



Application for Licence

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

Licence Number	L9134/2018/2
Applicant	Brownes Food Operations Pty Ltd
ACN	146 849 881
File number	DER2018/000658-1
Premises	Brownes Whey 172 Morrell Road WEST ARTHUR Legal description - LOT 8 ON PLAN 24841, LOT 9 ON PLAN 24840, LOT 20 ON PLAN 410883, LOT 3273 ON PLAN 118395, LOT 3396 ON PLAN 119301, LOT 3274 ON PLAN 118394, LOT 3353 ON PLAN 119302, LOT 3551 ON PLAN 120595, LOT 5611 ON PLAN 133341, LOT 5612 ON PLAN 133343 and LOT 5777 ON PLAN 135892
Date of report	22/06/2022
Decision	Licence granted

Stephen Checker

MANAGER WASTE INDUSTRIES

REGULATORY SERVICES

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

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1. Decision summary

This decision report documents the assessment of potential risks to the environment and public health from emissions and discharges during the operation of the premises. As a result of this assessment, licence L9134/2018/2 has been granted.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this decision report, the Department of Water and Environmental Regulation (the department; DWER) 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 and overview of premises

On 2 November 2021, the applicant submitted an application for a licence renewal to the department under section 57 of the *Environmental Protection Act 1986* (EP Act).

The application is to seek renewal of the licence relating to discharge of whey at the premises. The premises is approximately 15 km south-west of Arthur River.

The premises relates to the category and assessed production / design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in Licence L9134/2018/2. The infrastructure and equipment relating to the premises category and any associated activities which the department has considered in line with *Guideline: Risk Assessments* (DWER 2020) are outlined in Licence L9134/2018/2.

The Licence Holder current discharges whey to land under Existing Licence L9134/2018/1. The Existing Licence was initially issued on 26 July 2018, with an expiry date of 31 July 2020, for a Production and Design Capacity (P&DC) of 28,000 kL per annual period, based on the advice in the licence application that the Licence Holder was actively sourcing alternate long term whey disposal options and the discharge of whey to land at the premises would only be a short-term operation. DWER subsequently amended the licence on 22 May 2019 to extend the Existing Licence expiry date from 31 July 2020 to 30 June 2022. This amendment to extend the licence expiry date was due to significantly lower P&DC (12,000 kL) of whey than initially predicted. The Licence Holder has submitted a licence renewal application to continue to discharge whey to land noting the continued reduced P&DC whey discharge volumes from the original licence application. The Licence Holder has requested an expiry date of 31 July 2027 and a P&DC of 10,000 kL per annual period (where it is estimated that the actual throughput of whey to land will be 8,000 kL per annual period) in the licence renewal application. The Licence Holder has provided a copy of the Lease agreement with the landowner to allow discharge of whey and the lease expires 30 June 2027 so that will be the expiry date for the Proposed new Licence.

For this licence renewal application, and Proposed Licence, there will be no changes to existing infrastructure, emissions and discharges at the Premises regulated under the Existing Licence. However, given the original discharge of whey under the Existing Licence was originally proposed to occur for approximately two years, in the interim a long-term disposal source was secured, DWER will assess the proposed premises emissions and discharges to ensure the longer-term application of whey to land under the Proposed Licence, does not increase the risk of unacceptable harm to human health and the environment.

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 *Guideline: Risk Assessments* (DWER 2020).

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 decision report are detailed in Table below. Table 1 also details the control measures the applicant has proposed to assist in controlling these emissions, where necessary.

Table 1: Proposed applicant controls

Emission	Sources	Potential pathways	Proposed controls
Operation			
Dust	Vehicle movements – tanker truck, spreader and tractor	Air / windborne pathway	<i>The use of the Spreader and Tractor is a normal agricultural activity and whey operations are not significantly in excess of normal farming practice.</i> <i>The Tanker speed will be reduced when irrigating which will limit dust lift off.</i>
Noise	Vehicle movements – tanker truck, spreader and tractor	Air / windborne pathway	<i>The use of the Spreader and Tractor is a normal agricultural activity and proposed operation is not significantly in excess of normal farming practice. The Tractor speed will be reduced when irrigating which will limit additional noise.</i> <i>The Tanker trucks that access the premises to deliver whey are limited in speed.</i> <i>Majority of whey discharged at the premises is only over a few months of the year.</i>
Spills	Storage tanks and transfer points	Direct discharge to land and groundwater	<i>All unloading and loading operations will occur with secured milk transfer procedures and the activity requires personal attendance at all times.</i> <i>If a spill or leak occurs it can be switched off immediately.</i>
Odour	Storage tanks and irrigation operations	Air / windborne	<i>Whey is delivered in a sealed Tanker.</i> <i>Irrigation occurs on a campaign basis and is</i>

Emission	Sources	Potential pathways	Proposed controls
		<i>pathway</i>	<p><i>not a regular practice.</i></p> <p><i>Stored in a 50,000kL sealed tank.</i></p> <p><i>Fresh whey is not generally associated with odour issues.</i></p> <p><i>Whey is not be stored for more than 24 hours prior to irrigation.</i></p>
<i>Leachate</i>	<i>Irrigation of Whey</i>	<i>Seepage to soil and groundwater</i>	<p><i>Licence Holder has a Whey Management Plan.</i></p> <p><i>Loading rates.</i></p> <p><i>Whey discharge is cyclic – distributed around the premises to reduce continual discharge to the same area repeatedly.</i></p>

3.1.2 Receptors

In accordance with the *Guideline: Risk Assessment* (DWER 2020), the Delegated Officer has excluded the applicant's employees, visitors, and contractors 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 (*Guideline: Environmental Siting* (DWER 2020)).

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

Human receptors	Distance from prescribed activity
<i>Closest residential receptor</i>	<p><i>1750m southwest of tanks</i></p> <p><i>407m south of Premises boundary</i></p> <p><i>807m south of Irrigation area.</i></p>
Environmental receptors	Distance from prescribed activity
<i>Geomorphic Wetlands</i>	<p><i>Swamp: adjoins southeast Premises boundary</i></p> <p><i>1550m southeast of Tanks</i></p> <p><i>620m southwest of Irrigation area.</i></p> <p><i>Lake: 2980 east of Tanks</i></p> <p><i>400m south of Premises</i></p> <p><i>450m south of Irrigation area</i></p> <p><i>Area subject to Undulation: 2470m southwest of Tanks</i></p> <p><i>400m south of Premises</i></p> <p><i>450m south Irrigation area</i></p>
<i>Threatened/Priority Flora</i>	<p><i>3030m southwest of Tanks</i></p> <p><i>325m south of Premises</i></p>

	<i>725m south of Irrigation area</i>
<i>Threatened/Priority Fauna</i>	<i>Mammals P4: 3690m southwest of Tanks 550m southwest of Premises 1600m south of Irrigation area</i> <i>Birds P4: 3160m southwest of Tanks 750m southwest of Premises 1150m south of Irrigation area</i>
<i>Major watercourses/waterbodies: recreation and aesthetic</i>	<i>Major non- perennial Minor non-perennial Area subject to Inundation Adjacent and majority flank southern and western Premises boundary. 1340m south of Tanks 400m south of Irrigation area.</i>
<i>Groundwater: Water use not known but given location could be either potable for northwest bore or livestock for northern bores.</i>	<i>Depth to groundwater unknown Three bores located within 1km of Premises (based on available GIS dataset –WIN Groundwater Sites). 2 x 3500m north of Tanks, 690m north of Premises and 700m north Irrigation area. 1 x 3900m northwest of Tanks, 810 north west of Premises and 820m north of Irrigation area.</i>

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for each identified emission source 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 applicant 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 applicant'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 applicant's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 3.

Licence L9134/2018/2 that accompanies this decision report authorises emissions associated with the operation of the premises i.e. Liquid waste facility.

The conditions in the issued licence, as outlined in Table 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 events					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
Operation								
Unloading, loading, storage and disposal (irrigation) of Whey Vehicle movements	Dust	Air / windborne pathway causing impacts to health and amenity	Residence: 1750m southwest of tanks	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	N/A	N/A
	Noise		407m south of Premises boundary	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	N/A	N/A
	Odour		807m south of Irrigation area.	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	N/A	N/A
	Spills	Overland runoff potentially causing ecosystem disturbance or seepage impacting soils and groundwater	Depth to groundwater unknown Three bores located within 1km of Premises (based on available GIS dataset –WIN Groundwater Sites).	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	Condition 1, 2, 4 and 5	N/A
	Leachate from Irrigation to land	Overland runoff potentially causing ecosystem disturbance or seepage impacting soils and groundwater	2 x 700m north of Irrigation area. 1 x 820m north of Irrigation	Refer to Section 3.1	C = Moderate L = Possible Medium Risk		Condition 1, 2, 3, 4, 5, 6, 7 and 8 Condition 11	The Proposed new licence has a new Annual Environmental Report condition that requires an assessment and interpretation of monitoring data and a comparison to historical data. This will ensure any risks

Licence: L9134/2018/2

Risk events					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
			<i>area. Swamp 620m southwest of irrigation area. Lake 450m south of irrigation area. Threatened Flora 725m south of irrigation area. Threatened Fauna 1600m south of irrigation are.</i>				<i>and impacts to human health, or the environment are assessed during operations.</i>	

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

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

3.3 Detailed risk assessment for Leachate – Irrigation of Whey

3.3.1 Description of Irrigation of whey

Whey is to be irrigated to land (crops and livestock pasture) annually until 30 June 2027. The Applicant has nominated a maximum P&DC of 10,000 kL of whey disposed per annual period but expected throughput is 8,000 kL based on whey manufacture. The Premises has 938 ha of land which is dedicated to the discharge of whey. Whey will be irrigated via a Spreader evenly over land.

3.3.2 Identification and general characterisation of emission

Whey quality is typically high in nutrient, BOD, TN, TP, salt – TDS, TSS and oil and grease concentrations. It is also acidic with a pH of between 4.0 and 4.4. If the soil subject to irrigation already exhibits high concentrations of P the soils ability to adsorb P will be diminished and P may desorb into the environment and groundwater causing eutrophication. The anticipated volume is 10,000 kL per annual period to be discharged over a 200ha area, alternated each annual period to reduce repeated irrigation frequency.

3.3.3 Description of potential adverse impact from the emission

Wastewater discharges produced from sewage treatment, from food-based industries, or from agricultural waste products have the potential to be a useful resource for irrigating a wide range of crops on a sustainable basis. Wastewater discharges from these sources typically contain high concentrations of nutrients that can help sustain plant growth, and natural biogeochemical processes that take place in soils can help decompose or immobilise other contaminants present in these discharges. Potential environmental impacts from wastewater irrigation schemes are generally minimised when the following nationally-recognised management principles are applied to a given scheme:

- Evapotranspiration by plants in the irrigated area should drive both the volume and timing of wastewater applications to land. Wherever possible, nutrients and the applied water should be utilised within the crop root-zone and there should be minimal seepage of nutrients and other chemical constituents from the wastewater past the root-zone into groundwater;
- Applications of wastewater should not exceed the soil's capacity to provide suitable growing conditions for the irrigated plants, or cause long-term changes to soil structure that may adversely affect the capacity of the soil to continue to support plant growth and a healthy soil-fauna; and
- Whey should not be applied to soils which are unsuitable for organic waste and where there is a higher risk of issues such as nitrate leaching in area prone to flooding, have excess drainage, high water tables and shallow depths to rocks.

Therefore, the principal components of a sustainable wastewater irrigation scheme are:

- The annual loads of nitrogen and phosphorus applied in wastewater do not exceed the uptake of these nutrients by vegetation in the irrigated area. This generally means that wastewater is irrigated to a sufficiently large land area such that nutrients are taken up by the crop and removed from the area in harvested biomass;
- The irrigated area should be sufficiently large to enable the applied wastewater to be fully utilised by the crop. This generally means that irrigation does not take place in the southern part of the State during winter months when rainfall exceeds the rate of evapotranspiration and when there is a significant risk that nutrients will be leached into groundwater. Wastewater produced during winter is often stored for use during warmer

months, and sufficient land area should be available to enable both the stored and ongoing production of wastewater to be discharged; and

- The chemical composition of the wastewater will not cause adverse effects on soil quality and structure in the irrigated area.

Information provided in the NSW DEC 2004 wastewater disposal guidelines suggests that the whey should be considered to be a high-strength effluent on the basis of its nutrient, BOD and salt content (Table 3.1 page 19 from the Guideline) and therefore its disposal needs to be carefully managed to prevent damage to the soil profile in the irrigation areas and to prevent groundwater contamination by nutrients and salts.

The US EPA 2006 guidelines for the land application of wastewater suggest that the ongoing application of wastewater with a comparable N, P and BOD levels to whey can cause clogging of soil pore spaces with biofilms and the development of anaerobic conditions in soils, limiting both plant growth and the infiltration of water. It is important that sufficient drying periods are allowed between each application of wastewater to allow organic matter to be removed by soil microorganisms and to allow aerobic conditions to be maintained. Anaerobic conditions in the soil are also likely to increase the mobilisation of P due to the reductive dissolution of iron oxide minerals in the soil which generally bind most of the P in the soil profile.

3.3.4 Criteria for assessment

Relevant land and groundwater quality criteria include:

- National Environment Protection (Assessment of Site Contamination) Measure 1999;
- ANZECC & ARMCANZ (2000) – freshwater and marine waters criteria; and
- NSW EPA 1998 *On-site Sewage Management for Single Households: Environment & Health Protection Guidelines*;
- NSW DEC 2004 *Environmental Guidelines: Use of Effluent by Irrigation*. Technical guidelines produced by the NSW Department of Environment and Conservation;
- US EPA 2006 Process Design Manual, Land Treatment of Municipal Wastewater Effluents. *US EPA Technical Report EPA 625/R-06/016*; and
- Department of Water and Environmental Regulation's Water Quality Protection Note 22 Irrigation with Nutrient Rich Wastewater

3.3.5 Applicant controls

The Licence Holder has prepared a Whey Management Plan (WMP) for the spreading of whey at the premises, which discusses how spreading will be managed to minimise environmental impact.

The P&DC for the Premises is 10,000 kL per annual period; however the Licence Holder expects to discharge only 8,000 kL of whey in the annual period based on current volumes. The application states that the volumes of whey discharged to the premises since the initial licence in 2018 are 10,803 kL, 6,674 kL and 4,501 kL in 2018, 2019 and 2020 respectively).

The Premises has allocated a 938ha parcel of land for irrigation. Within this 938ha area two separate 200 ha areas will be allocated for irrigation with one 200 ha area receiving a single year's annual irrigation loading rate of 10,000 kL (each 200ha area will be irrigated every second year).

Whey parameter quality samples are provided in the respective Annual Environmental Report (AER) required by licence conditions on the Existing Licence. Table 4 provides the respective whey parameter quality over the past three years compared to the original Existing Licence Application. Table 5 provides the respective nutrient loading rates for each annual reporting period provided in the AER compared to the original Existing Licence Application target loading

rates.

Table 4: Whey quality parameters

Year	Total Nitrogen (mg/L)	Total Phosphorus (mg/L)	pH (mg/L)	Biochemical Oxygen Demand (mg/L)
August 2018-2019	1400	N/A*	5.7	N/A*
August 2019-2020	1600	380	4.3	50,000
August 2020-2021	1600	380	4.3	50,000
Design water quality in Application	1,500	250	4.2	42,000

* No data collected for that year.

Table 5: Whey nutrient loading rates

Year	Total Nitrogen (kg/ha/yr)	Total Phosphorus (kg/ha/yr)	Biochemical Oxygen Demand (kg/ha/day)
August 2018-2019	75	13*	6.1*
August 2019-2020	52	12.4	4.5
August 2020-2021	36	8.5	3.08
Target loading rates proposed in Application (Table 17 Decision Report) and WMP[^]	105	17.5	24.5

* No data collected for that year, so data was sourced from original Licence Application data.

[^] P&DC was 28,000 kL for the original Application and WMP.

The Licence Holder has submitted a soil investigation as part of the Licence Renewal application to determine the impact of whey discharges over the past three (3) years. A soil investigation occurred on 5 March 2021 and involved the collection of soil samples from nine (9) locations which replicated the same locations for the original soil samples collected in the 2018 investigation in support of the original licence application. Samples were collected from the topsoil (0-0.2m) and subsoil (0.4 to 0.5m). Table 6 provides the two soil sample investigations for 2018 and 2021 for comparison. It should be noted that whey has been applied to all areas where the soil samples were collected except for S9 which can be considered as a background

sample.

Table 6: Soil samples results for 2018 and 2021

Site	Depth (m)	pH (CaCl)		Conductivity (dS/m)		Colwell P results (mg/kg)		Nitrate N (mg/kg)	
		2018	2021	2018	2021	2018	2021	2018	2021
S1	0 – 0.1	5.2	6.8	0.134	0.222	15	61	15	51
	0.4 – 0.5	5.6	5.1	0.145	0.108	7	32	1	5
S2	0 – 0.1	5.6	6.8	0.192	0.26	24	38	25	34
	0.4 – 0.5	6.1	4.6	0.029	0.021	2	17	1	2
S3	0 – 0.1	5.9	6.0	0.338	0.165	26	65	35	30
	0.4 – 0.5	5.9	5.3	0.084	0.03	2	8	2	4
S4	0 – 0.1	5.0	6.1	0.954	0.176	15	68	20	29
	0.4 – 0.5	6.6	4.3	0.051	0.044	4	23	1	5
S5	0 – 0.1	4.6	5.6	0.067	0.148	41	42	23	28
	0.4 – 0.5	4.5	4.0	0.03	0.029	5	10	3	4
S6	0 – 0.1	5.0	5.7	0.17	0.169	19	40	28	22
	0.4 – 0.5	5.4	4.3	0.011	0.055	8	34	1	4
S7	0 – 0.1	5.7	6.6	0.117	0.148	120	52	28	10
	0.4 – 0.5	6.1	5.3	0.039	0.32	7	16	4	5
S8	0 – 0.1	4.9	6.0	0.416	0.24	41	90	57	23
	0.4 – 0.5	4.0	4.1	0.12	0.043	45	20	2	4
S9	0 – 0.1	5.2	5.5	0.139	0.289	66	74	60	39
	0.4 – 0.5	4.2	5.2	0.044	0.104	24	25	5	6

A summary of the comparison for table 6 includes:

- Soil pH increased in 11 of 18 samples over the three-year period. All topsoil samples showed an increase in pH with some of the subsoil samples showing increased acidity. pH will continue to be monitored with additions of lime were required.
- Total dissolved solids (TDS) from the irrigation of whey so conductivity of the soil reduced in 11 of 18 samples following three years of application.
- Total Phosphorus (TP) concentrations have generally increased in all samples including S9 which has not received any whey. TP concentrations are all within the 2018 range and normal agricultural production levels.
- Nitrate nitrogen (Nitrate-N) showed mixed results and no consistent trend

3.3.6 Key Findings

The Delegated Officer has reviewed the information regarding irrigation of whey and has found:

1. *The Licence Holder has requested to extend irrigation of whey for another five (5) years to 2027. A lease has been provided to authorise whey irrigation for this time period.*
2. *The Premises P&DC has been reduced from initially 28,000 kL in 2018 to 10,000 kL per annual period to 2027. The actual throughput for irrigation of whey will likely be less than the 10,000 KL per annual period.*
3. *The Premises has a total area of 938 ha available to irrigate whey. Whey is to be irrigated to a dedicated 200 ha area annually. The 200 ha area will be rotated annually so whey is not discharged to the same area repeatedly.*
4. *Due to lower than anticipated irrigation volumes, the total irrigated volumes projected for the initial 2-year campaign are not expected to be exceeded.*
5. *Existing licence conditions only allow an annual irrigation rate of 70 kL/ha to separate 200 ha irrigation areas.*
6. *Sampling will remain a requirement under the licence to monitor whey irrigation.*
7. *The Proposed new licence has a new Annual Environmental Report condition that requires an assessment and interpretation of monitoring data and a comparison to historical data.*
8. *Existing licence conditions provide buffer distances from sensitive receptors.*
9. *Based on the 2021 soil samples, and in comparison, to 2018 data in Table 6, there does not appear to be any significant adverse impacts to the environment from the previous three years of irrigation of whey.*

3.3.7 Consequence

When irrigation of whey (high concentration of BOD, TN and TP) occurs, the Delegated Officer has determined that the impact of irrigation will be mid level on-site impacts, low level off-site impacts, minimal off-site wider scale impacts with Specific Consequence Criteria (for Environment) are at risk of not being met. Therefore, the Delegated Officer considers the consequence of irrigation to be **Moderate**.

3.3.8 Likelihood of Risk Event

The Delegated Officer has determined that the likelihood of irrigation could occur at some time. Therefore, the Delegated Officer considers the likelihood of Risk Event to be **Possible**.

3.3.9 Overall rating of irrigation of whey

The Delegated Officer has compared the consequence and likelihood ratings described above with the risk rating matrix and determined that the overall rating for the risk of irrigation is **Medium**.

4. Consultation

Table 7 provides a summary of the consultation undertaken by the department.

Table 7: Consultation

Consultation method	Comments received	Department response
<i>Application advertised on the department's website on 13 December 2021</i>	<i>None received</i>	<i>N/A</i>
<i>Local Government Authority advised of proposal on 13 December 2021</i>	<i>None received</i>	<i>N/A</i>
<p><i>Applicant was provided with draft documents on 14 March 2022.</i></p> <p><i>Response received 15 March 2022.</i></p>	<p><i>DWER requested clarification for Table 5 Loading Rates data for the August 2020- 2021 reporting period.</i></p> <p>Licence – <i>There were no comments on the draft licence.</i></p> <p>Decision Report – <i>Table 5 – 2020/2021 Nutrient Loading Rates</i></p> <p><i>The nutrient loading rates for 2020/2021 should be:</i></p> <ul style="list-style-type: none"> • <i>TN – 36 kg/ha/yr</i> • <i>TP – 8.5 kg/ha/yr</i> • <i>BOD – 3.08 kg/ha/yr</i> <p><i>These are consistent with the nutrient loading calculations in Attachment 2 of the 2021 AER.</i></p>	<i>Table 5 changed accordingly.</i>

5. Conclusion

Based on the assessment in this decision report, the delegated officer has determined that the application to renew licence L9134/2018/2 will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

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.
4. DWER, June 2019. *Guideline: Industry Regulation Guide to Licensing*. Department of Water and Environmental Regulation, Perth.
5. DWER, June 2019. *Guideline: Decision Making*. Department of Water and Environmental Regulation, Perth.
6. DWER, June 2019. *Guideline: Odour emissions*. Department of Water and Environmental Regulation, Perth.

Appendix 2: 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 checked="" type="checkbox"/>	Current licence number:	L9134/2018/1	
Amendment to works approval	<input type="checkbox"/>	Current works approval number:		
Amendment to licence	<input type="checkbox"/>	Current licence number:		
		Relevant works approval number:		N/A <input type="checkbox"/>
Registration	<input type="checkbox"/>	Current works approval number:		None <input type="checkbox"/>
Date application received				
Applicant and premises details				
Applicant name/s (full legal name/s)		Brownes Food Operations Pty Ltd		
Premises name		Brownes Whey		
Premises location		LOT 8 ON PLAN 24841, LOT 9 ON PLAN 24840, LOT 20 ON PLAN 410883, LOT 3273 ON PLAN 118395, LOT 3396 ON PLAN 119301, LOT 3274 ON PLAN 118394, LOT 3353 ON PLAN 119302, LOT 3551 ON PLAN 120595, LOT 5611 ON PLAN 133341, LOT 5612 ON PLAN 133343 and LOT 5777 ON PLAN 135892		
Local Government Authority		Shire of West Arthur		
Application documents				
HPCM file reference number:		DER2018/000658		
Key application documents (additional to application form):		Application Supporting Document		
Scope of application/assessment				
Summary of proposed activities or changes to existing operations.		Licence Operation of irrigation of Whey		

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)

Category number/s (activities that cause the premises to become prescribed premises)

Table 1: Prescribed premises categories

Prescribed premises category and description	Assessed production or design capacity	Proposed changes to the production or design capacity (amendments only)
Category 61: <i>Liquid waste facility</i>	<i>10,000kL per annual period</i>	

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 type="checkbox"/> General lease <input checked="" type="checkbox"/> Expiry: June 2027 Mining lease / tenement <input type="checkbox"/> Expiry: Other evidence <input type="checkbox"/> Expiry:
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Approval: Expiry date: If N/A explain why? Agricultural activity
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 No clearing is proposed.
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 No clearing is proposed.
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: Licence / permit not required.

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)

<p>Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Name: N/A Type: Proclaimed Groundwater Area/Surface Water Area Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Regional office: Swan Avon / Mid-West Gascoyne / Kwinana Peel / North West / South West / Goldfields / South Coast</p>
<p>Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>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"/></p>
<p>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>)</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Is the Premises within an Environmental Protection Policy (EPP) Area?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Is the Premises subject to any EPP requirements?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i>?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>If Yes include details here. Classification: N/A / possibly contaminated – investigation required (PC–IR) / not contaminated – unrestricted use (NC–UU) / contaminated – restricted use (C–RU) / remediated for restricted use (RRU) / contaminated – remediation required (C–RR) / decontaminated (Decon) Date of classification: N/A</p>