



# Amendment Report

<b>Licence Number</b>	L9179/2018/1
<b>Licence Holder</b>	Jaden Cocking
<b>File Number:</b>	DER2018/001165-1
<b>Premises</b>	Jindabyne Farm Cocking Road MOGUMBER WA 6506  Legal Description - Lot 1806 on Deposited Plan 008582 Certificate of Title Volume 2213 Folio 504 Lot 7 on Deposited Plan 019255 Certificate of Title Volume 2213 Folio 503 Lot 6 on Deposited Plan 019255 Certificate of Title Volume 2213 Folio 500
<b>Date of Report</b>	25/09/2019

# 1. Definitions and interpretation

## Definitions

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

**Table 1: Definitions**

Term	Definition
ACN	Australian Company Number
Amendment Report	refers to this document
Biosolids	Means sludge from a wastewater treatment plant that has undergone further treatment to reduce disease causing pathogens and volatile organic matter significantly, resulting in a stabilised material suitable for beneficial use. Does not include industrial and food processing sludges.
Category/ Categories/ Cat.	categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
CEO	means Chief Executive Officer. CEO for the purposes of notification means: Director General Department Administering the <i>Environmental Protection Act 1986</i> Locked Bag 10 JOONDALUP DC WA 6027 Telephone: (08) 6367 7000 Facsimile: (08) 6367 7001 Email: <a href="mailto:info@dwer.wa.gov.au">info@dwer.wa.gov.au</a>
Delegated Officer	an officer under section 20 of the EP Act
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
DPIRD	Department of Primary Industries and Regional Development
DWER	Department of Water and Environmental Regulation
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
Existing Licence	The Licence issued under Part V, Division 3 of the EP Act and in force prior to the commencement of and during this Review
Licence Holder	Jaden Cocking
Prescribed Premises	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Amendment Report applies, as specified at the front of this Amendment Report.
Risk Event	as described in <i>Guidance Statement: Risk Assessment</i>
WABM	Western Australian guidelines for biosolids management, Department of Environment and Conservation, December 2012.

## 2. Amendment Description

The following guidance statements have informed the assessment and decision outlined in this Amendment Report:

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

### 2.1. Purpose and scope of assessment

The Licence Holder applied for an amendment to Licence L9179/2018/1 on 29 July 2019 to increase the gradient to which biosolids are able to be applied to across the Premises. The Licence Holder has applied to increase the acceptable application slope gradient from <6% to <12% gradient. This amendment relates only to an amendment to the acceptable area to which biosolids may be applied. No further amendments relating to category 61A have been applied for.

Following the 21 day consultation period, the Licence Holder requested an additional amendment to Condition 3 Table 4 Storage Process Requirements (ii) and (iii) as outlined in Appendix 2.

## 3. Amendment history

Table 2 provides the amendment history for L9179/2018/1.

**Table 2:** Licence amendments

Instrument	Issued	Amendment
L9179/2018/1	18/03/2018	Licence issued
L9179/2018/1	25/09/2019	Licence amended to allow application of biosolids to land with gradient of <12%.

## 4. Location and receptors

Table 3 below lists the relevant sensitive land uses in the vicinity of the Prescribed Premises which may be receptors relevant to the proposed amendment.

**Table 3: Receptors and distance from activity boundary**

Residential and sensitive premises	Distance from Prescribed Premises
Residential Premises	500m south 1100m south 1350m east 1000m east 1700m south east 850m west 2100 west

Table 4 below lists the relevant environmental receptors in the vicinity of the Prescribed Premises which may be receptors relevant to the proposed amendment.

**Table 4: Environmental receptors and distance from activity boundary**

Environmental receptors	Distance from Prescribed Premises
Threatened/ Priority flora	Within Premises at top of northern (central) boundary- <i>Darwinia carnea</i>
Minor watercourses/ Dams	The Premises has several intermittent creeks, one perennial creek and multiple dams throughout the Premises  - Stock/ freshwater ecosystem/ aesthetic
Groundwater	Depth to groundwater unknown.  No bores located within 1km of the Premises (based on available GIS dataset – WIN Groundwater Sites).

## 5. Risk assessment

Table 5 below describe the Risk Events associated with the amendment consistent with the *Guidance Statement: Risk Assessments*. Both tables identify whether the emissions present a material risk to public health or the environment, requiring regulatory controls.

**Table 5: Risk assessment for proposed amendments during operation**

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	Applicant controls					
Application of biosolids to land with slope gradient of 6-12%	Contaminated runoff to surface water	Minor water courses, drainage lines and dams throughout the premises. Direct discharge to surface water. Surface water contamination; disruption of ecosystems and riparian vegetation.	DPIRD are satisfied with and support the typical soil conservation measures/ practices the Licence Holder intends to use to enable application on slopes 6-12% in accordance with requirements including minimum tillage, no rotary hoe use, no tramlining, sow on contour, stubble retention and stock withholding.  Licence Holder implements 50m and 100m buffers from streams and dams to mitigate erosion and eutrophication risks to watercourses.	Minor	Unlikely	Medium	<p>WABM stipulates that slopes 6-12% are considered suitable for application of biosolids if soil conservation practices are used to minimize erosion (for example, contour banking).</p> <p>DPIRD are satisfied with the typical soil conservation practices the Licence Holder will employ – these have been conditioned into the Licence.</p> <p>DPIRD are satisfied with the use of 50m and 100m buffers from streams and dams to provide added protection from erosion and eutrophication risks to watercourses.</p>	<p>Condition 3, Table 4 Land application Process requirements:</p> <p>ii) amended to ensure biosolids are not applied within 100m of permanent watercourses and high water mark of agricultural dams;</p> <p>xii) has been amended to exclude the application of biosolids on land with slopes &gt;12%;</p> <p>xiii) has been included into the Licence to ensure soil conservation practices are implemented on 6-12% slopes to minimize soil erosion; and</p> <p>Conditions 5 and 10 have been revised to ensure Condition 3 Table 4 Process Requirement (xiii) soil conservation practices are reported in the REF and AER.</p>

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	Applicant controls					
Removal of Condition 6 Table 5: Waste Inputs-Biosolids cake or LAB-Contaminant/pathogen grade classification	Contamination to land and watercourses	Direct discharge to land and surface water causing disruption of ecosystems and riparian vegetation.	Quality of the biosolids material is covered adequately by Condition 3, Table 4 Waste Processing-Process – Land application – ix) biosolids graded as “P3 C3” or higher quality to be received and applied to the Premises AND Condition 4 where “The Licence Holder maintain a logbook that records the quality and quantity of biosolids applied...”	Slight	Rare	Low	<p>Quality is covered adequately by existing conditions, is monitored and measured by the supplier (Water Corporation/ Aroona Alliance) with records provided to the Licence Holder at the end of the allocation period. It is unnecessary for the License Holder to monitor and measure the quality in this instance.</p> <p>The Delegated Officer considers the inclusion of the requirement to report the Contaminant/ Pathogen grade classification in the Books in Condition 7(d) is sufficient in ensuring accurate records are kept for the Premises.</p>	<p>Removal of Condition 6 Table 5: Waste Inputs-Biosolids cake or LAB – Contaminant/Pathogen grade classification- As per Appendix 5 of the <i>Western Australian guidelines for biosolids management, December 2012.</i></p> <p>Inclusion of requirement to retain the contaminant/ pathogen grade classification as per Appendix 5 of the <i>Western Australian guidelines for biosolids management, December 2012</i> into Condition 7(d)</p>

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the Department's Guidance Statement: Risk Assessments (February 2017)

## 6. Consultation

**Table 6: Summary of consultation**

Method	Comments received	DWER response
Other Stakeholders (DPIRD) advised of proposal 15 August 2019	Comments were received from DPIRD on 19 August 2019. DPIRD support the use of soil conservation practices as listed (Minimum tillage, No rotary hoe usage, Sow on contour, Stubble retention, Stock withholding) being used on land with slopes 6-12% in association with the buffers referred to in the original licence application. DPIRD does not support rotary hoeing or tramlining on these slopes.	DPIRD's recommendations have been included in the decision process to authorise the application of biosolids on slopes with 6-12% gradients.

## 7. Conclusion

The Delegated Officer has considered the advice received from DPIRD which indicates support for the application of biosolids to land with slopes 6-12% in association with the buffers already in place with the use of soil conservation practices (e.g. minimum tillage, no rotary hoe usage, sow on contour, stubble retention, and stock withholding). Given this information, the Delegated Officer considers the risks to the surrounding environment including local waterways from the application of biosolids to land with gradients between 6 and 12% as manageable under existing licence conditions.

The Delegated Officer considers the removal of Condition 6 Table 5: Waste Inputs- Biosolids cake or LAB- Contaminant/pathogen grade classification as acceptable as quality of the biosolids is covered adequately by existing conditions and is monitored by the supplier and provided to the Licence Holder at the end of the allocation period. Condition 7(d) has been added to the Licence to ensure that the records are still retained and presented in the Books. The Delegated officer has therefore granted the removal of this section of Condition 6 Table 5 from the Existing Licence.

Although not part of original application, the Delegated Officer notes the requested changes to Table 4 Storage - Process Requirements (ii) and (iii) are in accordance with the relevant guidance and have been incorporated into the amended Licence.

Based on the assessment in this Amendment Report, the Delegated Officer has determined that a licence amendment will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

Steve Checker  
 MANAGER WASTE INDUSTRIES  
 INDUSTRY REGULATION

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

## Appendix 1: Key documents

	Document title	In text ref	Availability
1	Licence L9179/2018/1 – Jindabyne Farm	L9179/2018/1	accessed at <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>
2	DER, July 2015. <i>Guidance Statement: Regulatory principles.</i> Department of Environment Regulation, Perth.	DER 2015a	accessed at <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>
3	DER, October 2015. <i>Guidance Statement: Setting conditions.</i> Department of Environment Regulation, Perth.	DER 2015b	
4	DER, November 2016. <i>Guidance Statement: Risk Assessments.</i> Department of Environment Regulation, Perth.	DER 2016b	
5	DER, November 2016. <i>Guidance Statement: Decision Making.</i> Department of Environment Regulation, Perth.	DER 2016c	



## Appendix 2: Summary of Licence Holder comments

The Licence Holder was provided with the draft Amendment Report on 06 September 2019 for review and comment. The Licence Holder responded on 17 September 2019, the following comments were received on the draft Amendment Report.

Condition	Summary of Licence Holder comment	DWER response
<p><b>Condition 3 – Table 4 – Process Requirement (ii) and (iii) specific to flystrike risks</b></p>	<p>The reality is that often farmers need to store for extended periods (e.g. paddock access issues, crop rotations, paddock management). The Guideline<sup>1</sup> allows for extended storage beyond the 7 and 30 days. Fly strike risk is highest during October – May.</p> <p>Licence Holder requested the removal of (ii) and alternative wording for (iii)</p>	<p><b>(ii)</b> Amended to mirror similar biosolids application to land licences within the region to allow biosolids to be stockpiled for more than 30 days if stored within a bunded area in accordance with s6.4 of the Guideline<sup>1</sup>.</p> <p><b>(iii)</b> Condition adopted to the following: Weekly flystrike monitoring is to be undertaken if stockpiled for more than 7 days between October – May.</p>
<p><b>Condition 3 – Table 4 – Process Requirement (xiii) 50% cover on slopes 6-12%</b></p>	<p>The condition is too prescriptive and does not adequately address natural variation across paddocks and crop residuals. The Guideline simply refers to ‘soil conservation practices’</p> <p>Licence Holder requests the condition wording is altered to the following: (xiii) Ensure soil conservation practices are implemented on 6-12% slopes to minimise soil erosion.</p>	<p>The Delegated Officer agrees that 50% cover may not be achievable.</p> <p><b>(xiii)</b> has been removed and replaced with the Licence Holders suggested wording. This condition is supported by the revised Condition 5 and 10 below:</p> <p><b>Condition 5:</b> Revised to ensure the Licence Holder includes within the Review of Environmental Factors a contour map which identifies any areas with slopes 6-12% where biosolids are to be applied and identifies the specific soil conservation practices that will be undertaken with Process Requirement (xiii) of Table 4 in Condition 3.</p> <p><b>Condition 10:</b> Revised to ensure that the AER includes a contour map which identifies any areas with slopes 6-12% where biosolids were applied during the annual period and identifies the specific soil conservation practices that were undertaken in accordance with Process Requirement (xii) of Table 4 in Condition 3 along</p>

Condition	Summary of Licence Holder comment	DWER response
		with photographic evidence of the soil conservation practices having been undertaken.
<b>Condition 3 – Table 4 – Process Requirement (xiv) no tramlining or rotary hoeing on slopes 6-12%</b>	<p>The condition is too prescriptive and both activities do not meet soil conservation practices.</p> <p>The Licence Holder requests removal of this condition.</p>	<b>(xiv)</b> removed as soil conservation practices now adequately covered by Condition 3 Table 4 Process Requirement (Xiii), Condition 5 and Condition 10.
<b>Condition 6 - Table 5 – Waste outputs</b>	<p>There is no intention for loads to leave the premises.</p> <p>Licence Holder requests the removal of Waste Outputs monitoring requirement.</p>	Not supported by the Delegated officer – Waste outputs includes recording any biosolids rejected from the Premises even if infrequent. This condition will remain in the Licence.
<b>Condition 7 (a-d) – Record Keeping</b>	<p>Conditions are effectively duplication of Conditions 4, 5, 6, and 10. Also uncertain of the relevance of ‘accurate and auditable’ with regard to a discharge licence.</p> <p>Licence Holder requests removal of Condition 7 (a-d) from the Licence.</p>	Not supported by the Delegated Officer – This is a standard reporting condition that will remain in the Licence.