



Amendment Report

Department initiated Amendment

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

Licence Number	L4404/1991/15
Applicant	Harvey Fresh (1994) Ltd
ACN	065 591 219
File Number	DWERVT2474
Premises	Harvey Fresh Dairy and Juice Factories Third Street HARVEY WA 6229 Legal description – Lot 1 on Diagram 4786, Lot 20 and Lot 22 on Plan 2344, Lot 187, Lot 189 and 190 on Plan 202110, Lot 200 on Diagram 66494, Lots 33, 34, 35 and 36 on Plan 205324, and Lot 191 and 192 on Plan 202109.
Date of Report	12/05/2021
Decision	Licence granted

Caron Goodbourn
Manager, Process Industries
Regulatory Services

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

1. Background and description of amendment

The department granted an amendment to licence L4404/1991/15 on 6 April 2020 which identified through a detailed risk assessment that there is a high risk of irrigated wastewater impacting on environmental receptors due to the potential for the irrigation areas to experience nutrient and hydraulic overloading during winter months. Based on this assessment, commencing 30 April 2021, the application of treated wastewater to land was restricted to September to April inclusive. The implication of this condition is such that wastewater generated between May and September, from 30 April 2021, would have to be either stored or removed from the premises.

The licence holder was required to submit a winter irrigation management plan (the plan) by 28 February 2021. However, the licence holder failed to submit the plan by the date specified. The plan was required to demonstrate how wastewater irrigation over the winter months could be carried out in a manner that would not cause surface water and groundwater contamination or exceed crop/vegetation nutrient, salt or water requirements. The plan was also required to demonstrate that winter irrigation will not cause wastewater to leach to groundwater or cause waterlogging or overland flow into adjacent environments potentially affecting the health of local ecosystems. The plan has now been submitted to the department and is currently under review.

The licence holder has also submitted a works approval application to construct an additional storage pond (Pond 3), to assist in addressing the issue of wastewater management during winter. The works approval was granted on 11 May 2021.

On 31 March 2021, the licence holder wrote to the department indicating that Pond 3 will not be completed or available for use prior to winter 2021 due to the availability of the proposed liner materials and potential rain delays. To ensure business continuity, the licence holder requested an extension of the restriction on winter irrigation until 30 April 2022.

2. Decision

Considering the totality of circumstances, the delegated officer has elected to amend the licence in accordance with section 591(a) and 59 (2) of the *Environmental Protection Act 1986* (EP Act) to defer the winter irrigation restriction until 30 April 2022.

It should be noted that before the department will consider any further applications to defer the restriction on winter irrigation beyond 30 April 2022, the licence holder will be required to demonstrate that adequate measures, including, but not limited to, the completion and successful operation of Pond 3 and other wastewater efficiencies and process improvements, have been implemented.

3. Consultation

The licence holder was provided with a draft amendment report and draft revised licence on 5 May 2021. The licence holder waived the remainder of the comment period on 11 May 2021.

4. Summary of amendment

Condition 3, Table 4, part (a) of the licence will be amended to change the date from 30 April 2021 to 30 April 2022. This will allow the irrigation of wastewater during winter 2021.