



*Section 65
Environmental Protection Act 1986*

ENVIRONMENTAL PROTECTION NOTICE

Reference No: 202505

PERSON TO WHOM THIS NOTICE IS ISSUED:

Wayne Crofts - Director
Craig Mostyn Farms Pty Ltd (ACN: 127 068 115)
Level 1, 6 Short Street
Fremantle WA 6160

PREMISES TO WHICH THIS NOTICE RELATES (the Premises):

CM Farms - Mogumber Piggery - Lot 501 on Plan 55017, Red Gully WA 6503

REASONS FOR WHICH THIS NOTICE IS ISSUED

This **Notice** is given to the **Occupier** being **Craig Mostyn Farms Pty Ltd** responsible for the wastewater treatment ponds under section 65 of the *Environmental Protection Act 1986* (WA) (EP Act) because I have reasonable grounds to suspect there is, or is likely to be an emission or emissions from the **Premises** and that the emissions have caused or are likely to cause pollution.

The suspected pollution involves the emission of animal effluent wastewater into the environment at levels that may result in environmental degradation or harm to environmental values.

The nature of the suspected pollution is:

On Sunday 3 August 2025, a structural failure occurred at the final evaporation wastewater pond (Pond 4) at the CM Farms - Mogumber Piggery. This failure led to the uncontrolled release of wastewater into approximately 2.5km of adjacent Crown land, managed by the Department of Biodiversity, Conservation and Attractions (DBCA).

Inspectors from the Department of Water and Environmental Regulation (DWER) conducted an on-site inspection and documented the following environmental concerns:

- A significant structural failure (approximately 15 meters in length) was observed in the eastern wall of the final evaporation pond (Pond 4).
- Approximately 50 million litres (ML) of piggery effluent wastewater was discharged into the surrounding environment and native vegetation.
- The wastewater travelled through an estimated 2.5 kilometre pathway of vegetated land.

- The pond embankment was constructed from compacted sand and soil, estimated to be 10 to 15 meters in depth, with no visible structural reinforcement.
- The discharge extended:
 - Beyond the licensed premises boundary.
 - Into DBCA managed land containing native vegetation.
 - Across Mogumber Road.
 - Into additional vegetated areas of Aboriginal land of the Gingin Brook Wagyl Site.
- The impacted area includes the Fynes Nature Reserve (A Class Crown Reserve) with native Banksia species
- The emission of wastewater is suspected to have caused environmental harm to native vegetation and soil erosion.
- Elevated nutrient levels in the effluent may result in ongoing adverse impacts on native vegetation, with the volume of water and erosion posing a risk of broader environmental harm.

Therefore, this Notice has been given to require the Occupier to take measures to prevent, control and abate the pollution; and to investigate the extent and nature of the environmental harm and its consequences; and to report to the department on actions to comply with the requirements.

I am satisfied that because **Craig Mostyn Farms Pty Ltd** is the **Occupier** of the **Premises** from which wastewater emissions have occurred, that you are the appropriate Person to whom to give this Notice.

REQUIREMENTS OF THIS NOTICE

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

The following requirements upon the person to whom the Notice is given are considered appropriate to achieve the following results:

- A. To prevent, control or abate animal effluent wastewater which is likely to be discharged into the environment (Requirement 1); and
- B. To prevent, control or abate the condition of pollution, in the form of animal effluent wastewater emissions that are likely to arise (Requirements 2 to 15 inclusive).

Requirements of this Notice

1. Effective 02 September 2025, CM Farms is granted limited and temporary authorisation to utilise Pond 4 of the wastewater treatment system at Mogumber Piggery, located on Lot 501, Plan 55017, Red Gully, WA, under the following conditions:
 - The temporary bund situated within the confines of Pond 4 must not exceed a height of 2.0 metres and must maintain a minimum freeboard of 500 millimetres.
 - The use of Pond 4 is strictly limited to a maximum duration of six (6) months from the date of this notice.
 - A suitably qualified engineer must conduct inspections of Pond 4 at two-month intervals throughout the authorised usage period.
 - CM Farms and/or its appointed contractor must carry out daily monitoring of Pond 4 for signs of instability, water seepage, or further damage to the liner.

- All daily monitoring activities must be documented and made available to the department upon request.
 - Should any anomalies, instability, seepage, or additional tearing of the liner be detected, operations involving Pond 4 must cease immediately. The department must be notified within 24 hours of such identification.
 - If continued use of Pond 4 beyond the six-month limit is anticipated, CM Farms must seek and obtain prior approval from the CEO before the expiry of the authorised period.
2. On or before 20 October 2025, the person to which this notice is given must engage a suitably qualified geotechnical engineer to assess the structural integrity of ponds 1, 2, and 3 and provide to the CEO within 30 days of the inspection a report confirming the condition and stability of each pond
 3. On or before 31 December 2025, the person to whom this notice is given must reduce the volume of wastewater in ponds 1, 2 and 3 to provide a freeboard level of 500mm and ensure a freeboard indicator is present on each pond.
 4. If ponds 1, 2, 3 or 4 and any approved on-site wastewater storage reach capacity, any remaining piggery effluent generated within the Premises is to be removed from the Premises by a Licensed Controlled Waste Carrier for Controlled Waste Category K100 (Animal effluent and residues). Evidence of such removal must be retained and provided to the CEO upon request.
 5. On or before 15 December 2025, the person to which this notice is given must provide to the CEO a report prepared by a suitably qualified geotechnical engineer detailing an investigation of the cause of the discharge, including an assessment of how the integrity of the pond 4 was compromised.
 6. On or before 28 November 2025, the person to whom this notice is given must engage and retain a suitably qualified Environmental Consultant to conduct an impact assessment and in consultation with DBCA and the Aboriginal Lands Trust prepare an Environmental Remediation Plan, which must include timescales for specific action to be taken and undertake remedial actions to rectify the impacted land in line with the Environmental Remediation Plan. .
 7. The person to whom this Notice is given must ensure the Environmental Remediation Plan prepared in accordance with condition 6 of this Notice is completed and provided to the CEO together with endorsement of the Environmental Remediation Plan from DBCA and the Aboriginal Lands Trust within 60 days from appointment of a consultant.
 8. Effective 02 September 2025, CM Farms is granted limited and temporary authorisation to utilise 2 existing impervious concrete basin drying beds at Mogumber Piggery under the following conditions:
 - For the temporary and limited purpose of storing geobags containing sludge from pond 2.
 - Sludge must be pumped directly from Pond 2 to geobags located in each bed. Return water must be pumped or gravity fed back to either Pond 2 or to the existing wastewater tank adjacent to Pond 1 impervious concrete basin.
 - The use is strictly limited to a maximum duration of six (6) months from the date of this notice. If continued use of the concrete storage beds beyond the six-month limit is anticipated, CM Farms must seek and obtain prior approval from the CEO before the expiry of the authorised period.

- At the conclusion of the storage period any stored geobags must be removed from the Premises by a Licensed Controlled Waste Carrier for Controlled Waste Category K100 (Animal effluent and residues) and the concrete beds must be thoroughly washed down and returned to their previous condition. Evidence of such removal must be retained and provided to the CEO upon request.

OTHER REQUIREMENTS

9. Subject to section 65(4) of the Act, the CEO may vary the requirements of this Notice, including the specified requirements and timeframes where they consider sufficient justification has been provided, and it can be demonstrated that such variation will not result in an unacceptable risk to human health, the environment or any environmental value.



Executive Director Assurance

Department of Water and Environmental Regulation

for the Chief Executive Officer under Delegation No. 187 (Gazetted 8 August 2025)

7 October 2025

Important Information:

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

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.

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

- 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; and
- 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 of that appeal.

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

Pursuant to Regulation 31(1)(c) of the Contaminated Sites Regulations 2006, a mandatory auditor's report is to be provided to the CEO with every report containing information as to, or which will be relevant to, the investigation, assessment, monitoring of a site provided to the CEO for the purpose of complying with a requirement or condition (by whatever name called) imposed under another written law).

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.

‘CEO’ for the purposes of correspondence means;

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: compliance@dwer.wa.gov.au

‘Days’ means all days including weekends and public holidays.

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

‘DWER’ means Department of Water and Environmental Regulation.

‘Occupier’ means **Craig Mostyn Farms Pty Ltd ACN 127 068 115**

‘Pollution’ as defined by section 3A(1) of the Environmental Protection Act 1986.

‘the Premises’ refers to the Premises to which this Notice applies, as specified at the front of this Notice and means CM Farms – Mogumber Piggery Lot 501 on Plan 55017 RED GULLY WA 6503

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

‘Suitably qualified geotechnical engineer’ means a person who:

- (a) holds a Bachelor of Engineering degree recognised by Engineers Australia; and
- (b) has a minimum of five years of experience working in a supervisory role in geotechnical engineering.

‘Suitably qualified environmental consultant’ The Environmental Consultant referred to in Requirement 5 is to have qualifications and experience consistent with those described in Schedule B9 of the National Environment Protection (Assessment of Site Contamination) Measure 1999 (the NEPM).