



Application for licence

Part V Division 3 of the *Environmental Protection Act 1986*

Licence Number	L9123/2018/2
Licence Holder	Elders Rural Services Australia Limited and Nutrien AG Solutions Limited
File Number	DER2018/000478-1
Premises	Boyanup Saleyards 31 Salter Road BOYANUP Legal description Lot 202 on Plan 169731 (Crown Reserve 27193), Lot 203 on Plan 169731 (Crown Reserve 27194)
Date of Report	05 May 2022
Decision	To grant a licence

**Senior Industry Regulation Officer
Industry Regulation**

An officer delegated by the CEO under section 20 of the EP Act

1. Application summary

On 10 February 2022, Elders Rural Services Australia Limited and Nutrien AG Solutions Limited (licence holders) applied for a new licence as the existing licence (L9123/2018/1) is due to expire on 21 May 2022. The Premises are located on Lot 202 and 203, Salter Road Boyanup. The licence relates to the prescribed premises category described in Table 1.

Table 1: Premises category description and production capacity

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Assessed production capacity
Category 55: Livestock saleyard or holding pens– premises on which live animals are held pending their sale, shipment or slaughter. waste is stored or sorted pending final disposal or reuse.	70,000 animals per year

The Licence Holder operates the Boyanup Saleyards located approximately 215 km south of Perth, within the Shire of Capel. Cattle are sold out of the yard three times per week from November to February and weekly throughout the remainder of the year. The daily operations of the site are managed by the Western Australian Livestock Salesmen’s Association (WALSA).

2. Regulatory framework

The Delegated Officer has determined to undertake administrative changes to the new licence and has not conducted a full review and risk assessment of emissions and discharges from the Premises in line with the Department of Water and Environmental Regulation’s (department) *Work Instruction: Regulatory Services, COVID-19 licensing position*, October 2021.

In replacing the licence, the Delegated Officer has considered and given due regard to the department’s regulatory framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

3. Complaints and incident history

There are no records of any incidents or complaints identified at the Premises in the last five years in the department’s Incidents and Complaints Management System (ICMS).

4. Decision summary

Under the regulatory framework the Delegated Officer has determined to grant the licence L9123/2018/2 without conducting additional assessment of environmental risk. The existing prescribed premises category has not been reviewed in the new licence.

The department sought comment from the Shire of Capel on the application for new licence in accordance with the Guideline: Industry Regulation Guide to Licensing. The Shire of Capel provided a response on 20 April 2022, which is summarised in Table 2 below, and therefore the licence will be issued for a short period of two years.

The Delegated Officer has determined to change the new licence by:

- update the format and appearance of the licence;
- remove redundant definitions and conditions and update definitions as required;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements); and
- transfer all relevant existing regulatory controls and conditions to the new licence.

As a result of this decision, Licence L9123/2018/2 has been granted subject to conditions set out in the attached licence and summarised below.

4.1 Summary of changes to the licence

Section 62 of the EP Act provides general power to impose conditions on a licence. Licences are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) for the purposes of the EP Act to prevent, control, abate or mitigate pollution or environmental harm.

Table 2 summarizes the transfer of all appropriate conditions from the expiring licence into the new licence.

Table 2: Licence conditions description and rationale

Licence condition number	Summary - previous licence condition	Conversion notes	New licence condition number
	Definitions	Revised to current licensing format.	Table 4
G1	Disposal of animal carcasses	Transfer existing condition.	3
G2	Reporting	Revised to current licensing format.	12
G3	Annual Audit Compliance Report (AACR)	Revised to current licensing format.	11
A1	Dust emissions	Revised to current licensing format.	1
W1(a)	Removal and disposal of accumulated material	Transfer existing conditions.	4
W1(b)			5
W2	Uncontaminated Stormwater run-off	Transfer existing condition.	2
W3(a)	Discharge criteria	Transfer existing condition and corrected wording of condition by replacing 'surface' with 'water'.	6
W3(b)		Revised to current licensing format.	7
W4	Water monitoring	Revised to current licensing format.	8
W5		Incorporated into Table 2	8
W6		Revised to current licensing format.	9
N/A	Schedule 1 – Premises Map	Updated premises map with L1.	Schedule 1 – Figure 1

4.2 Additional conditions

The new licence has been updated to include standard conditions for recording complaints (condition 10) and keeping books (conditions 13 and 14) in line with DWER's *Guidance Statement – Setting Conditions* 2015. These are standard conditions to allow for the effective administration of the new licence.

5. Consultation

Table 1 provides a summary of the consultation undertaken by the Delegated Officer.

Table 1: Consultation

Consultation method	Comments received	Delegated Officer's response
<p>The Shire of Capel was provided with a redacted copy of the application for new licence L9123/2018/1 on 24 March 2022.</p>	<p>On 20 April 2022 a response was provided to the department stating that on 19 January 2022 (resolution OC004/2022), the Shire of Capel resolved to:</p> <ol style="list-style-type: none"> 1. Approve leasing the land known as the Boyanup Cattle Saleyards, situated on Reserve 27193 and Reserve 27194 Boyanup to Elders Rural Services Limited and Nutrien AG Solutions Limited (WALSA) on the following essential terms: <ul style="list-style-type: none"> • An initial term of 10 years; ▪ A further term of 10 years by mutual agreement; ▪ Annual gross rent at the commencement of the lease (not including current and separate Council rate's charges) being set at \$81,000 plus GST; and ▪ Rent to be reviewed annually on the anniversary of the commencement date by CPI. 2. That 1) above is subject to the negotiation of a management order with WALSA that includes but is not limited to: <ul style="list-style-type: none"> • Animal welfare legislation, regulations, and standards; • WHS standards, worker qualifications and incident response plans; • Environmental matters including, waste and effluent management, odour, noise, and dust; • Operating standards, security, and times; • Public access, vehicular movement and management, parking and conditions of entry; • Access for people living with a disability; • Facility standards, amenity, and maintenance. • The installation either shade sails or solid roof over all cattle pens. <p>To the satisfaction of Shire Officers.</p> 3. That the Capital Upgrade Plan and Management Plan be appendices to the lease in 1) above and conditions of lease of the Boyanup Cattle Saleyards. 4. Approve the affixation of the Common Seal of the Shire of Capel to the Lease Agreement in the presence of the President and Chief Executive Officer of the Shire of Capel, each of whom shall sign the document to attest the affixation of the common seal; and 	<p>The expiry date for licence L9123/2018/2 will be extended to 21 May 2024 to allow the licence holder the opportunity to obtain a new lease from the Shire of Capel.</p> <p>Please note, capital works to upgrade the Premises infrastructure relating to the prescribed activity may require a works approval in accordance with Part V of the EP Act.</p> <p>An application for a works approval can be located on the Departments website.</p>

	<p>5) Commits (via future Corporate Business Plan and budgetary consideration) to the commencement of a consultative process, involving government, industry and key stakeholders in the identification and development of a long-term location and solution for the Saleyards, within the Shire of Capel and away from the Boyanup townsite.</p> <p>The Shire acknowledges the priority of a new licence and explained that the current lease ends on 20 June 2022. It is also expected that the Capital Upgrade plan and Operational Plan will include the development of effluent and waste management infrastructure that should be incorporated into the new licence.</p> <p>Accordingly, the Shire requests new licence L9123/2018/2 duration be limited for a period of up to two years. This would enable the licence and lease conditions to be aligned to cover future operations.</p>	
Applicant was provided with draft documents on 22 April 2021.	The licence holder provided a response on 5 May 2022 requesting the comment period be waived and the licence be issued as soon as possible	N/A

6. Conclusion

Based on the assessment in this Decision Report the Delegated Officer has determined to grant Licence L9123/2018/2. The licence is subject to conditions commensurate with the determined controls as well as conditions necessary for administration and annual reporting requirements.