



*Environmental Protection Act 1986*

Section 65

**ENVIRONMENTAL PROTECTION NOTICE**

Reference No: Notice 202202

**PERSON TO WHOM THIS NOTICE IS ISSUED:**

Inghams Enterprises Pty Ltd - ACN 008 447 345  
Level 4, 1 Julius Avenue  
NORTH RYDE NSW 2113

In its capacity as occupier of the premises at Lot 68 on Diagram 98482, 9 Baden Street,  
Osborne Park WA 6017

**PREMISES TO WHICH THIS NOTICE RELATES (the Premises)**

The premises the subject of this Environmental Protection Notice is situated on:

- Lot 68 on Diagram 98482, 9 Baden Street, Osborne Park, WA, 6017 (the Premises)

**REASONS FOR WHICH THIS NOTICE IS ISSUED**

This Environmental Protection Notice (the Notice) is given to Inghams Enterprises Pty Ltd (Licensed Premises – L7477/2001/9) under section 65 of the *Environmental Protection Act 1986* (EP Act) because I suspect on reasonable grounds that the current operation of the Premises is causing unreasonable odour emissions from the Premises and the emissions are unreasonably interfering with the health, welfare, convenience, comfort or amenity of persons.

Between January 2020 and October 2022, the Department of Water and Environmental Regulation (DWER) has received more than 193 complaints of odour impacting the amenity of members of the community neighbouring the premises.

DWER contracted an odour consultant OPAM Consulting (OPAM) to investigate odour emission from the Premises. OPAM provided their final report to the department and the key findings are detailed below:

- a) A mixed odour of birds, masking agent, and rendering like-odour could be recognised up to 725m from the main activities at the site.
- b) The live bird shed cannot be maintained under negative pressure with the current infrastructure and mechanical ventilation network.
- c) Large volumes of untreated air are pushed to the atmosphere by the five stacks of the extraction fans at live bird shed.
- d) Large volumes of fugitive emissions occur at the northern face (open face) of the live bird shed especially under SW, S and SE winds.
- e) Fugitive odorous air emissions occurred at the open bin shed where offal, blood and feathers are exposed to air.
- f) Fugitive odorous air emissions occurred from the operations at the open structure of the Wastewater Treatment Plant (WWTP).

- g) The efficacy of the deodoriser used at the facility at the above odour sources or operations has not been demonstrated. However, the masking note of this product can be recognised up to 725m from the premises.
- h) The interaction or impact of the air flow patterns within the processing area (killing and beyond) with the air flow in the live bird shed has not been investigated.

I am satisfied that because Inghams Enterprises Pty Ltd is the Licence holder and the occupier of the premises from which the emissions emanated; that you are the appropriate persons(s) to whom to give this Notice.

## **REQUIREMENTS OF THIS NOTICE**

Terms used in this Notice have the meaning defined in Appendix 1.

This Notice requires the person to which this Notice is given to undertake specified measures to investigate the extent and nature of the emission, to prepare and implement a plan for the prevention, control, and abatement of the emission and to take such measures as the CEO considers necessary to prevent, control or abate the emissions.

Pursuant to section 65(5) of the EP Act a person who is bound by an Environmental Protection Notice and who does not comply with a requirement contained in the notice commits an offence under this Act or Regulations, each person who is a director or who is concerned with the management of the body corporate is taken to have also committed the same offence.

In accordance with section 65(1a) of the EP Act, this Notice is subject to the following requirements to prevent, control or abate unreasonable emissions from the Premises:

### **Immediate Requirements**

1. From the date this Notice is given, the persons to which this Notice is given must:
  - 1.1. Ensure that regular inspections (at least twice per day) of the yard are undertaken and the yard cleaned of any material or waste that has the potential to generate odour or is generating odour; and
  - 1.2. Maintain a log of all inspections and cleaning which includes details of the date and time of the inspection and cleaning, and the name of the person who carried out the inspection and cleaning.
2. From the date this Notice is given, the persons to which this Notice is given must, during operational hours of the premises:
  - 2.1. Ensure that hourly inspections of the wastewater treatment plant (WWTP) are undertaken to assess its operational status;
  - 2.2. Take corrective action to address any operational problems or issues with the WWTP identified during the inspection; and
  - 2.3. Maintain a log of all inspections which includes the details of the date, time and person who carried out the inspection, the findings of the inspection and details of any corrective action taken.
3. From the date this Notice is given, the persons to which this Notice is given must:
  - 3.1. Ensure that all stormwater drains at the premises are inspected and cleaned at least monthly; and

- 3.2. Maintain a log of all inspection and cleaning which includes the date and time of the cleaning and the name of the person who carried out the cleaning.
4. From the date this Notice is issued, the persons to which this Notice is given must ensure that all doors to buildings and structures on the premises, where odorous air may escape, or where negative pressure is required, are kept closed when not in use.
5. From the date this Notice is issued, the persons to which this Notice is given must not use any masking agents from the deodoriser(s) unless otherwise approved by the CEO.
6. Any request to use deodoriser(s) and masking agents must be accompanied by evidence of the deodoriser and/or masking agent's efficacy and information to demonstrate it will not contribute to odour issues originating from the premises
7. The persons to which this Notice is given must provide the CEO:
  - 7.1. On a weekly basis, a summary of odour complaints received at the Premises; and
  - 7.2. The summary must be provided to the CEO by no later than 5pm on Friday of every week, commencing 3 December 2022.

#### **Infrastructure and Equipment Requirements**

8. The persons to whom this Notice is given must upgrade the infrastructure and equipment as set out in Table 1:
  - 8.1. To comply with the corresponding design and construction installation requirements;
  - 8.2. At the corresponding infrastructure location; and
  - 8.3. By the completion date specified or an alternate date based on reasonable grounds as agreed to in writing by the CEO;

**Table 1: Infrastructure, equipment, and construction requirements**

	<b>Infrastructure</b>	<b>Design and construction requirements</b>	<b>Infrastructure location</b>	<b>Completion date</b>
1	Live bird shed - trailer area	The shed must be fully enclosed and maintained at negative pressure at -5 to -10Pa. Ventilation/emission point may be provided subject to requirement 9.	As illustrated in Appendix 2	31 July 2023
2	Offal, blood and bin shed	The shed must be fully enclosed. Ventilation/emission points may be provided subject to requirement 9.	As illustrated in Appendix 2	31 July 2023

9. The person to whom this Notice is given must effectively treat odorous air being emitted to the atmosphere from the following sources to prevent odours being detected beyond the premises boundary:
  - 9.1. The scolding stacks;
  - 9.2. Live bird shed - trailer area ventilation stacks;
  - 9.3. Offal blood and bin shed; and
  - 9.4. Any other operation, process, source, area or point on the premises.

10. By 20 January 2023 or at an alternate date based on reasonable grounds as agreed to in writing by the CEO, the persons to whom this Notice is given must prepare and submit an Action Plan to the CEO, for the completion of work specified in requirement 8 and 9 of this Notice. The Action Plan must include but not be limited to:
  - 10.1. Detailed strategies including a proposed timeline of works to achieve the outcomes specified by requirements 8 and 9 above;
  - 10.2. Maps and/or drawings showing any proposed changes to infrastructure and equipment and all points at which odour may be emitted from all infrastructure and equipment;
  - 10.3. A description of any proposed infrastructure, equipment and process changes;
  - 10.4. Details of any commissioning of plant and equipment required;
  - 10.5. Details of monitoring to be undertaken to assess the effectiveness of the proposed works in reducing odour emissions and odour impacts to receptors;
  - 10.6. An explanation of how each proposed strategy, infrastructure change, engineering and process control will prevent, control, mitigate or abate odour emissions from the premises;
  - 10.7. Be signed by an independent odour consultant authorised to represent the person to which this Notice is given, stating that the measures in the Action Plan will meet the requirements of this Notice;
  - 10.8. Details of the method of operation and how odour emissions will be minimised during the period of works;
  - 10.9. Detail a contingency plan in the event of inclement weather, engineering, fabrication or installation delays or supply chain issue delays. The contingency plan must include short term strategies, controls and operational changes that would help in mitigating odour emissions for each operation, process, source, area or point(s) identified in the OPAM report as contributing to odour emissions at the premises.
11. If the CEO considers the Action Plan to be inappropriate or insufficient for the purposes of this Notice, the Persons to which this Notice is given must comply with any direction for improvement of the Action Plan by the CEO.
12. Within 21 days of the date of the written approval of the Action Plan or at an alternate date based on reasonable grounds as agreed in writing by the CEO, the persons to which this Notice is given must implement the approved Action Plan, or parts thereof as agreed by the CEO.
13. The person to whom this Notice is given must not commence construction, installation of infrastructure, equipment and process changes specified in requirement 8 and 9 until such time as the Action Plan or parts thereof are approved by the CEO, for the specific piece of infrastructure, equipment and/or process change.

### **Reporting and recordkeeping**

14. Within 30 calendar days after the construction of infrastructure in accordance with requirement 8 and 9, the persons to which this Notice is given must notify the CEO in writing that the infrastructure has been constructed and provide supporting evidence of such, including but not limited to;
  - 14.1. As constructed plans for each item of infrastructure or components of infrastructure; and

- 14.2. A Compliance report certified by an engineering consultant that the infrastructure, or items of infrastructure have been constructed in accordance with the requirements of this Notice.
15. The persons to which this Notice is given must maintain accurate and auditable books, records, information, reports and data required by this Notice for;
  - 15.1. Any works conducted in accordance with the requirements this Notice;
  - 15.2. Any maintenance of infrastructure that is performed;
  - 15.3. Inspections undertaken in accordance with requirement 1, 2 and 3; and
  - 15.4. The Action Plan specified in requirement 10.
16. The books, records, information, reports and data specified in requirement 15 must;
  - 16.1. Be legible
  - 16.2. If amended, be amended in such a way that the original version(s) and any subsequent amendments remain legible and are capable of retrieval;
  - 16.3. Retain all information and records required by this Notice until revocation of this Notice; and
  - 16.4. Be available to be produced to an inspector or the CEO as required.



**Kelly Faulkner**  
**EXECUTIVE DIRECTOR**  
**COMPLIANCE AND ENFORCEMENT**  
**DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION**

*for the Chief Executive Officer*  
*under Delegation No. 143 dated 7 June 2019*

28 November 2022

**IMPORTANT  
NOTES**

**A PERSON WHO IS BOUND BY THIS NOTICE AND WHO DOES  
NOT COMPLY WITH THIS NOTICE COMMITS AN OFFENCE.**

A person who is aggrieved by a requirement contained in this Notice may within 21 days of being given this Notice lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal.

Any other person who disagrees with a requirement contained in this Notice may within 21 days of the making of that requirement lodge with the Minister for Environment an appeal in writing setting out the grounds for that appeal.

**PENDING THE DETERMINATION OF AN APPEAL REFERRED TO  
ABOVE THE RELEVANT REQUIREMENTS CONTAINED IN THIS  
NOTICE CONTINUE TO HAVE EFFECT.**

**Note that under section 118 of the *Environmental Protection Act 1986* that each person who is a director or who is concerned in the management of the body corporate may be taken to have also committed the same offence.**

## APPENDIX 1

### DEFINITIONS

#### In this Notice, unless the contrary intention appears –

**'Act'** means the *Environmental Protection Act 1986* (WA).

**'CEO'** means Chief Executive Officer, Department of Water and Environmental Regulation.

Chief Executive Officer  
Department of Water and Environmental Regulation  
Level 4, Prime House, 8 Davidson Terrace, Joondalup, 6027  
Locked Bag 10, Joondalup DC 6919  
Telephone: (08) 6364 7000  
Fax: (08) 6364 7001  
Email: [compliance@dwer.wa.gov.au](mailto:compliance@dwer.wa.gov.au)

**'Engineering Consultant'** means a person who;

- a. resides in Australia;
- b. a person, or persons who holds a Bachelor of Engineering recognised by the Institute of Engineers Australia;
- c. a person, or persons, who has qualifications and minimum five years' experience Industrial mechanical services; and
- d. a person, or persons who has a minimum three years' experience in industrial ventilation and air treatment.

**'Days'** means Calendar days.

**'Department'** means Department of Water and Environmental Regulation.

**'Fully enclosed'** means a permanent structure enclosed by walls that extend from the foundation to the roof, whether those walls include doors or windows of any size, so as to prevent odour from escaping prior to treatment.

**'Odour Consultant'** means a person who;

- a. resides in Australia; and
- b. a person, or persons, who has qualifications and minimum five years' experience in Odour monitoring, Odour management, risk assessment and odour treatment.

**'OPAM report'** means odour investigation report prepared by OPAM consulting dated 19 November 2021.

**'Person to whom this Notice is given'** means Inghams Enterprises Pty Ltd, the holder of prescribed premises licence L7477/2001/9.

**'Premises'** means Lot 68 on Diagram 98482 9 Baden Street, Osborne Park, WA, 6017.

**'Plant'** includes any item of equipment, infrastructure, machinery or part thereof located at the premises.

**'Provide in writing'** includes by email with an authorised signature by a person authorised to act on behalf of Inghams Enterprises Pty Ltd.

**'Yard'** means all areas outside the buildings and structures which are located within the premises boundary.

Field C



APPENDIX 2

Map of premises

