



Section 65
Environmental Protection Act 1986

ENVIRONMENTAL PROTECTION NOTICE

Reference No: ENV202601

PERSON TO WHOM THIS NOTICE IS ISSUED:

Ross Kingsley Woodhouse
1713 Warner Glen Road
Warner Glen WA 6288

And

Peninsula Downs Pty Ltd (ACN 161 292 280)
C/o- AMD
Level 1, 53 Victoria Street
Bunbury WA 6230

PREMISES TO WHICH THIS NOTICE RELATES (the Premises):

Peninsula Downs Dairy comprising:

1. Lot 2414 on Deposited Plan 203055
1381 Warner Glen Road, Warner Glen WA 6288
2. Lot 2422 on Deposited Plan 203055
1427 Warner Glen Road, Warner Glen WA 6288
3. Lot 3980 on Deposited Plan 203055
1396 Warner Glen Road, Warner Glen WA 6288

REASONS FOR WHICH THIS NOTICE IS ISSUED

This **Notice** is given to the **Occupiers** being **Ross Kingsley Woodhouse** and **Peninsula Downs Pty Ltd** (ACN 161 292 280) 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 nature of the suspected pollution is:

- The emission of animal effluent and decomposing animal carcasses to the environment from the dairy operated by Peninsula Downs Pty Ltd in levels that may result in environmental degradation or harm to environmental values.

Therefore, this Notice has been given to require the **Occupiers** 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 **Ross Kingsley Woodhouse** and **Peninsula Downs Pty Ltd** are the **Occupiers** of the **Premises** from which the emissions have occurred, and you are the proper **Person's** to whom this Notice is given.

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's** to whom the **Notice** is given are considered appropriate to achieve the following results:

- A. To prevent, control or abate dairy effluent which is likely to be discharged into the environment; and
- B. To prevent, control or abate the condition of pollution, in the form of animal effluent wastewater emissions and decomposing animal carcasses, that is likely to arise.

Requirements of this Notice

Removal of effluent

1. Within 28 days of receiving this notice:
 - a. Desludge and remove effluent from the three effluent ponds; and
 - b. Remove all effluent from the impacted watercourse across the **Premises**.
 - c. Effluent removed from the premises is to be taken to a suitably authorised disposal facility, the location of which is to be provided to the CEO.
 - d. Requirement 1c is to be completed using a licensed controlled waste carrier, class K100 - Animal effluent and residue.
2. Within 7 days of the completion of requirement 1, receipts from the licensed controlled waste carrier and photographs of the removal of the effluent from the ponds and watercourse are to be provided to the CEO.

Relocation of carcasses

3. Within 14 days of receiving this notice:
 - a. engage a suitably qualified Environmental Consultant (see Appendix 1) to identify an appropriate location on Lot 3980 on Deposited Plan 203055 for the burial of animal carcasses. The identified location must not impact surface water or groundwater and must be at least 100 metres from any watercourse.
 - b. Submit to the CEO the advice provided by the Environmental Consultant in requirement 3 demonstrating the requirements for the burial location have been met.
4. Within 7 days of receiving the CEO's approval for the burial site within requirement 3, remove the animal carcasses and general waste from their current location near the

creek on Lot 3980 on Deposited Plan 203055 and bury them at the approved burial site.

5. Within 7 days of the completion of requirement 4, provide in writing to the CEO, confirmation the requirement has been met and provide the location, depth of burial and photographic images of the carcasses being removed and buried at the approved site.

Impact assessment and remediation

6. Within 21 days of receiving this notice, engage a suitably qualified Environmental Consultant (see Appendix 1) to:
 - a. Conduct an impact assessment and prepare a report on the extent, nature and environmental risk of the dairy effluent emission.
 - b. Prepare an Environmental Remediation Plan for the affected watercourse and surrounding wetlands as outlined in Map 1 attached. The Plan must address the clean-up of emissions, remediation of environmental impacts, mitigation of ongoing risks and include clear timeframes for all remediation actions.
7. Within 60 days of the Environmental Consultant being appointed as per requirement 6, provide to the CEO, the Impact Assessment report and the Environmental Remediation Plan, prepared by the Environmental Consultant, for review and approval.
8. Within 7 days of receiving the CEO's approval for the Impact Assessment report and the Environmental Remediation Plan within requirement 7, commence implementation of the Environmental Remediation Plan.

Effluent management

9. Within 28 days of receipt of this notice, engage a suitably qualified professional (refer Appendix 1) to assess the existing effluent management system and identify deficiencies that have resulted in, or may result in, the discharge of dairy effluent to the environment.
10. Within 60 days of the appointment of the suitably qualified professional per requirement 9, provide to the CEO an Effluent Management Upgrade Plan that details the infrastructure, operational measures and timeframe required to capture, store and contain all dairy effluent generated on site and prevent its discharge to the environment, for review and approval.
11. The Effluent Management Upgrade Plan must demonstrate that the effluent management system will have sufficient capacity and appropriate controls to prevent overflow, leakage or uncontrolled discharge of dairy effluent under all operating and rainfall conditions.
12. Within 7 days of receiving the CEO's approval for the Effluent Management Upgrade Plan within requirement 10, commence implementation of the effluent management system upgrades in accordance with the approved Effluent Management Upgrade Plan and within the timeframes specified in that Plan.
13. Commencing from the date of receiving the CEO's approval for the Effluent Management Upgrade Plan within requirement 10, provide updates to the CEO every 30 days on the implementation of the effluent management system upgrades in accordance with the approved Effluent Management Upgrade Plan
14. Provide notification to the CEO when implementation of the effluent management system upgrades in accordance with the approved Effluent Management Upgrade Plan are completed.

Other requirements

15. 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.



Ruth Dowd
Executive Director Assurance
Department of Water and Environmental Regulation

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

15 May 2026

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.

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: environmentalcrime@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 **Ross Kingsley Woodhouse and Peninsula Downs Pty Ltd ACN 161 262 280**

‘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 Peninsula Downs Dairy comprising:

- Lot 2414 on Deposited Plan 203055, 1381 Warner Glen Road, Warner Glen WA 6288
- Lot 2422 on Deposited Plan 203055, 1427 Warner Glen Road, Warner Glen WA 6288
- Lot 3980 on Deposited Plan 203055’ 1396 Warner Glen Road, Warner Glen WA 6288.

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

‘Suitably qualified environmental consultant’ The Environmental Consultant referred to in this notice 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).

‘Suitably qualified professional’ The suitably qualified professional referred to in this notice is to have completed the nationally recognised unit of training AHCLSK506 – Design Effluent Systems or has equivalent proven skills, knowledge and experience.

APPENDIX 2

PREMISES MAP

