



## CEO-initiated amendment

### Division 3, Part V *Environmental Protection Act 1986*

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<b>Works approval number</b>	W6457/2020/1
<b>Works approval holder</b>	Kingston Rest Pty Ltd
<b>ACN</b>	009 597 264
<b>DWER file number</b>	DER2020/000526
<b>Premises</b>	'Kingston Rest Farms' 210 Norman Road THE PLAINS WA 6237
<b>Date of report</b>	22 January 2024
<b>Status of report</b>	Final

## Amendment description

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the existing works approval issued under the EP Act for a prescribed premises as set out below. This notice of amendment is hereby given under section 59B(9) of the EP Act.

This amendment has been initiated by the Chief Executive Officer of the Department of Water and Environmental Regulation (DWER) to give effect to the Minister for Environment's (Minister) appeal determination of 10 January 2024.

There is no right of appeal to this amendment under section 105 of the EP Act due to the Minister's determination.

## Background

Works approval W6457/2020/1 was issued to Kingston Rest Pty Ltd on 3 January 2023 for the construction, commissioning and time-limited operation of a sheep feedlot in the locality of The Plains, south-west of Boyanup.

Eleven appeals were subsequently lodged against the conditions of the works approval, with multiple grounds of appeal. In January 2024, the Minister allowed the appeal to the extent that the works approval conditions are amended to address several matters (Appeal 002 of 2023):

### Amendments to conditions

The Minister determined that while the department's assessment and decision to grant the works approval was justified, consistent with the advice of DWER and the Appeals Convenor the following changes are required:

- changes to require that drainage infrastructure is designed to separate and manage surface water flows from at least a 20-year (ARI) rainfall event, consistent with the *National procedures and guidelines for intensive sheep and lamb feeding systems (MLA 2020)*;
- a new requirement to install and monitor groundwater bores; and
- changes to the manure and compost use, including the re-use area and the timing for compost infrastructure to be in place.

## Decision

The delegated officer has amended the works approval to give effect to the Minister's determination dated 10 January 2024, as required under section 110 of the EP Act.

The decision report for the existing works approval will remain on the DWER website for future reference and will act as a record of DWER's decision making.

## Consultation

The works approval holder was provided with the draft amended works approval on 16 January 2024 and only sought minor clarifications.

## Summary of amendments

The below table provides a summary of the amendments and will act as a record of implemented changes. All changes have been incorporated into a revised works approval as part of the amendment process.

Condition no.	Amendments
Cover page	Date of amendment added
Notes	Text added to give emphasis to this works approval including conditions

	resulting from the Minister's decision on an appeal, which cannot be further amended or removed (unless by the Minister)
Condition 1 – Table 1	Item 1(b) – dimensions of Shed 1 changed to 256 m x 56 m
	Item 1(d) – updated to specify the requirement for an impermeable hardstand floor means a permeability coefficient of at least $1 \times 10^{-9}$ m/s
	Item 1(e) – new requirement for a controlled drainage area that is a self-contained catchment encompassing the area beneath the roof of each shed
	Item 1(f) – new requirement for the controlled drainage area to comprise drainage infrastructure that can prevent surface water runoff from the peak flow of a 20-year average recurrence interval (ARI) rainfall event outside of the controlled drainage area from entering the controlled drainage area, and the controlled drainage area must have drainage infrastructure that can contain any free liquids and the peak flow from a 20 year ARI rainfall event within the controlled drainage area (feed sheds)
	Item 2(a) – description of controlled drainage area updated to reflect all areas of the feedlot outside of the feed sheds that will be used for stock handling including unloading, loading, moving, drafting, weighing, treating or otherwise attending to the needs of the animals; all areas of the feedlot outside of the sheds that will be used for loading of manure for on-site reuse or off-site disposal; and drainage infrastructure used to convey water to the associated runoff pond
	Item 2(b) – updated to specify the requirement for an impermeable hardstand floor means a permeability coefficient of at least $1 \times 10^{-9}$ m/s
	Item 2(c) – new requirement for the controlled drainage area to comprise drainage infrastructure that can prevent surface water runoff from the peak flow of a 20-year ARI rainfall event outside of the controlled drainage area from entering the controlled drainage area, and the controlled drainage area must have drainage infrastructure that can contain any free liquids and the peak flow from a 20-year ARI rainfall event within the controlled drainage area (feed sheds)
	Item 4(a) – new requirement to install a minimum of 2 groundwater monitoring wells, one up hydraulic gradient and one down hydraulic gradient, in the vicinity of the runoff dam (feed sheds)
	Item 4(b) – new requirement for well design, construction and installation to meet the requirements in new condition 4
	Item 4(c) – new requirement for all wells to be constructed, developed (purged) and determined to be operational, prior to the commencement of time limited operations
	Item 5(b) – dimensions of Induction shed changed to maximum dimensions of 128 m x 56 m
	Item 5(c) – updated to specify the requirement for an impermeable hardstand floor means a permeability coefficient of at least $1 \times 10^{-9}$ m/s
	Item 5(d) – new requirement for a controlled drainage area that is a self-contained catchment encompassing the area beneath the roof of each shed
	Item 5(e) – new requirement for the controlled drainage area to comprise drainage infrastructure that can prevent surface water runoff from the peak flow of a 20-year ARI rainfall event outside of the controlled drainage area from entering the controlled drainage area, and the controlled drainage area must have drainage infrastructure that can contain any free liquids and the peak flow from a 20-year ARI rainfall event within the controlled drainage area (induction shed)
Item 6(a) – description of controlled drainage area updated to reflect all areas	

	of the feedlot outside of the induction shed that will be used for stock handling including unloading, loading, moving, drafting, weighing, treating or otherwise attending to the needs of the animals; all areas of the feedlot outside of the sheds that will be used for loading of manure for on-site reuse or off-site disposal; and drainage infrastructure used to convey water to the associated runoff pond
	Item 6(b) – updated to specify the requirement for an impermeable hardstand floor means a permeability coefficient of at least $1 \times 10^{-9}$ m/s
	Item 6(c) – new requirement for the controlled drainage area to comprise drainage infrastructure that can prevent surface water runoff from the peak flow of a 20-year ARI rainfall event outside of the controlled drainage area from entering the controlled drainage area, and the controlled drainage area must have drainage infrastructure that can contain any free liquids and the peak flow from a 20-year ARI rainfall event within the controlled drainage area (induction shed)
	Item 8(a) – new requirement to install a minimum of 2 groundwater monitoring wells, one up hydraulic gradient and one down hydraulic gradient, in the vicinity of the runoff dam (induction shed)
	Item 8(b) – new requirement for well design, construction and installation to meet the requirements in new condition 4
	Item 8(c) – new requirement for all wells to be constructed, developed (purged) and determined to be operational, prior to the commencement of time limited operations
	Item 9(b) – updated to specify the requirement for an impermeable hardstand floor means a permeability coefficient of at least $1 \times 10^{-9}$ m/s
	Item 10(b) – updated to specify the compost pad must contain drainage infrastructure that prevents surface water runoff from the peak flow of a 20-year ARI rainfall event outside of the controlled drainage area from entering the controlled drainage area, and the controlled drainage area must have drainage infrastructure that can contain any free liquids and the peak flow from a 20-year ARI rainfall event within the controlled drainage area (compost pad)
	Item 12(a) – new requirement to install a minimum of 2 groundwater monitoring wells, one up hydraulic gradient and one down hydraulic gradient, in the vicinity of the composting containment dam
	Item 12(b) – new requirement for well design, construction and installation to meet the requirements in new condition 4
	Item 12(c) – new requirement for all wells to be constructed, developed (purged) and determined to be operational, prior to the commencement of time limited operations
Condition 4 – Table 2	New condition to specify the design, construction and installation requirements for all groundwater monitoring wells required to be constructed by condition 1
Condition 6	Updated to include the submission of a well construction report for all wells required to be constructed by condition 1 and installed in accordance with condition 4
Condition 8(b)	New requirement to specify that, in addition to existing requirements, time limited operations must also not commence until the compost pad and all controlled drainage infrastructure for the compost pad has been constructed
Condition 8(c)	Updated to specify ECR to be included for the compost pad
Condition 13(d)	Updated to specify that, in addition to existing requirements, manure and composted material must also not be spread within 300 m of any dwelling that is not on the premises

Condition 15(c)	New condition added to specify the required standard for groundwater monitoring
Condition 16	New condition added to specify the required timeframe between groundwater sampling events
Condition 19	New condition added to require monitoring of groundwater, once the wells have been installed and are operational
Condition 26	Updated to include submission of groundwater monitoring results
Definitions	New definitions added for: AS 1726, ASTM D5092, driller
Schedule 1: Maps	Premises map updated to reflect changes in manure utilisation area (300 m buffer to dwelling west of premises) and updated aerial image
	New maps added to define the extent of controlled drainage areas
Schedule 3: Monitoring well installation requirements	New diagram added to illustrate the generic monitoring well installation requirements that must be met to comply with condition 4