



Annual Audit Compliance Report Form

Environmental Protection Act 1986, Part V Division 3

Once completed, please submit this form either via email to info@dwer.wa.gov.au, or to the below postal address:

Department of Water and Environmental Regulation
Locked Bag 10
Joondalup DC WA 6919

Section A – Licence details

Licence number:	L4404/1991/15	Licence file number:	DWERVT2474
Licence holder name:	Harvey Fresh (1994) Ltd		
Trading as:	Harvey Fresh		
ACN:	065 591 219		
Registered business address:	Harvey Fresh Dairy Lot 4 Third Street Harvey		
Reporting period:	01 / 08 / 2022 to 31 / 07 / 2023		

Section B – Statement of compliance with licence conditions

Did you comply with all of your licence conditions during the reporting period?
(please tick the appropriate box)

- Yes – please complete:
- section C;
 - section D (if required); and
 - sign the declaration in Section F.

- No – please complete:
- section C;
 - section D (if required);
 - section E; and
 - sign the declaration in Section F.

Section C – Statement of actual production

Provide the actual production quantity for this reporting period. Supporting documentation is to be attached.

Prescribed premises category	Actual production quantity
Category 17 Not more than 180,000 tonnes of milk processed per annual period.	122,407 tonnes
Category 24 Not more than 13,000 kilolitres of fruit and vegetable juice and concentrate produced per annual period	10,647 kL

Section D – Statement of actual Part 2 waste discharge quantity	
Provide the actual Part 2 waste discharge quantity for this reporting period. Supporting documentation is to be attached.	
Prescribed premises category	Actual Part 2 waste discharge quantity

Section E – Details of non-compliance with licence condition			
Please use a separate page for each condition with which the licence holder was non-compliant at a time during the reporting period.			
Condition no:	2	Date(s) of non-compliance:	
Details of non-compliance:			
Works were completed by 31 July 2023, after the completion date of 1 March 2023 as specified in the licence.			
What was the actual (or suspected) environmental impact of the non-compliance? NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.			
Harvey Fresh concurs with DWER's position as stated in its letter dated 19 October 2023, that the potential the construction/installation deviations do not significantly alter the risk profile of the premises.			
Cause (or suspected cause) of non-compliance:			
As reported to DWER during a meeting with the Manager, Process Industries on 15 th August 2023, the delay in completion of the works was attributed to a change in staff and resourcing at the time. The appointment of a National Environmental Manager at Lactalis ensured the report was completed and submitted to DWER on 31 August 2023.			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
Harvey Fresh has since increased environmental management resources including a dedicated onsite presence to ensure environmental reporting obligations are fulfilled.			
Was this non-compliance previously reported to DWER?			
<input type="checkbox"/> Partial, and			
<input checked="" type="checkbox"/> Reported to DWER verbally during meeting		Date: 15/8/2023	
<input type="checkbox"/> Reported to DWER in writing		Date:	

Section E – Details of non-compliance with licence condition

Please use a separate page for each condition with which the licence holder was non-compliant at a time during the reporting period.

Condition no:	3 and 5b (regarding provision of as constructed plans)	Date(s) of non-compliance:	31 July 2023
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Details of non-compliance:

The Secondary containment construction requirements of Condition 3, Table 2 were deemed by DWER to not fully conform to Condition requirements (refer DWER letter dated 19 October 2023).

What was the actual (or suspected) environmental impact of the non-compliance?

NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.

Harvey Fresh concurs with DWER’s position as stated in its letter dated 19 October 2023, that the potential the construction/installation deviations do not significantly alter the risk profile of the premises.

Cause (or suspected cause) of non-compliance:

- i. Installation of 3 X 23kL polypropylene tanks rather than 1 X 140 kL polymer lined steel tank;

A decision was made by Harvey Fresh Management to install tanks fabricated of polypropylene with a total holding capacity of 69,000 litres (3 x 23,000 tanks).

The initial intent of the secondary containment as directed by the DWER delegated Officer was to contain a volume equal to or greater than the maximum quantity capable of being discharged from the EQ tank during a period of 30 minutes. Harvey Fresh believe that this intent has been fully met with the current 69,000 litre design which is capable of containing a volume that is discharged from the EQ tank in the required period of 30 minutes. on an overflow rate of 50kL/hour, the current constructed system is capable of providing containment for approximately 45 minutes.

The justification behind the design change was to maximise the possible environmental risk management benefit of the overall waste treatment plant given the assigned capital expenditure. The original design, as required in the licence amendment included a TEFLON lined steel concrete tank with a total capacity of 140,000 kL. The cost for this combination was prohibitively expensive and would have seen the majority of the capital expenditure amount approved for the project be consumed. Rather than spend the total capital expenditure on the original tank design, it was decided to reduce the tank capacity and change the materials of construction. This allowed Harvey Fresh to reassign the remaining capital on further upgrades and improvements to the Waste Water Treatment Plant. (WWTP).

The material design selection variation from PTFE lined steel to the polypropylene for the overflow tanks, allowed considerable cost savings with no compromise to original functionality. The

Section E – Details of non-compliance with licence condition					
<p>selected tank material is impervious and is designed to hold the design volume of the EQ overflow.</p> <p>As previously stated, Harvey Fresh believe that the change in original design will ultimately have an enhanced overall environmental benefit. The upgrades to the WWTP has improved its reliability and the secondary containment system still provides the original intent of the licence amendment. That is, to contain a volume equal to or greater than the maximum quantity capable of being discharged from the EQ tank during a period of 30 minutes.</p> <p>ii. Concrete pad/bund does not entirely surround the EQ tank. Only the existing EQ tank has been connected to the concrete pad with expansion foam and sealed with epoxy. The three new tanks have been placed on top of the new concrete pad. The change of design was to maximise the use of space available without compromising the overall risk/impact to the environment. The new bund remains completely sealed (abuts existing bund) and is still suitable to contain any spill as the original design intended.</p> <p>iii. As constructed' plans were not provided showing the placement of the three new tanks within the bunded area.</p> <p>Harvey Fresh acknowledges that the plans do not show the placement of the new tanks within the bunded areas, however photos were provided to demonstrate that this has occurred.</p>					
<p>Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:</p> <p>Harvey Fresh has since increased environmental management resources including onsite presence to ensure environmental reporting obligations are fulfilled.</p>					
<p>Was this non-compliance previously reported to DWER?</p> <p><input type="checkbox"/> Partial, and</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;"><input checked="" type="checkbox"/> Reported to DWER verbally during meeting</td> <td style="width: 50%; padding: 2px;">Date: 15/8/2023</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Reported to DWER in writing</td> <td style="padding: 2px;">Date:</td> </tr> </table>		<input checked="" type="checkbox"/> Reported to DWER verbally during meeting	Date: 15/8/2023	<input type="checkbox"/> Reported to DWER in writing	Date:
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Section E – Details of non-compliance with licence condition			
<p>Please use a separate page for each condition with which the licence holder was non-compliant at a time during the reporting period.</p>			
Condition no:	12	Date(s) of non-compliance:	July 2023
<p>Details of non-compliance:</p>			

Section E – Details of non-compliance with licence condition	
<p>The following TP loading rates were calculated using DWER's electronic spreadsheet provided on 28/11/202:</p> <ul style="list-style-type: none"> • L5 – TP of 9.04 kg/ha/yr; • L7 - TP of 10.8 kg/ha/yr. <p>Both are considered to be marginally above the prescribed limit and within the bounds of error margins of laboratory analytical results, flow meter calibration error bounds and mathematical rounding and averaging.</p>	
<p>What was the actual (or suspected) environmental impact of the non-compliance?</p> <p>NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.</p>	
<p>Potential impacts associated with the reported exceedances would primarily be determined through ambient monitoring data trends for surface and groundwater, as well as for soils. Analysis of these trends was presented in Section 3 of the AER. Harvey Fresh acknowledges that the ambient data does not appear to indicate significant and widespread contamination of environmental receptors, however ongoing monitoring is warranted to continue to observe trends in TP concentrations.</p>	
<p>Cause (or suspected cause) of non-compliance:</p>	
<p>The nutrient loading results are a function of volumes irrigated and concentrations of treated wastewater. Total volumes irrigated are commensurate with the previous reporting period. TP concentrations have reduced considerably since the commencement of monitoring and are more evenly spread across the Annual Period. A notable influence on the reported TP loadings relates to the methodologies applied in the calculations.</p>	
<p>Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:</p>	
<p>Harvey Fresh's primary goal to reduce nutrient loads in irrigated effluent is through the implementation of Projects that would see a significant volume of treated effluent being diverted offsite to an approved/licenced third party user. These modifications to the process are being assessed by DWER under Part V of the EP Act.</p> <p>Notwithstanding the above, Harvey Fresh intends to further enhance its focus of wastewater management, treatment, disposal and the monitoring thereof. The establishment of a new site based position for a dedicated Environmental Management commencing in January 2024 will ensure such measures are in place.</p>	
<p>Was this non-compliance previously reported to DWER?</p>	
<p><input checked="" type="checkbox"/> Partial, and</p>	
<p><input type="checkbox"/> Reported to DWER verbally</p>	<p>Date: / /</p>
<p><input checked="" type="checkbox"/> Reported to DWER in writing via AER and AACR (2022/23)</p>	<p>Date: 30/ 09 / 2023</p>

Section E – Details of non-compliance with licence condition			
<p>Please use a separate page for each condition with which the licence holder was non-compliant at a time during the reporting period.</p>			
Condition no:	20	Date(s) of non-	October 2022 to July

Section E – Details of non-compliance with licence condition	
	compliance: 2023
Details of non-compliance:	
<p>Sampling of wastewater was conducted from FM3 for Pond 2 and from the outlet of Pond 3, the latter of which has yet to be defined as an approved monitoring location in an amended licence. Harvey Fresh notes that the required documentation including the Critical Containment Infrastructure Report (CCIR) and application for licence amendment was submitted to DWER, with the former submitted on 29 November 2023.</p> <p>The CCIR was submitted 22 days ago with CEO notification pending in accordance with Condition 8 of Works Approval W6463/2020/1).</p> <p>Notwithstanding, Harvey Fresh notes that whilst the above now permits Time Limited Operations, Pond 3 activities conducted over the reporting period were yet to be reflected in the licence.</p>	
<p>What was the actual (or suspected) environmental impact of the non-compliance?</p> <p>NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.</p>	
<p>As detailed in Section 3 of the submitted AER for the annual period, Harvey Fresh considers that ambient monitoring has not identified evidence of adverse soil, surface water or groundwater trends as a result of this activity.</p>	
Cause (or suspected cause) of non-compliance:	
<p>Harvey Fresh commenced irrigation from Pond 3 due to the need to maintain capacity in the ponds in order to avert the need to cease all commercial production at the premises.</p>	
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:	
<p>In order to ensure the most accurate flow and water quality data, monitoring was conducted at Pond 3 at the locations approved under Figure 2 and 3 of Works Approval W6463/2020/1, and for the parameters defined in Table 7 of the licence.</p> <p>Notwithstanding the above, Harvey Fresh considers that the following will prevent recurrence of the non-compliance:</p> <ul style="list-style-type: none"> • DWER's acceptance of the CCIR; • DWER's issue of an amended licence that incorporates: <ul style="list-style-type: none"> ○ the operation of Pond 3 and associated monitoring requirements for that critical containment infrastructure; and ○ Approval to implement the Harvey Water proposal and direct wastewater offsite for reuse. <p>Harvey Fresh has put in place measures to ensure DWER are informed of any emergency release that needs to occur to maintain commercial production prior to initiating such activities in the future.</p> <p>Harvey Fresh has also created a new substantive Site Environmental Manager position and has now formalised engagement of the candidate commencing her role in January 2024.</p> <p>This will ensure additional resources are in place at a site based level to identify, manage and</p>	

Section E – Details of non-compliance with licence condition	
maintain regulatory compliance throughout the Annual Period.	
Was this non-compliance previously reported to DWER?	
<input type="checkbox"/> Yes, and	
<input type="checkbox"/> Reported to DWER verbally	Date: / /
<input checked="" type="checkbox"/> Reported to DWER in writing via AER and AACR (2022/23)	Date: 30/ 09 / 2023

Section E – Details of non-compliance with licence condition			
Please use a separate page for each condition with which the licence holder was non-compliant at a time during the reporting period.			
Condition no:	21	Date(s) of non-compliance:	Annual Period
Details of non-compliance:			
Soil samples were analysed for phosphorus retention index (PRI) rather than phosphorus buffering index (PBI). Soil sampling results for S1, S2, S6, S15 and S16 were not reported.			
What was the actual (or suspected) environmental impact of the non-compliance? NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.			
It is considered that the missing data for the required parameters and soil sampling locations was unlikely to have a significant environmental impact on the receiving environment on the basis of trends observed in neighbouring sampling locations as well as other surface and groundwater results from the Premises.			
Cause (or suspected cause) of non-compliance:			
The analyses of soils samples for PRI rather than PBI was an oversight and as stated in the AER, corrective actions have been put in place to ensure ongoing samples are analysed for the appropriate parameter moving forward. Sampling at L4 locations (S1, S2, S15 and S16) was unable to be conducted as the private landowner did not grant access to Harvey Fresh to the area to undertake the required monitoring.			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
In regards to analysing soil samples for PBI, corrective actions have been put in place to ensure ongoing samples are analysed for the appropriate parameter moving forward. As stated previously, Harvey Fresh's appointment of a Site Environmental Manager will ensure such oversights are avoided and staff trained appropriately to comply with monitoring provisions in the licence.			

Section E – Details of non-compliance with licence condition	
Harvey Fresh has continued to attempt to negotiate access with the landowner for L4 and will keep DWER abreast of the outcome.	
Sampling at S6 is no longer able to be conducted given that this is the location of Pond 3 and its exclusion should be reflected in the pending licence amendment being assessed by DWER.	
Was this non-compliance previously reported to DWER?	
<input type="checkbox"/> Yes, and	
<input type="checkbox"/> Reported to DWER verbally	Date: / /
<input checked="" type="checkbox"/> Reported to DWER in writing via AER and AACR (2022/23)	Date: 30/ 09 / 2023

Section E – Details of non-compliance with licence condition			
Please use a separate page for each condition with which the licence holder was non-compliant at a time during the reporting period.			
Condition no:	22	Date(s) of non-compliance:	July 2023
Details of non-compliance:			
Unfortunately, groundwater monitoring rounds for March and June 2023 were missed but have been reinstated for September and December 2023.			
What was the actual (or suspected) environmental impact of the non-compliance?			
NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.			
Minimal impact if any -the next monitoring will assist to monitor for any future impact			
Cause (or suspected cause) of non-compliance:			
Change of staff and change of ownership of contracted company			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
Yearly monitoring reinstated with new owners of contracted company and communicated to site			
Was this non-compliance previously reported to DWER?			
<input checked="" type="checkbox"/> Yes, and			
<input type="checkbox"/> Reported to DWER verbally	Date: / /		
<input checked="" type="checkbox"/> Reported to DWER in writing via AER and AACR (2022/23)	Date: 30/ 09 / 2023		

Section E – Details of non-compliance with licence condition			
Please use a separate page for each condition with which the licence holder was non-compliant at a time during the reporting period.			
Condition no:	23	Date(s) of non-compliance:	Annual Period
Details of non-compliance:			
River sampling - soluble reactive phosphorous, filterable reactive phosphorous were unable to be completed by ALS due to colour of water and filter issues. Ammonium was missed from the lab analysis			
What was the actual (or suspected) environmental impact of the non-compliance? NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.			
It is considered that the lack of ability to report the required parameters was unlikely to have a significant environmental impact on the receiving environment, with Total Phosphorous and Total Nitrogen results being used as a key indicator of potential upstream and down impacts.			
Cause (or suspected cause) of non-compliance:			
Frequent contact with ALS to provide new quote however unable to agree on a suitable approach to monitor for these items			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
Harvey Fresh proposes to seek a second opinion from alternative laboratory regarding the technical feasibility to conduct required analyses accurately. Subject to outcome of above, Harvey Fresh will liaise with DWER to request to remove parameters from Licence.			
Was this non-compliance previously reported to DWER?			
<input type="checkbox"/> Yes, and			
<input type="checkbox"/> Reported to DWER verbally		Date: / /	
<input checked="" type="checkbox"/> Reported to DWER in writing via AER and AACR (2022/23)		Date: 30/ 09 / 2023	

Section E – Details of non-compliance with licence condition			
Please use a separate page for each condition with which the licence holder was non-compliant at a time during the reporting period.			
Condition no:	26	Date(s) of non-	29/09/2023

Section E – Details of non-compliance with licence condition	
	compliance:
Details of non-compliance:	
While Harvey Fresh considers that the requirements of Condition 26a were met by undertaking an internal audit and review of compliance with conditions of the licence, the AER and AACR was submitted by L. Lovatt via email to DWER at 1.02pm on 30 September 2023 which is one day later than the prescribed due date of 29 September 2023.	
What was the actual (or suspected) environmental impact of the non-compliance? NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.	
Harvey Fresh considers that the late report was an administrative technical non-compliance and did not contribute to an environmental impact.	
Cause (or suspected cause) of non-compliance:	
The report was submitted late due to human error and extrapolation of the deadline being 60 days after the end of the annual period to 30 September.	
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:	
Harvey Fresh has corrected its regulatory compliance reporting schedule such that future AER's/AACR's are reported on or before 29 September each year.	
Was this non-compliance previously reported to DWER?	
<input checked="" type="checkbox"/> No	
<input type="checkbox"/> Reported to DWER verbally	Date: / /
<input type="checkbox"/>	Date: / /

Section F – Declaration

I / We declare that the information in this Annual Audit Compliance Report is true and correct and is not false or misleading in a material particular¹.

I / We consent to the Annual Audit Compliance Report being published on the Department of Water and Environmental Regulation's (DWER) website.

Signature ² :	[Redacted]	Signature:	[Redacted]
Name: (printed)	[Redacted]	Name: (printed)	[Redacted]
Position:	CEO	Position:	Company Secretary
Date:	05/02/2024	Date:	05/02/2024
Seal (if signing under seal):			

¹ It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular.

² AACRs can only be signed by the licence holder or an authorised person with the legal authority to sign on behalf of the licence holder.