



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 (amended 18/12/2023)	Licence file number:	DWERVT2474
Licence holder name:	Harvey Fresh (1994) Ltd		
Trading as:	Harvey Fresh		
ACN:	065 591 219		
Registered business address:	Level 1, 1318 Hay Street WEST PERTH WA 6005		
Reporting period:	01 /08/ 2023 to 31/ 07/ 2024		

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)
<input type="checkbox"/> Yes – please complete: <ul style="list-style-type: none">• section C;• section D (if required); and• sign the declaration in Section F.
<input checked="" type="checkbox"/> No – please complete: <ul style="list-style-type: none">• 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.	126,211 tonnes
Category 24 Not more than 13,000 kilolitres of fruit and vegetable juice and concentrate produced per annual period	8,455 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:	11	Date(s) of non-compliance:	August 2023, May – July 2024
Details of non-compliance:			
During some irrigation events in the winter period, moisture readings were not taken before starting irrigation. However, visual inspections were conducted.			
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.			
Potential for over-irrigation of waterlogged land			
Cause (or suspected cause) of non-compliance:			
The non-compliance occurred due to a combination of lack of operator training in undertaking soil moisture readings and the overall management of irrigation water over the winter period due to Pond 3 not being available for storage.			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
To prevent over-irrigation in any section, areas were frequently rotated. Daily visual inspections were conducted, and irrigation areas were adjusted as needed to ensure even irrigation and nutrient distribution across the entire available area during the reporting period. Operators received training and reinforcement on the importance of monitoring soil moisture before irrigation.			
Was this non-compliance previously reported to DWER?			

Section E – Details of non-compliance with licence condition	
<input checked="" type="checkbox"/> Yes, and	
<input type="checkbox"/> Reported to DWER verbally	Date: / /
<input checked="" type="checkbox"/> Reported to DWER in writing via AACR	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:	12	Date(s) of non-compliance:	May 2024 to July 2024
Details of non-compliance:			
Irrigation occurred during and after rainfall events.			
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.			
<p>There was a possibility of water runoff from the irrigation areas into stormwater drains. However, low nutrient levels (nitrogen and phosphorus) were maintained during the winter period to minimise nutrient migration from the irrigation areas during rainfall events.</p> <p>The river and surface water sampling program did not indicate any abnormally high levels of nutrient runoff due to irrigation during rainfall events.</p>			
Cause (or suspected cause) of non-compliance:			
<p>The Winter Irrigation Management Plan (WIMP) was developed with the expectation that treated water could be disposed of at Harvey Dam. It was initially anticipated that the Harvey Dam disposal project would be completed before the winter period of 2024. However, significant delays have prevented the transfer of treated water to Harvey Dam.</p> <p>Additionally, the WIMP assumed that the recently constructed Pond 3 would be available for storing treated water during and after rainfall events. Since Pond 3 is not yet approved for use under the operating licence, the licence holder lacked sufficient capacity to store treated water during the winter months, making it impossible to comply with Condition 12 of the licence. An application for a licence amendment was submitted to DWER on August 1, 2024, which, if approved, will permit the future use of Pond 3 for storing treated water during and after rainfall events.</p> <p>Due to the unavailability of Pond 3 from May to July 2024, it was not possible to store the required volume of water during rainfall events. Pond 2 did not have enough capacity to store the treated wastewater, necessitating irrigation during rainfall events.</p>			

Section E – Details of non-compliance with licence condition	
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:	
<p>Throughout the winter period, the nutrient levels (total nitrogen and total phosphorus) in the treated wastewater were closely monitored to ensure they remained very low. This was done to minimize any potential contamination of stormwater due to irrigation during rainfall events.</p> <p>As mentioned earlier, an application for a licence amendment has been submitted to allow the future use of Pond 3 for storing treated water. Harvey Fresh is also collaborating with Harvey Water to facilitate the transfer of treated water to Harvey Dam in the future, thereby reducing the reliance on irrigation for treated water disposal.</p>	
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 AACR	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:	13	Date(s) of non-compliance:	August 2023, June 2024, July 2024
Details of non-compliance:			
<p>Over-irrigation during winter months (> 900kL/d) August 2023 average = 946kL/d (~5% exceedance) June 2024 average = 964kL/d (~7% exceedance) July 2024 average = 997kL/d (~10% exceedance)</p>			
What was the actual (or suspected) environmental impact of the non-compliance?			
<p>NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.</p> <p>There was a possibility of water runoff from the irrigation areas into stormwater drains. However, low nutrient levels (nitrogen and phosphorus) were maintained during the winter period to minimise nutrient migration from the irrigation areas during rainfall events.</p> <p>The river and surface water sampling program did not indicate any abnormally high levels of nutrient runoff due to irrigation exceeding an average of 900 kL/d during the winter months.</p>			
Cause (or suspected cause) of non-compliance:			
<p>Since Pond 3 was unavailable for storage from May to July 2024, it was not possible to store the required volume of water during rainfall events. During May 2024, as much water as possible was stored to keep irrigation within the allowable 900 kL/d limit. However, after that period, Pond 2 lacked sufficient capacity to store the treated wastewater. Consequently, irrigation exceeded the maximum allowable volume to prevent uncontrolled overflow from the storage pond. This issue was exacerbated by prolonged heavy rainfall, which caused the water level in Pond 2 to rise excessively, further reducing its storage capacity for treated water.</p>			

Section E – Details of non-compliance with licence condition			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
<p>Throughout the winter period, the nutrient levels (total nitrogen and total phosphorus) in the treated wastewater were closely monitored to ensure they remained very low. This was done to minimize any potential contamination of stormwater due to excessive irrigation.</p> <p>A licence amendment application was submitted to DWER on August 1, 2024, to allow the use of Pond 3 under the operating licence. This will provide much-needed additional storage to prevent over-irrigation of the land during the next winter period and rainfall events.</p> <p>Additionally, Harvey Fresh is collaborating with Harvey Water on a project to transfer treated water to Harvey Dam. This water can be stored over the winter months and reused for irrigation during the irrigation season. The project is pending final DWER approval to allow discharge into Harvey Dam for reuse.</p>			
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 AACR		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:	15	Date(s) of non-compliance:	12/2/24
Details of non-compliance:			
Late submission of Winter Irrigation Management Plan (WIMP). Submitted on 12/2/24. Was due on 31/1/24, 12 days late			
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 unlikely that there was an environmental impact caused by the late submission of the WIMP			
Cause (or suspected cause) of non-compliance:			

Section E – Details of non-compliance with licence condition

The late submission of the WIMP was due to a staff change in January 2024. The new position of Environmental Advisor at Harvey Fresh was created in early January 2024, and it took time for the new advisor to become familiar with the WWTP and licence conditions.

During this period, the Environmental Advisor was also involved in responding to queries from DWER raised from the 2022-23 compliance report, with a response required by February 5, 2024. Additionally, there was a continued focus on an alternative water disposal project with Harvey Water. It was initially anticipated that the Harvey Dam project with Harvey Water would be operational before the winter irrigation period, which contributed to the delay in compiling and submitting the WIMP.

Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:

Harvey Fresh has appointed a site-based environmental advisor to ensure that all future compliance reporting is submitted on time.

Was this non-compliance previously reported to DWER?

☒ Yes, and

☐ Reported to DWER verbally

Date: / /

☒ Reported to DWER in writing via email

Date: 12/02/2024

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:	Quarterly groundwater sampling periods
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Details of non-compliance:

Groundwater monitoring bores MB08, MB09, MB10, MB11 and MB12 not sampled for 3 out of 4 monitoring periods & TP monitoring results missed in June 2024 due to laboratory error

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 environmental impact is expected based on the missing samples. This will continue to be assessed as more groundwater analysis is received as part of the ongoing sampling and analysis program.

Section E – Details of non-compliance with licence condition			
Cause (or suspected cause) of non-compliance:			
<p>Miscommunication with the original consultant conducting the groundwater sampling program resulted in the sampling of bores MB08, MB09, MB10, MB11, and MB12 being missed. This issue was not identified until after the first three quarterly analysis results were provided to Harvey Fresh by the original groundwater sampling consultant.</p> <p>Additionally, the Total Phosphorus (TP) analysis for the final quarterly monitoring results was not conducted due to a laboratory error. Although the TP analysis was requested on the chain of custody forms, it was missed by the laboratory.</p>			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
<p>A new consultant was engaged to conduct groundwater sampling and analysis for the final quarterly monitoring period of this reporting period, as well as for future monitoring in the 2024/25 period.</p> <p>The laboratory conducted an internal investigation to determine why the Total Phosphorus (TP) analysis was missed during the final groundwater monitoring period. To ensure all required analyses are completed, future reporting requirements will be confirmed with the laboratory when samples are submitted.</p>			
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 AACR		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:	24	Date(s) of non-compliance:	2023-24 reporting period
Details of non-compliance:			
<p>River sampling was missing soluble reactive phosphorus, filterable reactive phosphorus and ammonia results.</p>			
What was the actual (or suspected) environmental impact of the non-compliance?			
<p>NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.</p>			
<p>It is considered that the lack of reporting of the required parameters is unlikely to have a significant environmental impact on the receiving environment as Total Phosphorus and Total Nitrogen can be used as key indicators of potential upstream and downstream impacts</p>			

Section E – Details of non-compliance with licence condition			
Cause (or suspected cause) of non-compliance:			
Incorrect or outdated chain of custody reports were provided to the testing laboratory (ALS) when samples were submitted. Since laboratory reports were being sent to the previous Environmental Manager, the new site Environmental Advisor was unaware that incorrect analyses were being conducted.			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
Harvey Fresh identified that incorrect chain of custody forms were being used for the river water samples. This issue has been rectified for the next reporting period, with the correct sampling and analysis schedule now included.			
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 AACR		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:	27	Date(s) of non-compliance:	19/10/23
Details of non-compliance:			
2022/23 annual audit compliance report submitted late. Signed copy was submitted on 19/10/23, however it was due on 29/9/23. An unsigned copy of the AACR was submitted one day late on 30/9/23.			
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 as an administrative technical non-compliance and did not contribute to an environmental impact.			
Cause (or suspected cause) of non-compliance:			

Section E – Details of non-compliance with licence condition	
<p>The report was submitted late due to human error and incorrect extrapolation of the deadline for submitting the original unsigned copy of the annual report. The non-compliance with last year's reporting deadline is being reported in this monitoring period, as the non-compliance occurred during the 2023-24 period.</p>	
<p>Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:</p>	
<p>Harvey Fresh has engaged a dedicated Environmental Advisor to better manage regulatory compliance and the reporting schedule, ensuring that all future AERs and AACRs are submitted on time.</p>	
<p>Was this non-compliance previously reported to DWER?</p>	
<p><input checked="" type="checkbox"/> Yes, 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 the revised Annual Audit Compliance Report Form</p>	<p>Date: 05/02/2024</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:	21	Date(s) of non-compliance:	August 2023 to May 2024 and 28 – 31 July 2024
<p>Details of non-compliance:</p>			
<p>Pond 3 was operated without authorisation and used for irrigation for four days at the end of July 2024 to prevent overtopping due to excessive rainfall.</p> <p>Harvey Fresh acknowledges that the required documentation, including the Application for Licence Amendment to include Pond 3 in the operating licence, was not submitted before the expiration of the Works Approval for the construction of Pond 3.</p> <p>All irrigation not conducted from Pond 3 was carried out via the pump at Pond 2 (FM3), with analysis results based on the SBR decant quality, as the water was irrigated directly from the SBRs rather than through Pond 2.</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>			

Section E – Details of non-compliance with licence condition			
<p>Harvey Fresh considers that, based on the results of the latest Pond drop test (included in the Application for Licence Amendment), there is minimal chance of adverse environmental impact from using Pond 3 for the storage of treated wastewater.</p>			
Cause (or suspected cause) of non-compliance:			
<p>As noted in previous reports, Harvey Fresh commenced irrigation from Pond 3 to maintain pond capacity and avoid ceasing all commercial production at the premises.</p> <p>Irrigation from Pond 3 was initially ceased on December 22, 2023, with irrigation being conducted directly from the SBR decants. Harvey Fresh acknowledges that DWER advised against irrigation from Pond 3 starting May 21, 2024. However, irrigation was carried out from Pond 3 for four days at the end of July to prevent overflow due to rainfall.</p> <p>Additionally, an administrative oversight resulted in the application for a licence amendment not being submitted within the required timeframe to permit the operation of Pond 3 under the licence.</p>			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
<p>An Application for Licence Amendment was submitted to DWER via info@dwel.wa.gov.au on 1/8/2024 to allow inclusion of Pond 3 on the Harvey Fresh operating licence. Once the licence amendment has been issued, the use of Pond 3 will be reinstated.</p>			
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 amended 2022/23 AER		Date: 05/02/2024	
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:	4 of licence amendment dated 31/08/2023	Date(s) of non-compliance:	
Details of non-compliance:			
<p>Late submission of compliance report for EQ tank – overflow and bunding. Licence specified completion date of 1/3/23. Actual completion date was 31/7/23.</p> <p>Late submission of report on 31/8/23, however was due on 30/8/23</p>			

Section E – Details of non-compliance with licence condition			
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.			
<p>There is no evidence to suggest that the delay in completing the EQ tank overflow and bunding construction had any environmental impact. During the period between the expected and actual completion dates, there were no overflows from the EQ tank that could have caused environmental harm.</p>			
Cause (or suspected cause) of non-compliance:			
<p>The delay in completing the works was due to a change in staff and resourcing at the time. The Lactalis National Environmental Manager was engaged at Harvey Fresh to assist with the submission, which by August 31, 2023, which was one day late.</p> <p>The extra one day was required to ensure appropriate internal approval was obtained.</p>			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
<p>Harvey Fresh has since increased environmental management and reporting resources by appointing a dedicated on-site Environmental Advisor to ensure future compliance with reporting requirements.</p>			
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 revised AACR for 2022/23 reporting period		Date: 05/02/2024	
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:	June 2024
Details of non-compliance:			
<p>Soil samples S1, S2, S15 and S16 were missed due to the land owner not permitting access for soil sampling or irrigation purposes</p>			


Section E – Details of non-compliance with licence condition			
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 soil sampling locations is unlikely to have had a significant environmental impact on the receiving environment, as no irrigation of treated wastewater occurred in the areas where soil samples were missing."			
Cause (or suspected cause) of non-compliance:			
Sampling in area L4 (S1, S2, S15, and S16) could not be conducted because the private landowner did not grant Harvey Fresh access to the area for the required monitoring.			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
Harvey Fresh has continued to negotiate access with the landowner for area L4 and will keep DWER informed of the outcome.			
Since no further irrigation is anticipated in area L4, Harvey Fresh will apply for a licence amendment to remove L4 from the operating 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 (2023/24)		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:	1	Date(s) of non-compliance:	30/5/2024
Details of non-compliance:			
The SBR1 feedline failed and discharged DAF treated wastewater to the ground, through the adjacent orchard and into the stormwater drain – a distance of approximately 150m. The stormwater discharge drain within the site boundary is approximately 500m further from the orchard.			
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.			

Section E – Details of non-compliance with licence condition	
<p>There was minimal environmental impact, if any. As soon as the pipeline failure was identified, stormwater gates were engaged within the site boundary to prevent treated wastewater from being discharged off-site. The emergency stormwater pump was activated to direct the contents of the stormwater drain back to the WWTP.</p>	
<p>Cause (or suspected cause) of non-compliance:</p>	
<p>Failure of the SBR1 feedline. The feedlines to both SBR's were constructed using PVC pipework and fittings which became brittle over time.</p>	
<p>Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:</p>	
<p>As indicated above, the following remedial action was taken:</p> <ul style="list-style-type: none"> • Flow through the failed SBR 1 feedline was stopped • Stormwater gates were engaged in the stormwater drain within the site boundary to prevent treated wastewater being discharged off site • The emergency stormwater pump was turned on to pump the contents of the stormwater drain back to the WWTP. • Vacuum truck mobilized to the stormwater drain as a contingency. • Earthen bund was installed in the off-site stormwater drain to prevent any discharge into the Harvey River. • Repairs to broken SBR 1 feedline prior to being put back into service. <p>To prevent future similar failures, the aged SBR1 and SBR2 PVC feedlines were replaced with HDPE feedlines which is better suited to this application.</p>	
<p>Was this non-compliance previously reported to DWER?</p>	
<p><input checked="" type="checkbox"/> Yes, and</p>	
<p><input checked="" type="checkbox"/> Reported to DWER verbally via the Pollution Watch telephone service</p>	<p>Date: 30/05/2024 @ 1:30PM</p>
<p><input checked="" type="checkbox"/> Reported to DWER in writing via pollutionwatch@dwer.wa.gov.au</p>	<p>Date: 31/05/2024</p>

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 :		Signature:	
Name: (printed)		Name: (printed)	
Position:		Position:	
Date:		26/09/2024	Date:
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.