



## Application for a licence amendment

### Division 3, Part V *Environmental Protection Act 1986*

---

<b>Licence number</b>	L5177/1989/13
<b>Licence holder</b>	Dardanup Butchering Company Nominees Pty Ltd
<b>ACN</b>	009 070 624
<b>File number</b>	DER2014/001843
<b>Premises</b>	DBC Abattoir 100 Wimbridge Road PICTON WA 6229 Legal description - Lot 100 on Plan 61127
<b>Date of report</b>	11 September 2020
<b>Decision</b>	Amendment granted

## Table of Contents

<b>1.</b>	<b>Amendment description</b> .....	<b>3</b>
<b>1.1</b>	<b>Purpose and scope of assessment</b> .....	<b>3</b>
1.1.1	Background .....	3
1.1.2	Proposed amendments.....	4
<b>2.</b>	<b>Consultation</b> .....	<b>4</b>
<b>3.</b>	<b>Legislative context</b> .....	<b>5</b>
<b>3.1</b>	<b>Contaminated Sites Act 2003 (WA)</b> .....	<b>5</b>
<b>4.</b>	<b>Risk assessment</b> .....	<b>6</b>
<b>5.</b>	<b>Decision</b> .....	<b>7</b>
<b>6.</b>	<b>Consultation</b> .....	<b>8</b>
<b>7.</b>	<b>Conclusion</b> .....	<b>8</b>
<b>7.1</b>	<b>Summary of amendments</b> .....	<b>8</b>
<b>9.</b>	<b>References</b> .....	<b>10</b>

## 1. 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 is limited to changes regarding the classification of the premises and the construction of new infrastructure.

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 [www.der.wa.gov.au](http://www.der.wa.gov.au).

### 1.1 Purpose and scope of assessment

Dardanup Butchering Company Nominees Pty Ltd (licence holder) has submitted an application for the following changes:

- construction of a new sheep and pig lairage yard (holding pen);
- remove category 55: livestock saleyard or holding pen from the licence; and
- remove the requirement to monitor inputs and outputs.

The application also included a proposal to increase the approved premises throughput for category 15: abattoir, however this aspect was later withdrawn at the request of the licence holder.

#### 1.1.1 Background

The licence holder operates a multi-species abattoir in Picton, on the outskirts of Bunbury. Current average daily slaughter rates are in the order of 80 cattle, 670 sheep and lambs, and 340 pigs.

The abattoir is located on the Swan Coastal Plain and is surrounded by seasonally waterlogged land and multiple use wetlands. Over the years light industry has been allowed to encroach within 250 m of the site, and residential development to within 700 m.

A major constraint to operations has been the management of wastewater produced from abattoir operations, due mainly to deficient wastewater treatment and storage infrastructure, and lack of available land that is appropriate for the discharge (irrigation) of treated wastewater.

Following several years of exceeding licensed nutrient loading rates, an environmental protection notice was served on the licence holder, requiring the development of an appropriate wastewater management plan and an upgrade of its wastewater treatment system. A large anaerobic reactor tank was constructed in 2009 to replace existing unlined anaerobic ponds, and two new facultative ponds were constructed in 2011. The old unlined pond system was subsequently decommissioned in 2012.

Wastewater monitoring records provided by the licence holder indicate that annual nutrient loadings started to improve in subsequent years, however following a significant increase in production in 2019, the licensed nutrient loading limit set for nitrogen was exceeded for all 11 authorised irrigation areas during the reporting period.

Groundwater monitoring has been carried out at the site since 2006 to comply with conditions of the licence. Review of quarterly monitoring results between 2006 and 2020 indicates that nutrients are present in groundwater at concentrations exceeding regional background levels, adopted assessment levels for commercial/industrial landuse and ecological investigation levels, and assessment levels for fresh waters as published in the department's 'Assessment and management of contaminated sites' (DER 2014). These concentrations are relevant given the location of the Preston River within 1 km of the premises' southern boundary and the premises is part of a multiple-use wetland area. These results indicate the possibility of a contaminated groundwater plume beneath the premises.

It is unclear whether this plume is migrating off the premises.

## 1.1.2 Proposed amendments

### Construct a new sheep and pig lairage yard (holding pen)

The licence holder proposes to construct a new covered lairage yard to replace the existing sheep and pig lairage area, which will be removed following construction. The new yard will comprise 16 pens with a central race, and will have capacity to hold up to 1,500 sheep and lambs, or 850 pigs at any one time.

The new lairage will be covered and constructed with a concrete floor and perimeter wall, with wastewater (produced from daily wash down of pens) directed to a series of concrete sumps and pumped via pipes to the existing wastewater treatment system. Manure solids will continue to be collected and removed off-site for composting as per current practices.

### Remove reference to category 55: livestock saleyard or holding pen

The licence holder has requested *category 55: livestock saleyard or holding pen* be removed from the premises classification, as it considers this category should not apply to abattoir lairage areas or normal farming practices.

The licence holder considers this category to apply to separate premises used to hold large numbers of animals (e.g. several thousand) in relatively confined areas for extended periods of time, prior to their shipping, sale or onward to an abattoir.

The licence holder acknowledges it does hold some sheep on the premises outside of formal lairage areas, predominantly over the weekend period whilst the abattoir is non-operational. During this period, up to 1,000 sheep are held in irrigation paddocks 1, 2, 3 and 11, whilst those paddocks are not being actively irrigated. The licence holder considers given the small number of animals, short holding time, and 'relatively large area of the paddocks', that nutrient input is low.

The licence holder also raised concerns that given the multi-species nature of the abattoir, the number of animals slaughtered could exceed the authorised capacity of 220,000 animals per year for category 55, without exceeding the annual authorised premises throughput, i.e. where large numbers of small animals, such as lambs and pigs, are slaughtered. Rather than seek an increase in the authorised capacity for category 55, the licence holder requests this category be removed from the licence.

### Remove the requirement to monitor inputs and outputs

Table 3.3.1 of the existing licence requires the monitoring of liveweights of animals entering the premises to be slaughtered. As part of the application, the licence holder is seeking an amendment to require reporting in dressed weight, or hot standard carcass weight (HSCW), which is physically weighed and recorded, instead of liveweight.

Rather than seek an amendment to Table 3.3.1 to require HSCW to be monitored, the licence holder requests the condition be removed from the licence, as it considers it duplicates existing annual reporting requirements, such as the reporting of actual production capacity in the annual audit compliance report.

## 2. Consultation

The Department of Communities, which owns major landholdings adjacent to the premises that are planned for residential development, provided comments in relation to the original proposal to increase the approved premises throughput for the abattoir.

The City of Bunbury advises that development approval was previously issued for the proposed lairage yard upgrade, however this is no longer valid and a replacement approval would be required.

The Department of Primary Industries and Regional Development does not object to the construction of a new sheep and pig lairage area.

The South West Development Commission, which has various drainage and road reserves in close proximity to the premises, has no general objection to the application.

### **3. Legislative context**

#### **3.1 Contaminated Sites Act 2003 (WA)**

The site was reclassified under the *Contaminated Sites Act 2003* (CS Act) as “possibly contaminated – investigation required” on 6 August 2020. The reclassification is based on recent information that indicates possible contamination of the site, with concentrations of contaminants in groundwater exceeding regional background levels, adopted assessment levels for commercial/industrial land use and ecological investigation levels.

The reclassification requires further investigations to confirm the historical use of the site and potential sources of contamination, including appropriate soil and groundwater investigations, to adequately delineate and characterise the nature and extent of contamination at the site, and to inform assessment of potential risks to human health, the environment and environmental values.

## 4. Risk assessment

The table below describes the risk events associated with the amendments consistent with the *Guidance Statement: Risk Assessments* (DER 2017). 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 Event				Consequence rating <sup>1</sup>	Likelihood rating <sup>1</sup>	Risk <sup>1</sup>	Reasoning	Regulatory controls (refer to conditions of the granted instrument)
Source/ Activities	Potential emissions	Potential receptors, pathway and impact	Licence holder controls					
<b>PROPOSED AMENDMENTS</b>								
Construct and operate a new concrete hardstand floor and covered sheep and pig lairage yard (holding pen) which is replacing the existing lairage yards.	Concentrated solid and liquid animal wastes Water from wash down of pens (contaminated with urine and faeces)	Runoff to surrounding wetlands and seasonally waterlogged land, causing contamination of surface water systems and potentially groundwater	Covering of pen (roofed) to minimise surface water runoff from hardstand area Solid wastes collected from hardstand pad and removed from site Liquid wastes from pen wash down collected in sumps and directed to existing wastewater treatment system	Mid-level on-site impacts Low-level off-site impacts <b>Moderate</b>	Probably will not occur in most circumstances <b>Unlikely</b>	<b>Medium</b> Acceptable, subject to regulatory controls	Construction of a new coverage lairage yard to replace the existing yard is considered to be an environmental improvement. Covered yards reduce the generation of contaminated surface water runoff (leachate). The containment and collection of solid and liquid wastes via drainage channels and sumps, for removal or on-site treatment, lowers the risk of uncontrolled runoff and potential impacts to the environment. In accordance with the <i>Guidance Statement: Risk Assessments</i> (DER 2017), as these controls lower the risk of impacts, they will be imposed on the amended licence.	Infrastructure controls: Specify minimum design and construction requirements for solid and liquid waste containment and collection system

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guidance Statement: Risk Assessments* (DER, 2017).

## 5. Decision

### Construct a new sheep and pig lairage yard (holding pen)

The delegated officer has determined to approve construction of a new covered lairage yard on the premises to replace the existing yards.

As the yards will be used to contain and manage animal faeces and urine, in addition to producing a high strength wastewater stream from pen wash-down, minimum design specifications have been included in the licence regarding bunding, drainage and sumps. The licence holder must construct the infrastructure in accordance with these specifications, and provide evidence of the completed works in the form of an environmental compliance report.

***Note:** the requirements specified generally replicate the licence holder's proposed controls and were considered in determining the risk of impacts to receptors from operation of the yards.*

*The delegated officer also notes that development approval for the new lairage yards has expired, and that authorisation under the amended licence does not exempt the licence holder from requiring a valid development approval.*

### Requirement to monitor inputs and outputs

The delegated officer considers that monitoring and keeping records is necessary for demonstrating compliance with licensed production throughputs, and the requirement to conduct monitoring and keep records is separate to the requirement to report on those records as part of annual audit compliance reporting.

The delegated officer has therefore determined the requirement to monitor and keep records on inputs and outputs is to remain on the licence. Table 3.3.1 has been amended to insert an additional requirement to measure and keep records of the dressed weights of all animals slaughtered on the premises, as measured in HSCW.

***Note:** the delegated officer considers it too difficult to establish an equivalent production throughput based on HSCW, given the multi-species nature of the abattoir where numbers can vary significantly from year to year, depending on market demand and other factors. The delegated officer has determined to require more detailed annual reporting, which includes all calculations, to clearly demonstrate how annual liveweight numbers have been determined.*

### Remove reference to category 55: livestock saleyard or holding pen

In accordance with the *Industry Regulation Fact Sheet: Abattoir* (DWER 2018), the delegated officer has determined to remove reference to category 55 from the licence, as emissions relating to operation of lairage areas on the premises can be regulated under existing provisions of category 15.

With regards to this determination, the delegated officer makes it clear the removal of category 55 does not provide any implied authorisation for the holding of animals outside of formal lairage areas on the premises. The delegated officer does not object in theory to the current practice of temporarily holding animals within irrigation areas, however the licence holder should apply for a licence amendment to include this activity. The application must be supported by an updated and current NIMP for the premises, which clearly demonstrates that all nutrient imports and exports have been accounted for within the irrigation areas, irrespective of whether or not the licence holder considers this to be insignificant.

### Consolidation

As part of this amendment the delegated officer has consolidated the licence by incorporating changes made under previous amendment notices. No additional assessment has been conducted as part of this consolidation. Decisions relating to the consolidated licence are published in previous amendment notices, and in accordance with section 59(1) of the EP Act,

incorporating these changes into a single amended licence is not appealable.

In amending the licence, the delegated officer has also:

- updated the format and appearance of the licence;
- deleted the redundant AACR form set out in schedule 1 of the previous 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 previous licence will remain on the DWER website for future reference and will act as a record of DWER’s decision making.

## 6. Consultation

The licence holder was provided with drafts of the revised licence and this report on 12 August 2020, and requested to remove all previous references in the report and risk assessment to aspects of the application that have since been withdrawn. Other minor comments have been addressed throughout.

## 7. Conclusion

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

### 7.1 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 works approval as part of the amendment process.

Condition no.	Proposed amendments
Cover page	Restructured to clearly indicate what prescribed activities have been risk assessed. Category 55 removed from table.
Introduction	Deleted, consistent with current DWER template. This guidance is now available in DWER’s Guide to Licensing (June 2019).
Interpretation	Inserted, consistent with current DWER template. Supersedes previous conditions 1.1.3, 1.1.4 & 1.1.5.
History	Updated, consistent with current DWER template.
Conditions 4, 5 & 6	New condition specifying infrastructure requirements for the new pig and sheep lairage yard. Requires submission of a environmental compliance report, with certification of constructed works.
Condition 8 – Table 2	Reference to wastewater from “skin shed” removed. Requirements to “hide and skin shed’ updated. Existing cattle yards, and sheep and pig yards added to infrastructure table. New sheep and pig lairage yard added to table to specify minimum infrastructure and waste containment requirements.
Condition 9 – Table 3	References to water updated to “wastewater”.
Condition 10	Reference to freeboard updated to “minimum freeboard”.
2.2.1	Deleted, redundant condition.
Condition 12 – Table 5	Updated to clarify the unit for nutrient loading limits are kg/ha/annual period.
Condition 16 – Table 7	Monitoring requirement inserted – slaughtered animals in hot carcass



	weight (kg), by species. To be physically measured/weighed.
5.1.2	Deleted, redundant condition.
Condition 19 (5.1.3)	AACR condition updated consistent with current DWER template.
Condition 21	Annual record keeping requirements inserted, consistent with current DWER template.
Condition 22 – Table 9	Parameters updated to reflect title of relevant table. Form or format deleted from table, as considered redundant. Forms accessed at <a href="http://www.der.wa.gov.au">www.der.wa.gov.au</a> .
5.2.3	Non-annual reporting requirements deleted, as considered to duplicate the legislation.
5.3.1	Notification requirements deleted, as considered to duplicate the legislation.
Definitions	Definitions deleted: 'usual working day' – conditions which contained these references have been removed, consistent with current DWER template, as part of this amendment.
	Definitions added: 'BOD', 'condition', 'Department', 'discharge', 'emission', 'HSCW', 'HDPE', 'prescribed premises', 'TDS', 'TSS'.
	Definitions replaced: 'Act' replaced with 'EP Act', 'Compliance Report' replaced with 'AACR', 'Licensee' replaced with 'licence holder'.
	Definitions modified: 'CEO', 'licence', 'premises'.
Schedule 1: Maps	Premises map updated to more recent aerial photo.
	Map of emission points and monitoring locations updated to reflect irrigation areas.
Schedule 2: Reporting and notification forms	Deleted, redundant attachments.

**Amine Fisher**  
**A/MANAGER, PROCESS INDUSTRIES**  
**REGULATORY SERVICES**

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

## 9. References

1. Department of Environment Regulation (DER) 2017, *Guidance Statement: Risk Assessments*, Perth, Western Australia.
2. DER 2014, *Assessment and management of contaminated sites*, Perth, Western Australia.
3. Department of Water and Environmental Regulation (DWER) 2019, *Guideline: Decision Making*, Perth, Western Australia.
4. Department of Water and Environmental Regulation (DWER) 2019, *Guideline: Industry Regulation Guide to Licensing*, Perth, Western Australia
5. DWER 2018, *Industry Regulation Fact Sheet: Abattoir*, Perth, Western Australia.