

# **Environmental Protection Act 1986**

## **Section 65**

### **ENVIRONMENTAL PROTECTION NOTICE**

#### **Person to Whom this Notice is Given:**

(being the occupier of the Premises described below)

Harvey Fresh (1994) Ltd (ACN 065591219)  
Level 1  
1318 Hay Street  
West Perth WA 6005

#### **Premises to Which this Notice Relates**

Harvey Fresh (1994) Ltd milk processing facility located at Third Street, Harvey in Western Australia and being more particularly described as:

Lot 4 on Diagram 12515, being the whole of the land contained in Certificate of Title volume 1895, folio 383; and  
Lot 22 on Plan 2344, being the whole of the land contained in Certificate of Title volume 1898, folio 174.

("the Premises")

#### **Reason for Which this Notice is Served**

This Notice is served because I suspect on reasonable grounds that:

- (a) there is, and is likely to be, an emission, namely a discharge of wastewater, from the premises ("the Emission"); and
- (b) the Emission is causing or is likely to cause pollution:

("the Pollution")

#### **Requirements of this Notice**

The occupier of the Premises who is bound by this Notice is required to do the following:

- 1 Prepare a draft Wastewater Management Plan ("the draft Plan") for the operation of the wastewater treatment system at the Premises and the disposal of treated wastewater from the Premises;

1.1 The draft Plan shall:

- 1.1.1 outline the feasible options for methods of improving the treatment of wastewater at the Premises;
  - 1.1.2 outline the feasible options for disposing of treated wastewater at the Premises; and
  - 1.1.3 provide methods for reducing the level of nutrients contained in wastewater discharged by the wastewater irrigation system at the Premises, to achieve;
    - 1.1.3.1 a maximum total nitrogen application rate of 250 kg per hectare per year (year commencing 1 July) from the wastewater irrigation system at the Premises; and
    - 1.1.3.2 a maximum phosphorus application rate of 9 kg per hectare per year (year commencing 1 July) from the wastewater irrigation system at the Premises.
  - 1.2 The draft Plan shall be submitted to the Regional Manager, at Bunbury Department of Environment and Conservation for approval, by 31 September 2009. Once approved, the draft Plan shall be referred to as "the approved Plan".
  - 1.3 Following written approval of the draft Plan by the Regional Manager, implementation shall commence within 14 days.
  - 1.4 Implementation of the approved Plan must be completed within 12 months of receipt of notification by the Regional Manager that the draft Plan has been approved.
- 2 Report to me on the actions taken under paragraph 1 of this Notice in the following manner:
- 2.1 A written report outlining the progress made in implementing the requirements of paragraph 1 of this Notice is to be provided to the Regional Manager by 4pm on the last Friday of each calendar month after the date of service of this Notice until all requirements of this Notice have been satisfied.



Robert Atkins  
Acting Deputy Director General - Environment  
Department of Environment and Conservation  
Delegated under section 20 of the *Environmental Protection Act 1986*

Date: 19 / 3 / 2009

**IMPORTANT NOTE: A PERSON WHO IS BOUND BY THIS NOTICE AND WHO DOES NOT COMPLY WITH THIS NOTICE COMMITS AN OFFENCE.**

**A person who is aggrieved by a requirement contained in this notice may within 21 days of being given this notice lodge with the Minister for the Environment an appeal in writing setting out the grounds of that appeal.**

**Any other person who disagrees with a requirement contained in this notice may within 21 days of the making of that requirement lodge with the Minister for the Environment an appeal in writing setting out the grounds of that appeal.**

**PENDING THE DETERMINATION OF AN APPEAL REFERRED TO ABOVE THE RELEVANT REQUIREMENTS CONTAINED IN THIS NOTICE CONTINUE TO HAVE EFFECT.**