



Application for Licence Amendment

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

Licence Number	L8031/2005/4
Licence Holder	Milne Agrigroup Pty Ltd
ACN	008 919 579
File Number	DER2014/002999-3~2
Premises	Mt Barker Chicken Lake Matilda Road KENDENUP WA 632 Legal description Lot 310 on Plan 4691 Certificate of Title Volume 1437 Folio 694; Lot 311 on Plan 4691 Certificate of Title Volume 1749 Folio 211; Lot 312 on Plan 4691 Certificate of Title Volume 1749 Folio 217; and Lot 313 on Plan 4691 Certificate of Title Volume 1749 Folio 218
Date of Report	28 September 2020
Proposed Decision	Revised licence granted

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

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1. Decision summary

Licence L8031/2005/4 is held by Milne Agrigroup Pty Ltd (Licence Holder) for Mt Barker Chicken (the Premises), located at Lake Matilda Road, Kendenup.

This Amendment Report documents the assessment of potential risks to the environment and public health from proposed changes to the emissions and discharges during operation of the Premises. As a result of this assessment, Revised Licence L801/2005/4 has been granted.

The Revised Licence issued as a result of this amendment supersedes the existing Licence previously granted in relation to the Premises. The Revised Licence has been granted with existing conditions being transferred, but not reassessed.

2. Scope of assessment

2.1 Regulatory framework

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

2.2 Application summary

On 24 July 2020, the Licence Holder submitted an application to the department to amend Licence L8031/2005/4 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The Licence Holder seeks to amend the licence to allow the processing of chicken feet by installing and operating a chicken foot scalding, foot skin remover and spiral chiller to be located in the existing insulated processing facility.

Approximately 520 tonnes of chicken feet will be diverted from waste and processed per year. Any solid waste from chicken feet processing will be added to the skip bin for daily removal. The chicken feet processing will increase current wastewater production by 1.7% (equating to approximately 792 kL per year based on the highest volume of wastewater produced in the previous three years). Wastewater from the processing of chicken feet will be plumbed into existing wastewater pipelines within the processing building. Wastewater then enters sumps which are pumped to the existing wastewater treatment plant for treatment prior to disposal via irrigation.

3. Risk assessment

The department assesses the risks of emissions from prescribed premises and identifies the potential source, pathway and impact to receptors in accordance with the *Guidance Statement: Risk Assessments* (DER 2017).

To establish a Risk Event there must be an emission, a receptor which may be exposed to that emission through an identified actual or likely pathway, and a potential adverse effect to the receptor from exposure to that emission.

3.1 Source-pathways and receptors

3.1.1 Emissions and controls

The key emissions and associated actual or likely pathway during premises operation which have been considered in this Amendment Report are detailed in

Table 1 below.

Table 1 also details the proposed control measures the Licence Holder has proposed to assist in controlling these emissions, where necessary.

Table 1: Licence Holder controls

Emission	Sources	Potential pathways	Proposed controls
Noise	Scalding and skinning of chicken feet	Air/windborne pathway	No change to operating hours. Located in the insulated processing facility.
Odour		Air/windborne pathway	No additional controls have been proposed. Located in a insulated processing shed. Animal waste is not stored for longer than 24 hours prior to removal from the premises. Animal waste is stored in a sealed and covered bin.
Solid waste		No pathway (contained in bins prior to offsite removal)	No additional controls have been proposed. Solids are deposited into a skip bin and removed from the Premises daily. Solid materials spilled outside the mechanical separation plant is removed within 24 hours of the spill. All sludge and solid waste removed from the wastewater treatment system is stored on a temporary bunded and impervious containment infrastructure that drains to the wastewater treatment system.
Wastewater		Aerial dispersion to land through sprinklers causing contamination of soil and/or decline in beneficial use of bore water.	Wastewater from chicken feet processing is directed to the wastewater treatment system prior to disposal via irrigation. The Existing Licence limits irrigation of treated wastewater to 51.2 ML per year. The irrigation of treated wastewater is managed to prevent runoff, spray drift, erosion, and waterlogging and ensure appropriate nutrient uptake. Irrigation is managed ensure loading rates for Total Nitrogen, Total Phosphorus and Biochemical Oxygen Demand specified in the Licence are not exceeded. The quantity and quality of wastewater irrigated is monitored. Phosphorus, phosphorus retention index, electrical conductivity, exchangeable cations, exchangeable sodium percentage and hydraulic conductivity in soil in irrigation area are monitored annually and in accordance with the relevant Australian standards. Irrigation shall be scheduled based on soil moisture requirements and piezometers are

Emission	Sources	Potential pathways	Proposed controls
			<p>installed.</p> <p>The Existing Licence requires the Licence Holder to submit an updated water balance and management plan for the irrigation of nutrient and salt rich wastewater.</p>
		<p>Overtopping of anaerobic treatment ponds (ponds 1 & 2), aerobic/facultative treatment ponds (ponds 3, 4 & 5) and treated water pond (pond 6).</p>	<p>The wastewater mechanical separation plant and ponds will be managed so that overtopping does not occur and a minimum freeboard of 300 mm is maintained on pond 6.</p> <p>Trapped overflows are maintained on the outlet of ponds to prevent carry-over of surface floating matter.</p>
		<p>Seepage from anaerobic treatment ponds (ponds 1 & 2), aerobic/facultative treatment ponds (ponds 3, 4 & 5) and treated water pond (pond 6).</p>	<p>Pond 2 is a concrete tank.</p> <p>Ponds 3, 4, 5, and 6 are lined with a HDPE liner with a permeability of less than $1 \times 10^{-9} \text{m/s}$.</p>
		<p>Leaks spills and ruptures of liquid waste containers</p>	<p>Equipment is located on a concrete hardcourt.</p> <p>The Existing Licence has an improvement condition to ensure all hardcourt areas are bunded and drain toward the waste water treatment system.</p> <p>The Existing Licence has an improvement condition to install low permeability secondary containment infrastructure around all sumps and tanks outside the hardstand area shall be constructed with a capacity of at 110% of the volume of the largest containment vessel and 25% of the volume of all the containers within the containment infrastructure.</p>

3.1.2 Receptors

In accordance with the *Guidance Statement: Risk Assessment* (DER 2017), the Delegated Officer has excluded employees, visitors and contractors of the Licence Holder's from its assessment. Protection of these parties often involves different exposure risks and prevention strategies, and is provided for under other state legislation.

Table 2 below provides a summary of potential human and environmental receptors that may be impacted as a result of activities upon or emission and discharges from the prescribed premises (*Guidance Statement: Environmental Siting* (DER 2016)).

Table 2: Sensitive human and environmental receptors and distance from prescribed activity

Human receptors	Distance from prescribed activity
Nearest residential receptors	10 dwellings within 300 m of the premises boundary. The closest being 112 m from the irrigation area. Seven residential dwellings within 170 m of the irrigation area.
Environmental receptors	Distance from prescribed activity
<i>Calyptorrhynchus latirostris</i> - Carnaby's black cockatoo	650 m southwest and 1500 m southwest
Kalgan River	750 m east
Groundwater	The area is not within a proclaimed groundwater area under the <i>Rights in Water and Irrigation Act 1914</i> . Groundwater in the area has limited beneficial use and is brackish with salinity in the range of 2500 mg/L to 9,000 mg/l. The depth to groundwater can be as shallow as 5 to 7 mbgl at monitoring bores MW10, MW11 and MW12 adjacent to the northern irrigation areas and where the topographic elevation declines. The depth to groundwater is generally between 5-15 mbgl across the site.

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guidance Statement: Risk Assessments* (DER 2017) for those emission sources which are proposed to change and takes into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are in-complete they have not been considered further in the risk assessment.

Where the Licence Holder has proposed mitigation measures/controls (as detailed in Section 3.1), these have been considered when determining the final risk rating. Where the Delegated Officer considers the Licence Holder's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the licence as regulatory controls.

Additional regulatory controls may be imposed where the Licence Holder's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 3.

The Revised Licence L8031/2005/4 that accompanies this Amendment Report authorises emissions associated with the operation of the Premises.

The conditions in the Revised Licence have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

Table 3. Risk assessment of potential emissions and discharges from the Premises during operation

Risk Event					Risk rating ¹ C = consequence L = likelihood	Licence Holder's controls sufficient?	Conditions ² licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Licence Holder's controls				
Operation								
Scalding and skinning of chicken feet	Noise	Air/windborne pathway causing impact to amenity	Residents within 300 m of the premises boundary.	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	Y	Conditions 1.4.1, 1.4.2 & 1.4.3 added No existing licence conditions.	Requirement to construct chicken feet processing equipment in the insulated processing facility and submit compliance report to verify this requirement has been met.
	Odour	Air/windborne pathway causing impact to amenity	Residents within 300 m of the premises boundary.	Refer to Section 3.1	C = Minor L = Possible Medium Risk	Y	Conditions 1.4.1, 1.4.2 & 1.4.3 added Existing Licence condition 2.2.1	Requirement to construct chicken feet processing equipment in the insulated processing facility and submit compliance report to verify this requirement has been met.
	Wastewater	Aerial dispersion to land through sprinklers causing contamination of soil and/or decline in beneficial use of bore water. Overtopping of anaerobic treatment ponds (ponds 1 & 2) or aerobic/facultative treatment ponds (ponds 3, 4 & 5). Seepage of liquid waste through containment liners or through wastewater delivery lines causing soil contamination with potential to infiltrate soil and impact groundwater quality. Direct discharge of wastewater to soil from spills causing soil contamination with potential to infiltrate soil and impact groundwater quality.	Soil and groundwater. Depth to groundwater 5-7mbgl	Refer to Section 3.1	C= Possible L= Moderate Medium Risk	Y	Conditions 1.4.1, 1.4.2 & 1.4.3 added Existing licence conditions: 1.3.1, 1.3.5, 2.1.1, 2.1.2, 2.1.3, 3.1.1, 3.2.1, 3.4.1, IR11 and IR14	Requirement to construct chicken feet processing equipment in the insulated processing facility which has existing hardcourt and that all wastewater to directed to the wastewater treatment facility. Submission of a compliance report is required to verify that this requirement has been met.
			Soil and groundwater. Depth to groundwater 5-7mbgl	Refer to Section 3.1	C= Possible L= Moderate Medium Risk	Y	Condition 1.3.1 added 1.3.3	
			Soil and groundwater. Depth to groundwater 5-7mbgl	Refer to Section 3.1	C = Moderate L = Possible Medium Risk	Y	Condition 1.3.1 added Existing licence conditions: 1.3.2 IR7	
			Soil and groundwater. Depth to groundwater 5-7mbgl	Refer to Section 3.1	C = Moderate L = Possible Medium Risk	Y	Condition 1.3.1 added Existing licence conditions: IR5, IR6, IR7, IR8 and IR13	

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

Note 2: Proposed Licence Holder's controls are depicted by standard text. **Bold and underline text** depicts additional regulatory controls imposed by department.

4. Consultation

Table 4 provides a summary of the consultation undertaken by the department.

Table 4: Consultation

Consultation method	Comments received	Department response
Licence Holder was provided with draft amendment on 2 September 2020.	The applicant provided information as requested by DWER.	Information was included in the assessment and Licence.

5. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that a Revised Licence will be granted.

The Delegated Office has determined the additional infrastructure does not materially alter the risk profile of the Premises and that the change can be managed under the conditions of the Existing Licence.

Administrative amendments have been undertaken to correct erroneous condition numbering and formatting.

5.1 Summary of amendments

Table 5 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the Revised Licence as part of the amendment process.

Table 5: Summary of licence amendments

Condition no.	Proposed amendments
1.2.5	Administrative amendment to footnote.
1.3.2	Administrative amendment to correct unit error, clarify requirements for ponds 1 and 2 and correct table number formatting.
1.3.3	Administrative amendment to correct table number formatting.
1.3.4	Administrative amendment to correct number formatting.
1.3.5	Administrative amendment to correct number formatting.
1.4.1 – 1.4.3	Infrastructure and equipment requirements and compliance reporting
2.1.1 – 2.1.3	Administrative amendment to correct table number formatting
2.1.2	Administrative amendment to correct unit error.
3.2.1 – 3.4.1	Administrative amendment to correct table number formatting
Schedule 1: Maps	Remove unlabeled figure and update reference to condition numbers
Schedule 1: Maps	Addition of site plan with insulated processing area labelled

References

1. Department of Environment Regulation (DER) 2016, *Guidance Statement: Environmental Siting*, Perth, Western Australia.
2. DER 2017, *Guidance Statement: Risk Assessments*, Perth, Western Australia.
3. DER 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.

Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)				
Application type				
Works approval	<input type="checkbox"/>			
Licence	<input type="checkbox"/>	Relevant works approval number:		None <input type="checkbox"/>
		Has the works approval been complied with?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Has time limited operations under the works approval demonstrated acceptable operations?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Date Report received:		
Renewal	<input type="checkbox"/>	Current licence number:		
Amendment to works approval	<input type="checkbox"/>	Current works approval number:		
Amendment to licence	<input checked="" type="checkbox"/>	Current licence number:	L8031/2005/4	
		Relevant works approval number:	N/A	<input checked="" type="checkbox"/>
Registration	<input type="checkbox"/>	Current works approval number:	None	<input type="checkbox"/>
Date application received	24 July 2020			
Applicant and Premises details				
Applicant name/s (full legal name/s)	Milne Agrigroup Pty Ltd			
Premises name	Mt Barker Chicken			
Premises location	Lake Matilda Road KENDENUP WA 6323			
Local Government Authority	Shire of Plantagenet			
Application documents				
HPCM file reference number:	DER2014/002999-3~2			
Key application documents (additional to application form):	Letter outlining proposed changes onsite and the impact on current discharges.			
Scope of application/assessment				

Summary of proposed activities or changes to existing operations.	<p><i>Licence amendment</i></p> <p>Proposing to divert 10 tonnes per week of chicken feet from the existing waste stream and processing them for consumption. Installation and operation of a foot scalding, foot skin remover and spiral chiller. 10 tonnes per week of chicken feet for consumption will be produced in addition to current production rates, but does not require an increase to the design capacity stated on the licence.</p> <p>New equipment will increase water consumption and wastewater generation on site by approximately 1.7% (no evidence for how this was calculated). Applicant estimates an additional 740 kL per year of wastewater will be generated with the processing of the chicken feet.</p> <p>As foot skin is cleaned earlier in the process, the quality of water is likely to be relatively high quality, therefore it can be assumed that wastewater quality will remain relatively unchanged.</p>
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Category number/s (activities that cause the premises to become prescribed premises)

Table 8: Prescribed premises categories

Prescribed premises category and description	Assessed production or design capacity	Proposed changes to the production or design capacity (amendments only)
Category 15: abattoir	Not more than 17,500 tonnes (live weight) per annual period	No change

Legislative context and other approvals

Has the applicant referred, or do they intend to refer, their proposal to the EPA under Part IV of the EP Act as a significant proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No: EPA Report No:
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No:
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Certificate of title <input checked="" type="checkbox"/> General lease <input type="checkbox"/> Expiry: Mining lease / tenement <input type="checkbox"/> Expiry: Other evidence <input type="checkbox"/> Expiry: Provided
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	Approval: NA Expiry date: NA Applicant advised by LGA on 8 September 2020 that development approval is not

		required (DWERDT336271)
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	CPS No: N/A
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: N/A Licence/permit No: N/A
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: Licence/permit No:
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: N/A Type: Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Regional office:
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: N/A Priority: P1 / P2 / P3 / N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to WQPN 25)? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx</i>)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Classification: N/A Date of classification: N/A