



# Amendment Notice 2

**Licence Number** L7738/2000/9

**Licence Holder** Water Corporation

**ACN** 28 033 434 917

**File Number:** DWERDT137050

**Premises** Margaret River Wastewater Treatment Plant  
Corner Long and Tare Roads  
BRAMLEY WA 6285  
Being Forest Lease 2112/97, and part of State Forest no. 56  
(as shown in Attachment 1)

**Date of Amendment** 15 May 2019

## Amendment

The Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (DWER) has amended the above Licence in accordance with section 59 of the *Environmental Protection Act 1986* (EP Act), as set out in this Amendment Notice. This Amendment Notice constitutes written notice of the amendment in accordance with section 59B(9) of the EP Act.

**Steve Checker**

**MANAGER WASTE INDUSTRIES**

**REGULATORY SERVICES**

an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA).

# Definitions and interpretation

## Definitions

In this Amendment Notice, the terms in Table 1 have the meanings defined.

**Table 1: Definitions**

Term	Definition
ACN	Australian Company Number
Amendment Notice	refers to this document
CALM	Former Department of Conservation and Land Management
Category/ Categories/ Cat.	categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
CEO	means Chief Executive Officer. CEO for the purposes of notification means:  Director General Department Administering the <i>Environmental Protection Act 1986</i> Locked Bag 10 JOONDALUP DC WA 6919 <a href="mailto:info@dwer.wa.gov.au">info@dwer.wa.gov.au</a>
DBCA	The Department of Biodiversity, Conservation and Attractions
DEC	Former Department of Environment and Conservation
Delegated Officer	an officer under section 20 of the EP Act
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
DWER	Department of Water and Environmental Regulation
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
Existing Licence	The Licence issued under Part V, Division 3 of the EP Act and in force prior to the commencement of and during this Review

Licence Holder	Water Corporation
Minister	the Minister responsible for the EP Act and associated regulations
Prescribed Premises	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Decision Report applies, as specified at the front of this Decision Report.
Risk Event	as described in <i>Guidance Statement: Risk Assessment</i>

## Amendment Notice

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the Licence issued under the EP Act for a prescribed premises as set out below. This notice of amendment is given under section 59B(9) of the EP Act.

This notice is limited only to an amendment to the Prescribed Premises boundary. No changes to the aspects of the original licence relating to Category 54 or 61 have been requested by the Licence Holder.

The following guidance statements have informed the decision made on this amendment

- *Guidance Statement: Regulatory Principles* (July 2015)
- *Guidance Statement: Setting Conditions* (October 2015)
- *Guidance Statement: Decision Making* (February 2017)
- *Guidance Statement: Risk Assessment* (February 2017)
- *Guidance Statement: Environmental Siting* (November 2016)

## Amendment description

On 22 February 2019 the Licence Holder applied for an amendment to the prescribed boundary as described in Licence L7738/2000/9. The boundary presented on the Existing Licence is inconsistent with the current and historical irrigation footprint. The construction of the Margaret River bypass road has also altered the woodlot areas as the road reserve has been removed from parts of the State Forest 56. The proposed boundary amendment extends to the north a further approximately 1000m than the existing premises boundary. This northern area was approved by a licence issued by CALM, dated 21 May 2002 (Figure 3). In 2007 L7738/2000/7 included a boundary map which encompasses the majority of the woodlot irrigated in today and was an accurate representation of irrigation occurring at the time (Figure 4). The licence was re-issued as L7738/2000/8 in 2010 due to licence expiry, this revision included a revised boundary map with a significantly reduced area, omitting the northern irrigation areas (Figure 1). The Licence Holder states there is no evidence that this omission was intentional or noticed at the time of issue and thus appears to be the origin of the inconsistency.

This inconsistency was continued in 2011 when a works approval application (W4929/2011/1) was submitted by the Licence Holder to amend their irrigation areas because the Forestry Products Commission had scheduled to harvest of some areas irrigated by the Licence Holder. The issued Works Approval however used the prescribed premises boundary map from the Existing Licence (Figure 1) rather than the map submitted with the Works Approval application supporting documents (Figure 5). This licence boundary was not only inconsistent due to the omission of the northern areas, but it also omitted the new irrigation areas that the Works Approval was intended for, specifically the eastern irrigation areas. The accompanying decision document does not indicate why the proposed boundary (Figure 5) was not utilised, therefore the Licence Holder believes that its omission from W4929/2011/1 was unintentional. As such, the Licence Holder would like to amend the licence to reflect the true premises boundary with the replacement of Figure 1 with Figure 2. This amendment aims to reflect the current and historical irrigation boundary as well as incorporate the changes to State Forest 56.

Consultation with the current landowners, the Department of Biodiversity, Conservation and Attractions (DBCA), resulted in further proposed amendment to the premises boundary (Figure 6) as the boundary provided by the Licence Holder included areas not authorised to be irrigated including areas of the National Park and State forest. The boundary provided by DBCA also excludes areas of Nozzle Road and the bypass offshoot road to the airport. DBCA believes figure 6 accurately represents current and historic authorised irrigation activities from the WWTP.

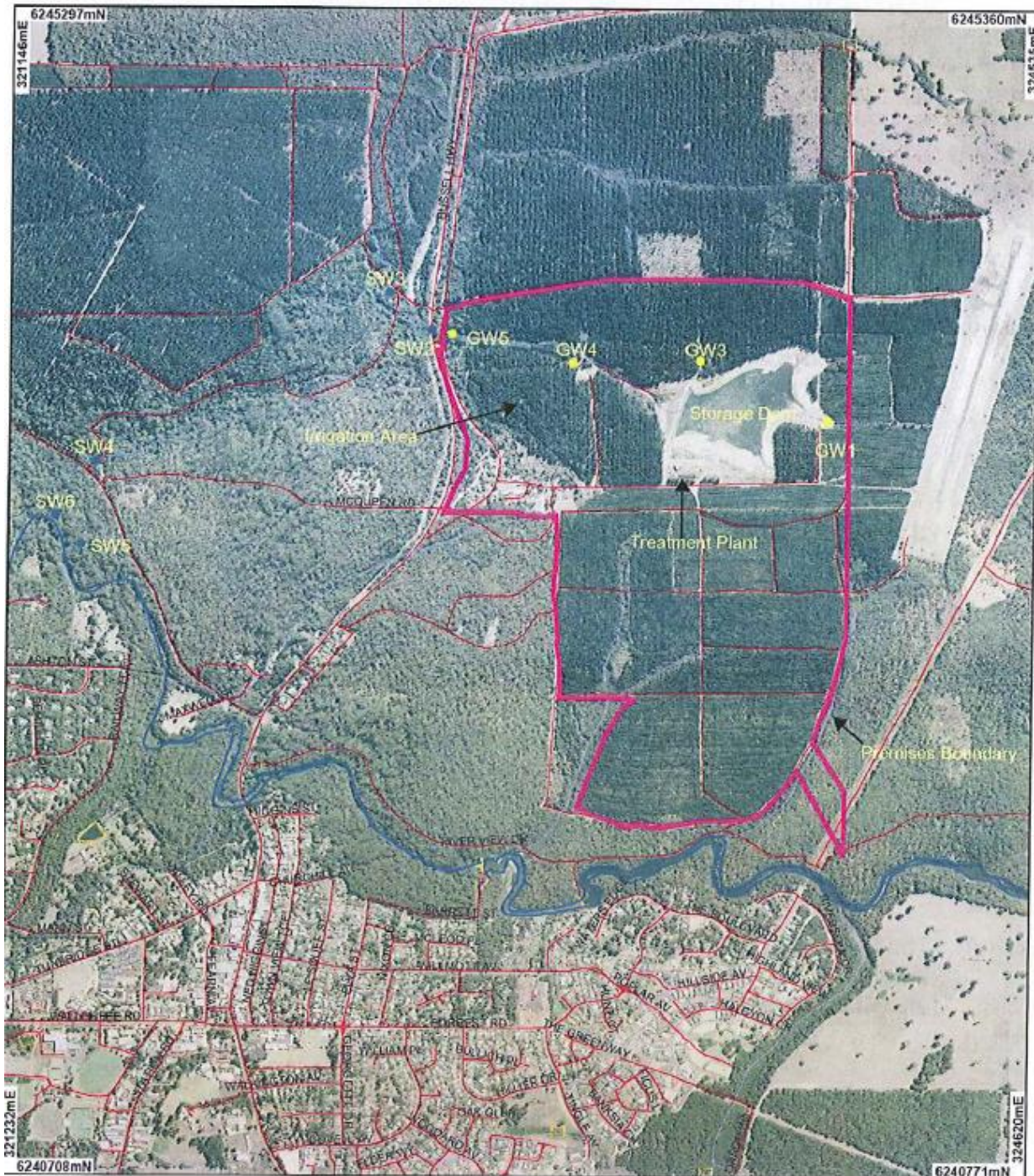
The Licence Holder has also applied to amend conditions relating to the management of wastewater irrigation areas, namely condition W7(a)(iv) and Condition W7(a)(vi) of the Existing Licence. These amendment requests include:

Condition W7(a)(iv) limits the use of treated wastewater by irrigation to within the premises boundary, however Licence Condition W1(a) allows the reuse of the treated wastewater by the Shire: "*The licensee shall... (v) re-use treated wastewater from the storage dam at the on-site woodlot and other approved shire uses*". The Licence Holder requests Condition W7(a)(iv) be re-written to specify that it relates to the water applied for irrigation on the on-site woodlot only.

Condition W7(a)(vi) states that "*irrigation shall be minimised during periods of rainfall or onto flooded areas*" which the applicant requests be removed from the licence as over irrigation is covered by conditions W7(a)(ii) "*soil erosion or ponding of wastewaters is minimised*" and the loading condition W7(b).



Figure 1: Existing Prescribed Premises Boundary from L7738/2000/9 and L7738/2000/8





**Figure 2: Proposed Prescribed Premises Boundary**

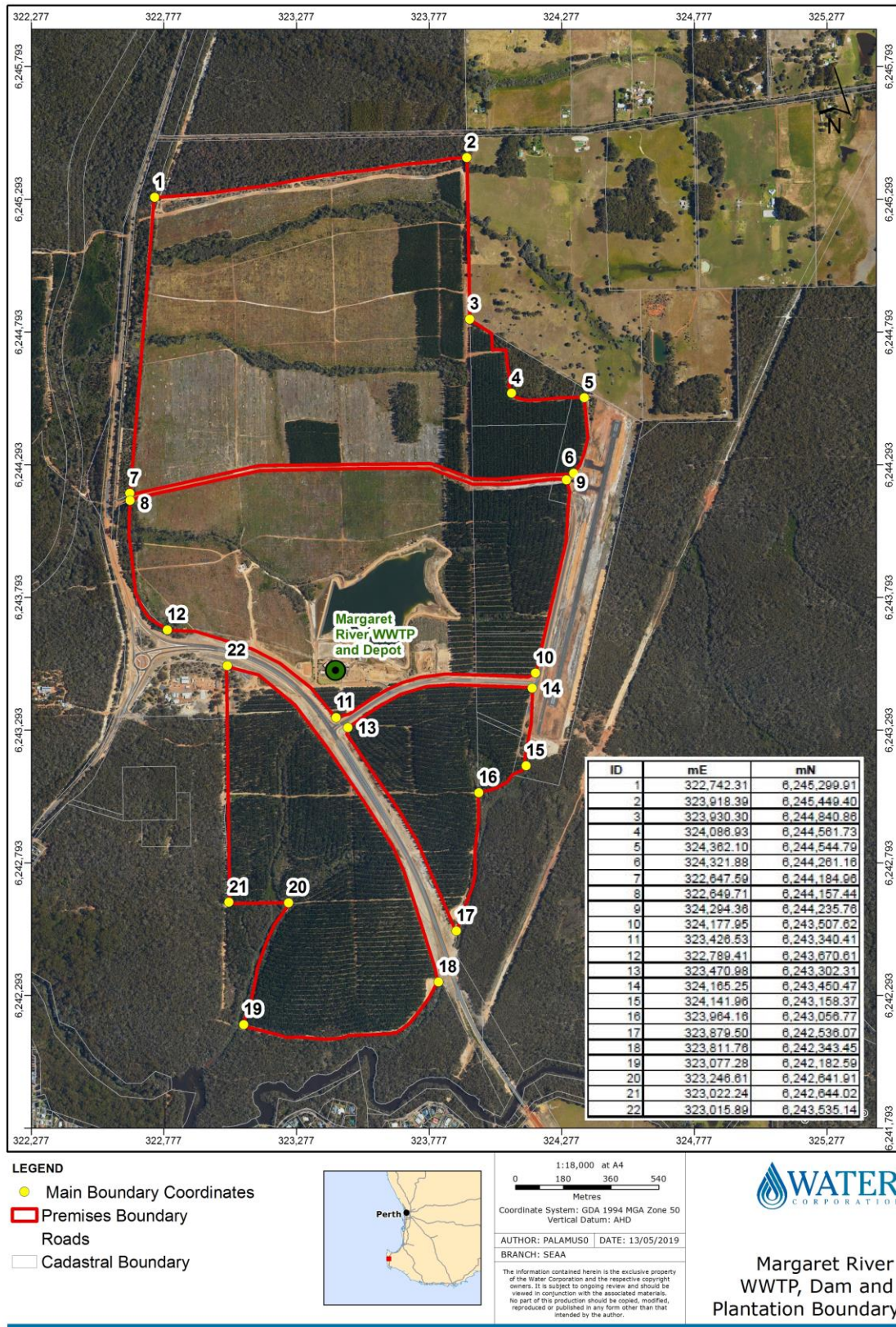


Figure No

Figure 3: Image from licence agreement dated 21 May 2002 between CALM and Water Corporation indicating the northern irrigation areas for Margaret River WWTP.

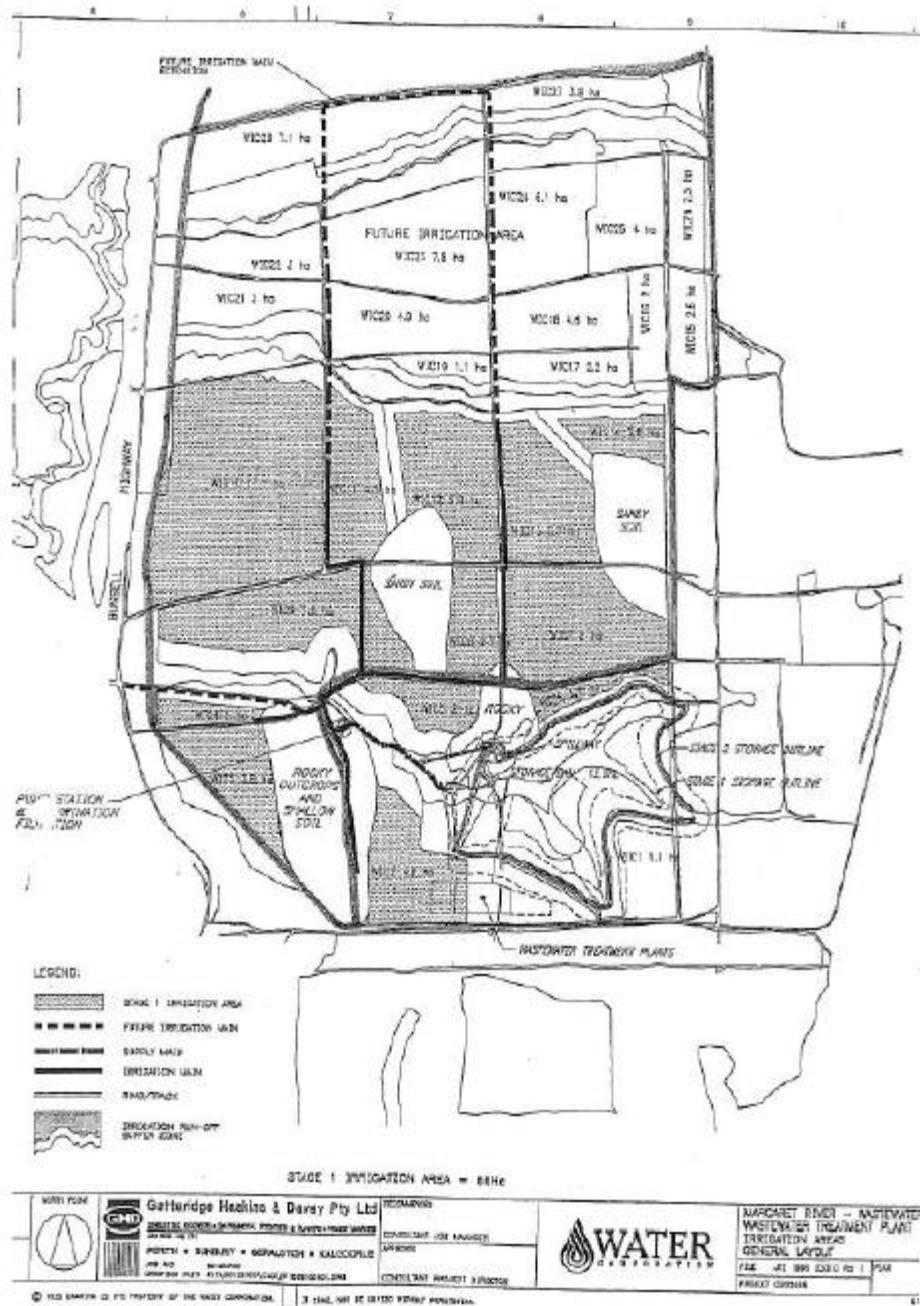




Figure 4: Boundary depicted in 2007 licence L7738/2000/7

L7738/2000/7

Attachment 1

DEC 1113



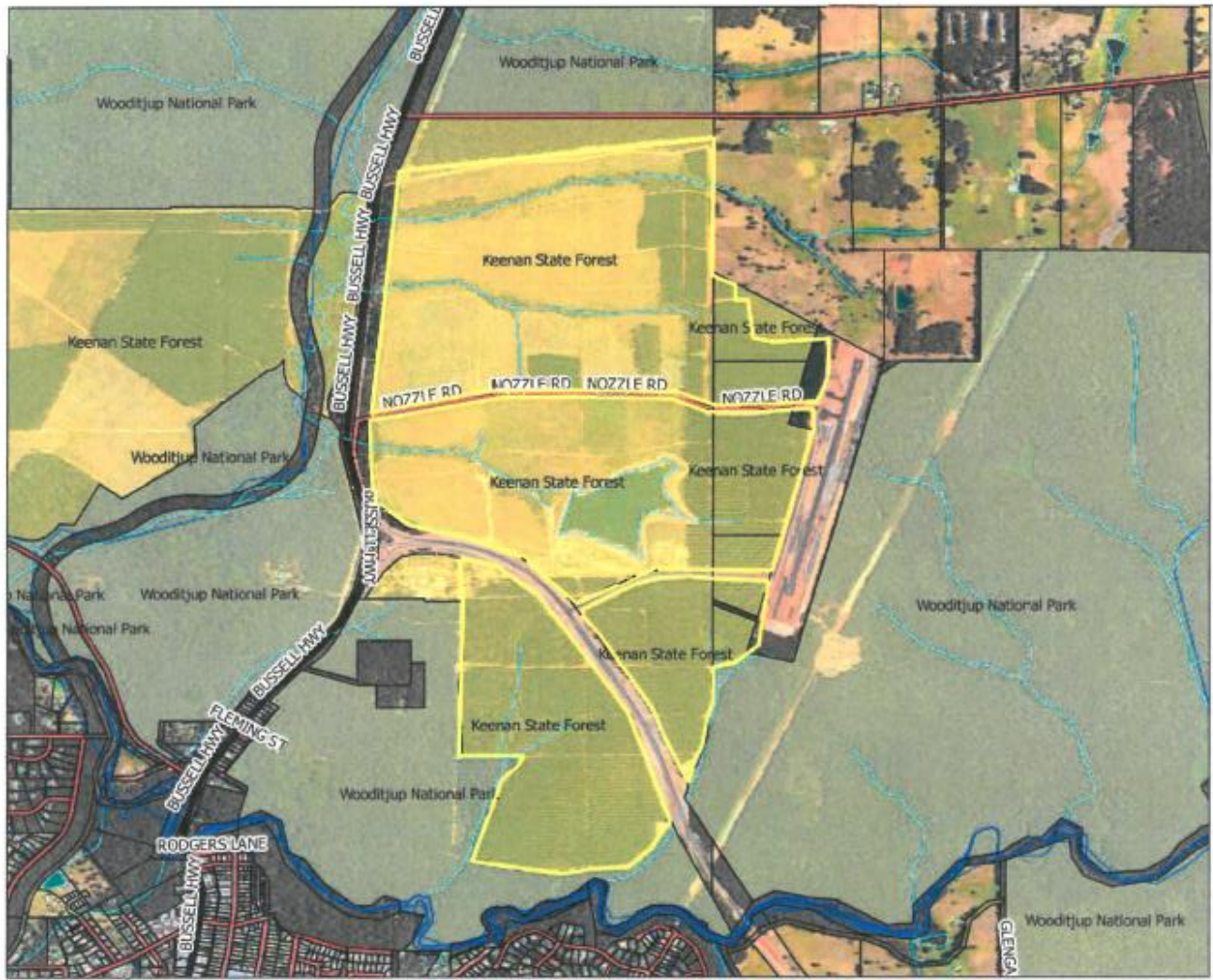
**Figure 5: Diagram from Works Approval application to DEC from 14 March 2011 (W4929/2011/1)**





Figure 6: Margaret River WWTP -DBCA authorised boundary

ATTACHMENT 6



Margaret River WWTP - DBCA preferred boundary

**Legend**

- South West Cadastre (Land Parcels)
- South West Major Hydrography
- South West Minor Hydrography
- South West Drainage Lines
- Watercourse
- DBCA Estate
- National Park
- State Forest
- TGOB Roads - All
- Highway, Freeway
- Minor road unsealed
- South West Sealed Roads

DBCA preferred DWER Licence site boundary

1:15,000  
 (A4) Geographic Projection  
 Datum: GDA94



Produced by TT,  
 Department of Biodiversity,  
 Conservation and Attractions

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 Conservation and Attractions

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## Amendment history

Table 2 provides the amendment history for L7738/2000/9.

**Table 2: Licence amendments**

Instrument	Issued	Amendment
L7738/2000/9	29/04/2016	Amendment Notice to extend expiry date to 31 October 2034.
L7738/2000/9	10/11/2016	Amendment Notice 1 to remove the requirement to maintain a metering device to monitor the volume of wastewater discharged to the storage dam.
L7738/2000/9	15/05/2019	Amendment Notice 2 to amend Premises Boundary and minor amendments to Condition W7(a).

## Decision

The Delegated Officer has considered the inconsistency of premises boundary map, the previous licence history and Works Approval application data provided for W4929/2011/1, and the information provided by DBCA in the assessment of a revised Prescribed Premises boundary for the site. The Delegated Officer agrees with the applicant that the reduction of the boundary in 2010 and adoption of an incorrect map in 2011 does not appear to have been justified nor necessarily intentional on the part of DWER and is inconsistent with current and historical operations. The amendment to the premises boundary does not change the risk profile of the site as it is correcting an administrative error from the previously granted licence and works approval.

The Delegated Officer considers the removal of condition W7(a)(vi) as acceptable given that W7(a)(ii) is amended to indicate a responsibility of the Licence Holder to ensure soil erosion or ponding of wastewaters does not occur rather than is minimized. This amendment is intended to make the conditions more clear and enforceable in the future.

The Delegated Officer has granted the amendment to Condition W7(a)(iv) to clarify the difference between irrigation applied to the allocated woodlots and the wastewater used for other shire approved purposes. The Delegated Officer recognises the confusion the previous wording may have caused in association with Condition W1(a) which allows the reuse of the wastewater by the Shire: *"The licensee shall: ... (v) re-use treated wastewater from the storage dam at the on-site woodlot and other approved Shire uses"*. As such, condition W7(a)(iv) has been amended to specify that the requirements exclude offsite reuse.

The Delegated Officer has amended the definitions of the Licence to include a definition for the term 'woodlots' as these areas are irrigated planted areas, not natural woodland areas. The definition has been included to provide clarity.

## Licence Holder's comments

The Licence Holder was provided with the draft Amendment Notice on 29 April 2019. Comments received from the Licence Holder have been considered by the Delegated Officer as shown in Appendix 2.

## Amendment

1. Definitions of the Licence is amended by the insertion of the red text shown in underline below:

"Woodlots" means planted non-endemic tree plantations grown to produce commercial timber.

2. Condition W7(a) of the Licence is amended by the deletion of the text shown in strikethrough below and the insertion of the red text shown in underline below:

W7(a) The Licensee shall dispose of all treated wastewaters by irrigation such that;

- (i) Wastewater is evenly distributed over the irrigation area;
- (ii) Soil erosion or ponding of wastewaters ~~is minimized~~ does not occur;
- (iii) A healthy vegetation cover is maintained over the irrigation areas;
- (iv) There is no direct runoff, spray drift or discharge of wastewater beyond the boundaries of the licenced premises with the exception of the re-use of treated wastewater authorised under Condition W1(a); and
- (v) Irrigation shall not occur within 50 metres of any defined watercourse or drain. ~~;~~ ~~and~~

~~(vi) Irrigation shall be minimized during periods of rainfall or onto flooded areas.~~

3. The Licence is amended by the deletion of Attachment 1 - Plan of Premises map from the Existing Licence and the insertion of the map over as the Approved Premises Boundary.
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# Attachment 1 - Plan of Premises

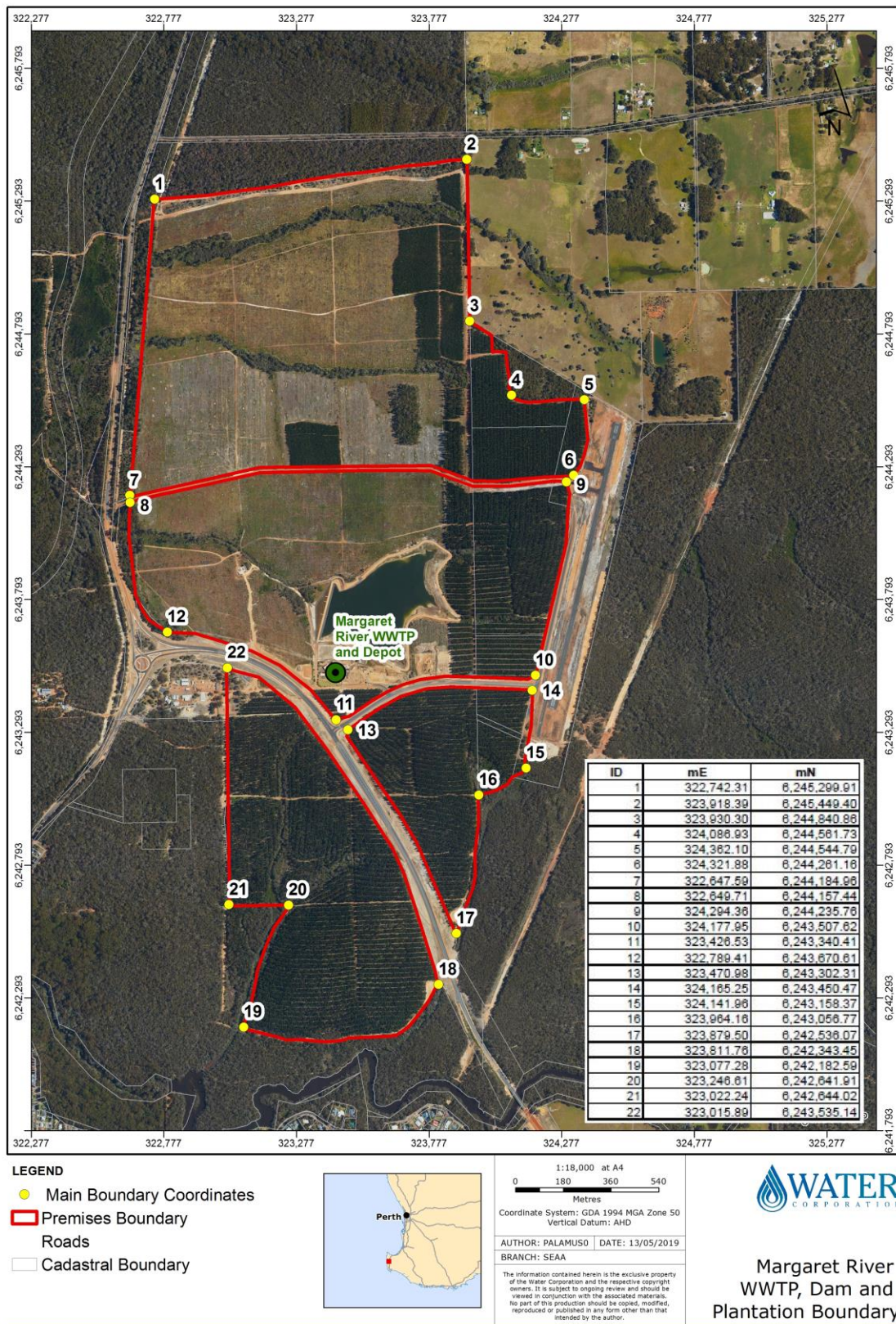


Figure No

## Appendix 1: Key documents

	Document title	In text ref	Availability
1	Licence L7738/2000/9- Margaret River Wastewater Treatment Plant	L7738/2000/9	accessed at <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>
2	Licence L7738/2000/7 – Margaret River Wastewater Treatment Plant	L7738/2000/7	DWER records
3	Licence L7738/2000/8 – Margaret River Wastewater Treatment Plant – Licence reissue	L7738/2000/8	DWER records
4	Works Approval W4929/2011/1	W4929/2011/1	DWER records
5	DER, July 2015. <i>Guidance Statement: Regulatory Principles</i> . Department of Environment Regulation, Perth.	DER 2015a	accessed at <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>
6	DER, October 2015. <i>Guidance Statement: Setting Conditions</i> . Department of Environment Regulation, Perth.	DER 2015b	
7	DER, November 2016. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.	DER 2016b	
8	DER, November 2016. <i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, Perth.	DER 2016c	

## Appendix 2: Summary of Licence Holder comments

The Licence Holder was provided with the draft Amendment Notice on 29 April 2019 for review and comment. The Licence Holder responded on 14 May 2019 waiving the remaining comment period (until 20 May 2019). The following comment was received on the draft Amendment Notice.

Condition	Summary of Licence Holder comment	DWER response
Attachment 1: Plan of Premises	Licence Holder submitted an updated map of the Premises Boundary to align with the land owners (DBCA) map of the Premises Boundary.	Attachment 1 and Figure 2 swapped for updated map image.