



CEO-initiated licence amendment

Division 3, Part V *Environmental Protection Act 1986*

Licence number	L8338/2009/2
Licence holder	Ausvision Rural Services Pty Ltd
ACN	106 075 763
File number	DER2018/000016
Premises	'La Bergerie' Pre-Export Quarantine Sheep Feedlot Telephone Lane BALDIVIS WA 6171 Legal description – Lots 1 & 2 on Plan 77728
Date of report	7 January 2021
Status of report	Final

Amendment description

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

This amendment has been initiated by the Chief Executive Officer (CEO) of the department and includes changes to the existing licence resulting from the most recent compliance inspection of the premises.

In completing the assessment documented in this report, the department has considered and given due regard to its regulatory framework and relevant policy documents which are available at <https://der.wa.gov.au/regulatory-documents>.

Purpose and scope of assessment

The CEO has determined to amend licence L8338/2009/2 issued to Ausvision Rural Services Pty Ltd (Ausvision / licence holder) for the 'La Bergerie' sheep feedlot (premises).

The amendment follows a licence compliance inspection of the premises in November 2019, which identified a number of issues regarding the accuracy and adequacy of licence conditions with respect to emissions and discharges from on-site activities.

The amendment focuses on the following aspects:

- updating the legal land description and description of the premises boundary;
- specifying authorised infrastructure for managing solid and liquid wastes;
- further clarifying management requirements for solid and liquid wastes;
- clearly identifying and specifying authorised discharge points on the premises;
- determining the permeability of the evaporation pond floor and walls; and
- updating environmental monitoring requirements, and records and reporting information.

Background

The licence holder operates a pre-export quarantine sheep feedlot located south of Perth, between the suburbs of Wellard and Baldivis.

The premises is subject to prescribed premises category 55: livestock saleyard or holding pen, with an assessed throughput of 800,000 animals per year. The facility is capable of holding up to 90,000 animals at any one time, with automated feed and watering systems. The majority of animals are held under cover in eight sheds, with manure falling through the floor and accumulating on the ground below, where it is kept dry before collection and sale.

The facility was established in 1980, and over the years it has been gradually encroached by residential development to the north and east, with large homes on bush blocks as close as 200 m away from key feedlot infrastructure. This has resulted in numerous complaints being received in recent years, mainly relating to flies and odour during westerly wind conditions.

In January 2019, the City of Rockingham inspected the site following public complaints about odour and flies. The inspection identified a significant amount of manure being stored on the premises, in which the licence holder subsequently put into place improvements for managing wastes, such as more frequent removal of manure, the covering of manure and feed, and the spraying of flies within the holding sheds.

The department conducted a licence compliance inspection in November 2019, which identified additional regulatory controls, in addition to further specification of existing controls, were required in order to ensure an acceptable level of risk of impacts to public health and the environment from ongoing activities at the premises.

November 2019 compliance inspection

A targeted inspection was conducted in November 2019 due to the premises having not been

inspected for at least 2 years and being rated as a 'moderate' risk to the environment. The scope of the inspection was to assess compliance with the EP Act, the existing licence and associated statutory requirements, to ensure accuracy and adequacy of licence conditions.

Proposed amendments

The following issues were identified at the time of inspection, which require amendments to the existing licence:

Premises description

The existing licence describes the premises as being Lot 732 on Plan 3893, however according to Landgate in 2014 this parcel of land was subdivided into two lots, being Lots 1 & 2 on Plan 77728.

No change to the premises boundary is required, however the legal land description on the licence requires updating to the current cadastral description.

Authorised infrastructure and emission points

The existing licence does not include a list that clearly identifies infrastructure on the premises that are authorised for the containment and management of liquid and solid wastes. It also does not include any reference to authorised emission points on the premises.

Inspectors therefore found it difficult to identify authorised infrastructure and emission points, and raised concerns about an historical drainage line on the premises appearing to be used for diverting potentially contaminated surface water runoff from the holding pens to an unspecified pond, prior to off-site discharge (Figure 1).

It was suggested that an infrastructure table be added to the licence, to clearly identify all authorised infrastructure for the containment and management of solid and liquid wastes on the premises. In addition, all emission points need to be clearly identified on the licence.

Integrity of evaporation pond

Inspectors noted the evaporation pond appeared to be located in sandy soil and depth to the standing water level, as measured in two bores located either side of the pond, was about 1 m (despite the licence not requiring monitoring of the standing water level).

The licence holder was unable to confirm the construction standard of the evaporation pond, due to the age of the pond and there being no engineering design information available.

It was suggested the permeability of the evaporation pond be verified, to ensure the pond is fit for purpose. It was also suggested the current groundwater monitoring schedule be reviewed, to ensure it is fit for purpose and commensurate with the risk of impacts to groundwater.

Irrigation of wastewater

The existing licence includes a map of 6 delineated areas on the premises, for the purpose of irrigating wastewater from the evaporation pond. During the inspection, the licence holder advised it only irrigates to area #2 (area surrounding the evaporation pond), and that it has installed a series of fixed sprinklers in this area to ensure irrigation covers at least 4 ha.

Inspectors raised concerns that, given the lack of separation to groundwater in this area (as established from the two bores near the pond), irrigation of contaminated water may be impacting on shallow groundwater.

It was suggested that irrigation practices at the premises be reviewed, and the licence amended to only authorise irrigation in areas that have sufficient separation to shallow groundwater.



▲ **Figure 1:** Historical drain (blue line) was noted as being used to divert surface water runoff from the holding pens for off-site discharge, which is not authorised by the existing licence.

Risk assessment

The below table describes the risk events associated with the amendments consistent with the *Guideline: Risk Assessments* (DWER, 2020). The table identifies whether the risk events are acceptable and tolerated, or unacceptable and not tolerated, and the appropriate treatment and degree of regulatory control, where required.

Risk assessment table

Risk Event				Consequence rating ¹	Likelihood rating ¹	Risk ¹	Reasoning	Regulatory controls (refer to conditions of the granted instrument)
Source/ Activities	Potential emissions	Potential receptors, pathway and impact	Licence holder controls					
PROPOSED AMENDMENTS								
Update premises description	N/A	N/A	N/A	N/A	N/A	N/A	The legal description of the premises must be updated to ensure the licence remains valid and enforceable.	Legal land description updated on front cover
Specify authorised infrastructure for the containment and management of liquid and solid wastes	Nutrient-laden leachate (from manure, urine), washdown water and contaminated surface water runoff Nutrient-laden leachate from solids (manure) stockpile area	Overland runoff to tributaries of the Serpentine River, causing surface water contamination (eutrophication) within the Peel-Harvey EPP area Seepage / infiltration, causing groundwater contamination	Indoor (roofed) sheds to ensure manure is kept relatively dry Shed floors comprise impermeable barrier (concrete-lined) Shed floors and perimeter roads comprise compacted limestone and recycled bitumen, with surface water runoff diverted to containment pond for evaporation or irrigation Solids storage area is undercover, to ensure manure is kept relatively dry, prior to off-site disposal	Mid-level on-site impacts Low-level off-site impacts Moderate	Probably will not occur in most circumstances Unlikely	Medium Acceptable, subject to regulatory controls	The delegated officer notes the existing licence does not contain an authorised infrastructure table, therefore it is unclear what infrastructure on the premises is authorised for the containment and management of solid and liquid wastes. The licence will therefore be updated to specify the following as existing authorised infrastructure and their corresponding operational requirements: <ul style="list-style-type: none"> - effluent catch drains, that direct effluent and contaminated surface water runoff from the holding pens and sealed areas to the containment basins for settling, prior to pumping to the evaporation pond; - concrete-lined containment basins; - the evaporation pond (subject to additional requirements below); and - concrete catchment area (for temporary manure storage). The delegated officer considers the above controls will ensure the risk of surface water and groundwater contamination from activities on the premises is acceptable. The delegated officer notes a drain located between the holding sheds and the evaporation pond, which is clearly being used to divert surface water runoff, did not appear to be lined. Given the very shallow groundwater table at the premises, the licence will be updated to require this drain be suitably lined, to minimise the risk of groundwater contamination. The delegated officer also notes the presence of several historical agricultural drains on the premises (which was identified in the inspection as diverting surface water runoff from the holding pens to an unspecified pond, prior to off-site discharge), and advises the licence only permits full containment of potentially contaminated surface water runoff from the holding pens, for management via evaporation and on-site irrigation, i.e. the licence holder is advised the licence does not authorise off-site discharges.	Condition 1 Table 1 – infrastructure table added Infrastructure and operational requirements added
Specify authorised emission points / irrigation of wastewater	Nutrient-laden leachate (from manure, urine), washdown water and contaminated surface water runoff	Overland runoff to tributaries of the Serpentine River, causing surface water contamination (eutrophication) within the Peel-Harvey EPP area Leaching of nutrients through the soil profile to shallow groundwater, causing contamination	Wastewater within the evaporation pond is irrigated when required to area #2 via sprinklers (4 ha)	Mid-level on-site impacts Low-level off-site impacts Moderate	Probably will not occur in most circumstances Unlikely	Medium Acceptable, subject to regulatory controls	The delegated officer notes the existing licence is unclear in terms of authorised emissions at the premises. The licence indicates there are six irrigation areas on the premises, however the licence holder advises that in practice, only one area (#2) is irrigated. It is noted that some basic monitoring of groundwater (2 bores), surface water quality (one drainage channel) and soil (2 samples in non-specified locations), however it is unclear whether or not these results provide an accurate representation of impacts to environmental receptors from activities on the premises. Given the shallow groundwater table at the premises, coupled with the premises being located within the Peel-Harvey Environmental Protection Policy area, the delegated officer requires more detailed information on how current wastewater management and irrigation practices at the premises are acceptable and sustainable. Therefore, the licence will be amended to require the suspension of wastewater irrigation at the premises, until an appropriate and site-specific nutrient and irrigation management plan (NIMP) has been submitted. The NIMP must be prepared in accordance with the department's Water Quality Protection Note #33 and endorsed by the Department of Primary Industries and Regional Development (DPIRD).	Condition 5 – requirement to submit an appropriate NIMP, prior to ongoing irrigation of wastewater on the premises
Identify integrity of the evaporation pond	Nutrient-laden leachate (from manure, urine), washdown water and contaminated surface water runoff	Leaching of nutrients through the soil profile to shallow groundwater, causing contamination	Clay liner (assumed)	Mid-level on-site impacts Low-level off-site impacts Moderate	Probably will not occur in most circumstances Unlikely	Medium Acceptable, subject to regulatory controls	The licence holder assumes the evaporation pond is clay lined, however does not have any material evidence to confirm this given the pond was constructed about 30 years ago by the original owner. During the last inspection it was noted the pond appeared to be located in sandy soil, and with no obvious clay liner. A condition has therefore been imposed to require the licence holder to conduct a seepage assessment, to determine whether or not the pond is fit for purpose. The delegated officer will review this aspect upon receiving this information, in order to determine how to address.	Conditions 2 & 3 – requirement to conduct testing of pond for leakage
Monitoring, records and reporting	N/A	N/A	N/A	N/A	N/A	N/A	The delegated officer notes the existing licence does not require routine monitoring of the standing water level in bores, which it considers to be critical for determining the risk of impacts to shallow groundwater from irrigation practices at the premises.	Table 3.8.3 – SWL added to monitoring suite

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the Guideline: Risk Assessments (DWER, 2020).

Decision

The delegated officer has considered the findings of the November 2019 licence compliance inspection and has determined that several changes are required to the existing licence, to ensure there is not an unacceptable risk of impacts to public health and the environment from operations at the premises. This determination is based on the following:

- the premises being located within the Peel-Harvey EPP area (which is eutrophic, i.e. severely nutrient-enriched) and is likely to be contributing to the input of nutrients into this overloaded system via agricultural drainage;
- the premises comprising fine-grained soils and minimal separation to groundwater;
- it being unclear whether or not the evaporation pond, which is being used to contain potentially nutrient-laden surface runoff from operational areas, is appropriately lined and leaking to shallow groundwater;
- there appearing to be diversion of potentially nutrient-laden surface runoff from operational areas using an historic agricultural drain that flows off the premises, which is not authorised by the licence;
- irrigation of wastewater from the evaporation pond only over one small area with minimal separation to shallow groundwater;
- the existing licence does not contain an infrastructure table, therefore it is unclear what infrastructure on the premises is authorised for the containment and management of solid and liquid wastes;
- the existing licence is unclear in terms of authorised emissions at the premises; and
- only basic environmental monitoring being undertaken, with it unclear whether the results are providing an accurate representation of impacts to environmental receptors from activities on the premises.

In view of the above, the delegated officer has determined to make the following changes to the licence:

- inclusion of an infrastructure and operational requirements table, that clearly identifies and lists existing infrastructure on the premises authorised for the containment and management of solid and liquid wastes, and their minimum operational requirements;
- requirement to conduct a seepage assessment of the evaporation pond, in order to establish whether or not the pond is fit for purpose (reference to the IPENZ 'pond drop test' has been included, which is considered by DWER to provide the best guidance in Australasia for seepage assessments);
- requirement to suspend wastewater irrigation at the premises, until it can be demonstrated (through submission of an appropriate and site specific NIMP, prepared in consultation with DPIRD and in accordance with the department's guidance¹) how current wastewater management practices at the premises are acceptable and sustainable; and
- inclusion of the requirement to monitor standing water level.

In amending the licence, the delegated officer has also:

- updated the format and appearance of the licence;
- revised condition numbers, and removed any redundant conditions and realigned condition numbers for numerical consistency; and
- corrected clerical mistakes and unintentional errors.

The decision report for the existing licence will remain on the DWER website for future reference and will act as a record of DWER's decision making.

¹ *Water Quality Protection Note 33*, Department of Water (June 2010).

September 2021 amendment

The licence was amended in September 2021 to extend the timeframe for completing the pond drop test, from 1 October 2021 to 1 January 2022. This followed initial attempts to conduct the test in August which were prevented due to the standing water level being above the base of the pond.

It was determined to reschedule the test until after the standing water level had dropped below the base of the pond. It was also determined to increase the frequency of monitoring the standing water level in monitoring bore B2 to a monthly basis in the interim.

Other minor corrections were also made to Schedule 1 maps, to the locations of specified monitoring points.

January 2022 amendment

The licence was again amended in January 2022 to further extend the timeframe for completing the pond drop test, to 1 June 2022, as the standing water level remained above the base of the pond in December.

It was considered the standing water level should be at its lowest around March/April. If the water level has not dropped below the base of the pond by this time of the year, it is likely the pond is permanently sitting in the shallow water table and may not be fit for ongoing storage of contaminated surface runoff from operational areas.

Consultation

The licence holder was provided with drafts of the revised licence and this report on 8 June 2021. Minor corrections and clarifications were sought, and changes made where required, including extending the timeframe for submission of the pond drop test, soil testing and a NIMP, to establish whether changes are required to current wastewater management practices at the premises.

Conclusion

Based on this assessment, it has been determined to amend the existing licence, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

Summary of amendments

The below table provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the revised licence as part of the amendment process.

Condition no.	Proposed amendments
Cover page	Restructured to clearly indicate what prescribed activities have been risk assessed.
	Premises details updated to reflect current legal land description.
Introduction*	Deleted, consistent with current DWER template. This guidance is now available in DWER's Guide to Licensing (June 2019).
Interpretation	Added, consistent with current DWER template. Replaces previous conditions 1.1.3 & 1.1.4.
Note	Added, consistent with current DWER template. Replaces previous condition 1.2.1.
History	Updated, consistent with current DWER template.
1.2.2, 1.2.3, 1.2.4, 1.2.5*	Deleted, consistent with current DWER template. These conditions

	are considered to unnecessarily duplicate existing legislation.
Condition 1 – Infrastructure and equipment	New condition added, consistent with current DWER template. Includes all existing infrastructure for containment and management of solid and liquid wastes on the premises, and their infrastructure and operational requirements.
Conditions 2 & 3 – Evaporation pond liner	New condition added to demonstrate whether or not the evaporation pond is leaking and fit for purpose.
Condition 4 – Premises operation	Replaces previous condition 1.3.1. Previous reference to wastewater treatment system replaced with the actual infrastructure specified.
1.3.2 & 1.3.3*	Deleted, as requirements now incorporated into new condition 1.
Condition 5 – Management of waste	Evaporation pond water deleted, as replaced by new condition 9. Requirement added for wastewater management to comply with new conditions 5, 6 & 7. Requirement to remove stockpiled manure at least once per week, consistent with current practices and to minimise odour risk.
2.1.1*	Deleted, this condition is considered to unnecessarily duplicate the legislation.
2.2-2.4, 2.5*	Deleted, redundant conditions.
Conditions 6 & 7 – NIMP	New conditions added, to require submission of an appropriate and site specific NIMP, that demonstrates how current management of wastewater at the premises is acceptable and sustainable. Current wastewater irrigation practices are to be suspended, until it can be demonstrated that irrigation is acceptable and sustainable.
Conditions 8 & 9 – Emissions to land	New conditions added, to specify the authorised areas for irrigation of wastewater on the premises, and the corresponding operational requirements for irrigation.
Conditions 10, 11 & 12	Replaces previous conditions 2.6.1, 2.6.2 & 2.7.1.
2.8*	Deleted, redundant condition.
Conditions 13 & 14	Replaces previous conditions 3.1.1 & 3.1.2. Minimum timeframe between quarterly sampling events added.
3.2-3.4*	Deleted, redundant condition.
Condition 15 – Monitoring of emissions to land	Replaces previous condition 3.5.1. Monitoring frequency increased from six-monthly to quarterly.
Condition 16 – Monitoring of inputs and outputs	Replaces previous condition 3.6.1.
3.7*	Deleted, redundant condition.
Condition 17 – Ambient environmental quality monitoring	Replaces previous condition 3.8.1. Standing water level added to monitoring suite. Monitoring frequency increased from six-monthly to quarterly.
3.9*	Deleted, redundant condition.
Condition 18 – Record keeping	Replaces previous condition 4.1.1.
5.1.2*	Deleted, redundant condition.
Condition 19 – AACR	Updated, consistent with current DWER template.
Condition 20 – Complaints	Replaces previous condition 4.1.3.
Condition 21 – Books	New condition added, consistent with current DWER template.

Condition 22 – AER	Updated, consistent with current DWER template. Replaces previous condition 4.2.1. AER due date specified as 1 June each year, instead of 60 calendar days after the end of the annual period.
4.3.1*	Deleted, redundant condition.
Definitions	Definitions removed: ‘code of practice for the storage and handling of dangerous goods’, ‘dangerous goods’, ‘DWER’, ‘fugitive emissions’, ‘usual working day’ – conditions which contained these references have been removed, consistent with current DWER template.
	Definitions added: ‘AHD’, ‘books’, ‘condition’, ‘Department’, ‘discharge’, ‘emission’, ‘freeboard’, ‘pond drop test’, ‘prescribed premises’, ‘quarterly’ and ‘WQPN #33’ – conditions which contain these references have been added, consistent with current DWER template.
	Definitions replaced: ‘Approved form’ – replaced with ‘AACR’, ‘Act’ – replaced with ‘EP Act’, ‘Licensee’ – replaced with ‘licence holder’ – these definitions have been updated consistent with the current DWER template.
	Definitions modified: ‘licence’, ‘premises’ – these references have been updated, consistent with current DWER template.
Schedule 1: Maps	Premises map updated.
	Map of authorised infrastructure added.
	Map of emission points and monitoring locations added. Replaces existing maps.

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