



Section 73A  
*Environmental Protection Act 1986.*

## **PREVENTION NOTICE**

Reference No: 202501

### **Person to whom this Prevention Notice is issued:**

**Hortin Grazing Co. Pty Ltd** (ACN 008 753 295)  
76 Aberdeen Street,  
ALBANY WA 6330

In its capacity as the owner and occupier of Lot 22 on Deposited Plan 230623 as depicted in Appendix 2.

### **Premises (the Premises) to which this Prevention Notice relates:**

The Premises the subject of this Prevention Notice (Notice) is located at:

**Hortin Grazing Co. Pty Ltd** (ACN 008 753 295)  
Certificate of Title 1964/918  
Lot 22 on Deposited Plan 230623  
KRONKUP WA 6330

### **Reasons for which this Prevention Notice is issued:**

This Notice is given under section 73A(1)(a) of the *Environmental Protection Act 1986* (WA) (EP Act) to **Hortin Grazing Co. Pty Ltd, trading as FV Hortin & Sons**, the owner and occupier of Lot 22 on Deposited Plan 230623, Kronkup WA because I have reasonable grounds to suspect that waste has been or is being discharged from the Premises.

Specifically, animal waste from the Premises dairy shed, calf rearing facility, holding yard and adjacent feeding pad is being discharged from the Premises via an adjoining unlined drain without being treated in accordance with the 2021 Code of Practice for Dairy Farm Effluent Management WA. This drain is filled over capacity and is allowing the waste to be discharged into the environment and into an adjoining agricultural drain and onto adjacent properties.

I am satisfied that **Hortin Grazing Co. Pty Ltd** are the owner and occupier of the Premises and responsible for the discharge of waste, and do not hold a licence, works approval, licence or requirement contained in a closure notice or an environmental protection notice, authorising the discharge of waste from the Premises and that you are the appropriate person to whom to give this Notice.

**Requirements of this Notice:**

1. Within 7 days from the date this **Notice** is given, the person to whom this **Notice** is given:
  - (a) must stop the waste generated by the dairy shed, calf rearing facility, holding yard and feed pad entering the environment or leaving the Premises without being treated as recommended in the 2021 *Code of Practice for Dairy Farm Effluent Management WA*
  - or
  - (b) remove all waste generated by the dairy shed, calf rearing facility, holding yard and feed pad from the Premises by a Licensed Controlled Waste Carrier for Controlled Waste Category K100 (Animal effluent and residues)
  - (c) The person to whom this **Notice** is given must provide copies of all controlled waste carrier receipts to the CEO within 14 days of completion of requirement 1(b)
2. The person to whom this **Notice** is given must, within 28 days of the notice being given, remove all **recoverable waste** that has emanated from the dairy shed, calf rearing facility, holding yard and feed pad. This includes both animal waste and subsequent contaminated water (effluent). This must be removed by a Licensed Controlled Waste Carrier for Controlled Waste Category K100 (Animal effluent and residues):
  - (a) The person to whom this **Notice** is given must provide copies of all controlled waste carrier receipts to the CEO within 14 days of completion of requirement 2.
3. The requirements and timeframes stipulated in this Notice may be amended by an **Inspector or Authorised Person** in writing on application by **Hortin Grazing Co. Pty Ltd** or their authorised representative, with reasonable justification.

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Senior Manager Assurance Services

***Inspector and Authorised Person under section 87(1) and 88 of the Environmental Protection Act 1986***

06 January 2025

With approval from an officer *delegated under Section 20 of the Environmental Protection Act 1986*

**Important Information:**

A PERSON WHO IS BOUND BY THIS PREVENTION NOTICE AND WHO DOES NOT COMPLY WITH THIS NOTICE COMMITS AN OFFENCE UNDER THE *ENVIRONMENTAL PROTECTION ACT 1986*.

Under section 103 of the *Environmental Protection Act 1986*:

- a person who is aggrieved by a requirement contained in this prevention 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; and
- any other person who disagrees with a requirement contained in this prevention 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 of that appeal.

PENDING THE DETERMINATION OF AN APPEAL REFERRED TO ABOVE, THE RELEVANT REQUIREMENTS CONTAINED IN THIS PREVENTION 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 –**

**‘Authorised person’** means a person or member of a class of persons appointed under section 87(1) of the *Environmental Protection Act 1986*

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

Chief Executive Officer  
Department of Water and Environmental Regulation  
Locked Bag 10  
JOONDALUP DC WA 6919  
Telephone: (08) 6364 7000  
Fax: (08) 6364 7001  
Email: [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au)

**‘Days’** means working day means 0800 – 1700 hours, Monday to Friday, excluding public holidays in Western Australia.

**‘DWER’** means the Department of Water and Environmental Regulation.

**‘EP Act’** means the *Environmental Protection Act 1986* (WA).

**‘Person to whom this notice is given’** means **Hortin Grazing Co. Pty Ltd** (ACN 008 753 295)

**‘Premises’** means Lot 22 on Deposited Plan 230623, Kronkup as defined by the red border on the map in Appendix 2.

**‘Provide in writing’** means includes by email with an authorised signature.

**‘recoverable waste’** means any waste that is contained in a manner whereby it can be removed through mechanical means for disposal.

**‘Inspector means’** a person appointed to be an inspector under section 88 of the *Environmental Protection Act 1986*

## Appendix 2: Premises Map

