres west.

There are no wetlands located near the premises. The closest ANCA wetland is 6 kilometres to the southeast and the closest Ramsar wetland is 16 kilometres to the southwest. Roebuck Bay, a waterbody that has been subject to algal blooms in the past, is approximately 19 kilometres to the southwest. There is a minor river situated approximately 4 kilometres southeast of the premises. The depth to groundwater at the site is approximately 35 metres.

The works approvals and licences issued for the Premises prior to issue of this Licence are:

Instrument log		
Instrument	Issued	Description
W4451/2008/1	13/10/2008	Works Approval
L8344/2009/1	7/5/2009	New licence
L8344/2009/2	7/5/2012	Re-issued licence upon expiry of previous version
L8344/2009/2	18/12/2014	Licence amendment to REFIRE format
L8344/2009/2	18/02/2016	Licence amendment to change Occupier details, increase production design capacity, and incorporate stormwater improvements
L8344/2009/2	31/03/2016	Licence amendment to extend timeframe associated with IR1 and IR2 required under condition 2.1.2.

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 period**’ means the inclusive period from 1 January until 31 December in each year;

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

‘**CEO**’ for the purpose of correspondence means:

Chief Executive Officer
Department Administering the *Environmental Protection Act 1986*
Locked Bag 33
CLOISTERS SQUARE WA 6850
Email: info@der.wa.gov.au

‘**dip**’ means a trench like structure for containing one or more chemicals where cattle are to be immersed within that chemical;

‘**dipping area**’ means the area consisting of the dip, including associated walls, roof and drainage pipes, and the post-dip cattle holding area where dip chemicals drain off the cattle;

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

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

‘**Licence**’ means this Licence numbered L8344/2009/2 and issued under the Act;

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

‘**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; and

‘**Schedule 2**’ means Schedule 2 of this Licence unless otherwise stated.

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 Premises operation

1.2.1 The Licensee shall ensure contaminated stormwater and wastewater generated on the premises is captured and directed to a stormwater retention pond.

1.2.2 The Licensee shall ensure that material is only stored and/or treated within vessels or compounds provided with the infrastructure detailed in Table 1.2.1.

Table 1.2.1: Containment infrastructure		
Storage vessel or compound	Material	Infrastructure requirements
Stormwater Retention Pond	Potentially contaminated stormwater	In-situ soil liner
Premises hardstand area	Stockpiled manure	A compacted hardstand area whereby leachate run-off from the stockpile is directed to the stormwater retention pond.
Cattle Dipping Area	Dipping chemicals	Impervious floor, walls and base on the exit from the dipping area. The exit shall be graded back to the dipping area and be designed to collect chemical run-off from the dipped animals.

- 1.2.3 The Licensee shall manage the stormwater retention pond such that:
- (a) a minimum top of embankment freeboard of 500mm is maintained;
 - (b) storm water runoff is prevented from causing the erosion of outer pond embankments;
 - (c) overtopping of the stormwater retention pond does not occur except as a result of an extreme rainfall event (greater than 1 in 10 year event of 72 hours duration);
 - (d) vegetation and floating debris (emergent or otherwise) is prevented from encroaching onto pond surfaces or inner pond embankments; and
 - (e) no overflow leaves the Premises.
- 1.2.4 The Licensee shall ensure that animal carcasses are disposed of to a licensed facility or to on-site burial pits within 24 hours of their death.
- 1.2.5 The Licensee shall ensure that where carcasses are disposed of on-site:
- (a) carcasses and waste material are covered with at least 500mm of soil immediately upon deposit;
 - (b) burial sites are 300m away from watercourses and 50m away from nearest properties;
 - (c) a separation distance of at least 2m is maintained between the groundwater table level and the bottom of the burial pit; and
 - (d) the number of animal carcasses buried and location of burial is recorded for the duration of the Licence.
- 1.2.6 The Licensee shall ensure that where stock is held in holding pens, the manure is collected from the pens on at least a three-monthly basis.
- 1.2.7 Collected manure shall be disposed of offsite and not stockpiled on site for more than fourteen days.
- 1.2.8 The Licensee shall remove all accumulated manure from the site by no later than 15 December each year (prior to the wet season).
- 1.2.9 The Licensee shall operate the dip and dipping area to prevent the loss or overflow of chemicals.
- 1.2.10 The Licensee shall remove liquid chemical from the dip pit by no later than 15 December each year (prior to the wet season).



2 Improvements

2.1 Improvement program

- 2.1.1 The Licensee shall complete the improvements in Table 2.1.1 by the date of completion in Table 2.1.1.
- 2.1.2 The Licensee, for improvements not specifically requiring a written submission, shall write to the CEO stating whether and how the Licensee is compliant with the improvement within one week of the completion date specified in Table 2.1.1.

Table 2.1.1: Improvement program

Improvement reference	Improvement	Date of completion
IR1	The Licensee shall submit a design report for a new stormwater retention pond and drainage infrastructure to the CEO. The design report shall include, but not be limited to: <ul style="list-style-type: none">• Location and layout plans and drawings;• Specification of the pond liner to be installed;• Design details of the operational storage capacity, freeboard, and overflow spillway, including the design catchment area and maximum rainfall event; and• Details of how uncontaminated storm water will be kept separate from potentially contaminated storm water.	15/05/2016
IR2	The Licensee shall install the new stormwater retention pond and drainage infrastructure in accordance with the submitted design report.	15/08/2016

3 Information

3.1 Records

- 3.1.1 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 3.1.1(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.
- 3.1.2 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 previous annual period.
- 3.1.3 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.

3.2 Reporting

- 3.2.1 The Licensee shall submit to the CEO an Annual Environmental Report within 28 calendar days after the end of the annual period. The report shall contain the information listed in Table 3.2.1 in the format or form specified in that table.



Table 3.2.1: Annual Environmental Report		
Condition or table (if relevant)	Parameter	Format or form ¹
-	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	None specified
-	Updated map of the site highlighting the location of the yards, paddocks, dip area, chemical storage area, carcass trench and any other relevant infrastructure.	None specified
-	Monthly records of animal numbers held at the Premises for the annual period.	Tabular format
-	Monthly records of animal fatalities that occurred at the premises for the annual period.	Tabular format
1.2.6, 1.2.7, 1.2.8	Records of volumes of manure removed from the premises for the annual period, including disposal location.	None Specified
3.1.2	Compliance	Annual Audit Compliance Report (AACR)
3.1.3	Complaints summary	None specified

Note 1: Forms are in Schedule 2



Schedule 1: Maps

Premises map

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





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:	ABN:
Trading as:	
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: _____

SIGNATURE: _____

NAME:
(printed) _____

NAME:
(printed) _____

POSITION: _____

POSITION: _____

DATE: ____/____/____

DATE: ____/____/____

SEAL (if signing under seal)



Environmental Protection Act 1986, Part V

Licence: L8344/2009/2

Expiry date: Sunday, 6 May 2017

Decision Document authorised by: Lauren Trott
Delegated Officer



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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.



2 Administrative summary

Administrative details		
Application type	Works Approval <input type="checkbox"/> New Licence <input type="checkbox"/> Licence amendment <input checked="" type="checkbox"/> Works Approval amendment <input type="checkbox"/>	
Activities that cause the premises to become prescribed premises	Category number(s)	Assessed design capacity
	55	80 000 animals per year
Application verified	Date: N/A	
Application fee paid	Date: N/A	
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	N/A	
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: N/A 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"/>		
Is the Premises subject to any EPP requirements? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		



3 Executive summary of proposal and assessment

The National Indigenous Pastoral Enterprises Pty Ltd (NIPE) operates the Roebuck Export Depot (RED), which accepts cattle for assembly and preparation prior to live export at the Port of Broome. The facility has a design capacity to hold approximately 11,662 animals at any one time.

The RED is located approximately 39 kilometres east of Broome on Broome Road. It is located on Lot 382 on Plan 193561, a 100-hectare area for the purpose of activities associated with the cattle industry and a freight yard. The closest residence to the premises is the Roebuck Roadhouse (including caravan park accommodation), located approximately 1.6 kilometres east-northeast. The next closest residence is a rural property located 2 kilometres west.

The RED does not operate during the wet season, as cattle are typically unable to be mustered during this time of year. The operating season usually runs from March to December. The RED only operates during the dry season during which time 15% of the total annual rainfall occurs.

Cattle are unloaded from the trucks onto a concrete hardstand area that feeds into the receival pens where the cattle are rehydrated and allowed to rest. From the receival pens, the cattle are weighed then dipped, or just dipped in a chemical treatment solution to remove ticks.

The cattle dip is covered and has an overall length of approximately 10 metres, which consists of a 3-metre swim and a 7-metre walk out, with a capacity of approximately 17,000 litres. It is a concrete lined drop-in dip which means the entrance is vertical. The dip has a total depth of 2.5 metres which allows for water (or chemical) depth of 2.1 metres.

After dipping the cattle are directed into the holding pens where they spend a minimum of three days until they are loaded back onto trucks for export out of the Port of Broome. The base of the 32 holding pens is pindan soil. Manure from the cattle mixes over time with the top layer of the pindan soil at the base of the holding pens forming a clay-like layer. This layer provides an even surface for the base of the pens and prevents potholes developing throughout the pens; which would occur if this layer is not present.

The manure is removed from the pens, at a minimum, prior to the wet season. NIPE leave approximately 50 mm of the clay-like layer at the bottom of the pens each time the manure is removed. At the end of the operating season and before the wet season commences, NIPE will remove as much of this layer as possible without disrupting the integrity of the layer.

A carcass disposal trench is located 285 meters to the west of the yards for disposal of dead animals.

The emissions of significance associated with operations at the RED include discharges to land (from stormwater contaminated with manure and / or dipping chemicals) and solid / liquid wastes (manure). These emissions require management under licence conditions to ensure there are no adverse impacts on the environment.

The licence was amended in February 2016 to change the Occupier details, increase production design capacity, and incorporate stormwater improvements. The increase in throughput will not increase the number of animals held on site at any one time.

A further licence amendment is being processed in March 2016 to extend the due dates for completion of stormwater improvement requirements under condition 2.1.1.



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	Justification (including risk description & decision methodology where relevant)	Reference documents
Improvements	2.1.1	Operation Condition 2.1.1 was added to the licence in February 2016 requiring the Licensee to construct a new stormwater retention pond at the site with an engineered liner and sufficient storage capacity. Due to circumstances beyond the proponents' control the original EIP due dates specified in the licence could not be met, as such, DER is amending the licence to allow a further six weeks for completion of the improvements. The Licensee is now required to provide a design report to DER by 15 May 2016 and then install the new pond by 15 August 2016 in accordance with the submitted design.	<i>Environmental Protection Act 1986</i> Application supporting documents



5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
28/03/2016	Proponent sent a copy of draft instrument	Proponent has reviewed the draft amended licence and has no comments.	N/A

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