



CIRCULAR HEAD COUNCIL

ENVIRONMENT PROTECTION NOTICE NO. 2020/003

Issued under the *Environmental Management and Pollution Control Act 1994*

Issued to: VAN DAIRY GROUP PTY LTD
PO Box 418 SMITHTON TAS 7330

Activity: The operation of a Dairy Farm – Dairy effluent management
227 Blackwood Road TOGARI TAS 7330 (PID 6252647)

I, Emily Neal, a duly appointed council officer, being satisfied in accordance with Section 44(2)(a) of the *Environmental Management and Pollution Control Act 1994* (EMPCA) that material environmental harm is being, or likely to be, caused in relation to the above environmentally relevant activity hereby issue this Environment Protection Notice to the persons responsible for that activity.

GROUNDS

The ground(s) upon which this notice is issued are that:

I am satisfied that material environmental harm is likely to be caused (s44(2)(a)), by the run-off of contaminants from the abovementioned land into a nearby creek at Togari, resulting from the following actions:

1. VAN DAIRY GROUP PTY LTD own and operate a dairy farm on the land at 227 Blackwood Road, Togari.
2. Dairy Premises Effluent from the dairy farm is not being adequately collected and retained within the boundaries of the farm.
3. The effluent from the second effluent pond has overflowed into the paddock drain which leads to Fixtures Creek and therefore Montagu River.
4. There is long term accumulation of effluent, and effluent solids in the paddock creek suggesting this has been an ongoing issue for some time.



5. Agricultural effluent is a pollutant that contains many constituents that may cause environmental harm, these include:
- a) pathogenic bacteria that may cause illness in animals or humans;
 - b) a high biological oxygen demand, which can lead to the destruction of aquatic life in streams and creeks; and
 - c) high nutrient loading, which can lead to excessive weed growth, and potentially toxic algal growth.

DEFINITIONS

Unless the contrary appears, words and expressions used in this environment protection notice have the meaning given to them in **Schedule 1** of this Notice and in the EMPCA. If there is any inconsistency between a definition in the EMPCA and a definition in the environment protection notice, the EMPCA prevails to the extent of the inconsistency.

REQUIREMENTS

In accordance with s.44(3) of the Act, the person responsible for the activity is required to comply with the conditions contained in **Schedule 2** of this notice.

INFORMATION

Attention is drawn to **Schedule 3**, which contains important additional information.

PENALTIES

If a person bound by an environment protection notice contravenes a requirement of the notice, that person is guilty of an offence and is liable on summary conviction to a penalty not exceeding 2500 penalty units in the case of a body corporate or 1200 penalty units in the case of a natural person (at the time of issuance of this Notice one penalty unit is equal to \$172.00).

NOTICE TAKES EFFECT

This notice takes effect on the date on which it is served upon you.

APPEAL RIGHTS

You may appeal to the Appeal Tribunal against this notice, or against any requirement contained in the notice, within 14 days of that date, by writing to:



CIRCULAR HEAD COUNCIL

The Chairperson
Resource Management and Planning Appeal Tribunal
GPO Box 2036
HOBART TAS 7001

Issued by:

Emily Neal
Environmental Health Officer (Graduate)

Date: 16 December 2020



SCHEDULE 1

DEFINITION OF TERMS

In this EPN –

DEFINITIONS

In this notice, unless the contrary appears -

- (a) a word importing the singular includes the plural and vice versa;
- (b) a word importing a gender includes each other gender; and
- (c) a reference to a statute or other law includes any regulation or other instrument under it, and any consolidation, amendment, re-enactment or replacement of any of them.

'Activity' means any environmentally relevant activity (as defined in section 3 of EMPCA) to which this document relates and includes more than one such activity.

'Dairy Premises Effluent' Solid and/or liquid matter emanating from milk spillage, faeces, urine, wastewater from milking, cleaning and yard washdown activities

'Director' means the Director, Environment Protection Authority appointed under section 18 of EMPCA.

'EMPCA' means the *Environmental Management and Pollution Control Act 1994*.

'Environmental harm', **'material environmental harm'** and **'serious environmental harm'** each have the meanings ascribed to them in Section 5 of EMPCA.

'Environmental nuisance' and **'pollutant'** each have the meanings ascribed to them in Section 3 of EMPCA.

'Person responsible' is any person who is or was responsible for the environmentally relevant activity to which this document relates and includes the servants and agents of that person and includes a body corporate or unincorporated.

'Land' means the land on which the dairy feed pad/ calving pad is operated and includes buildings and other structures permanently fixed to the land, any part of the land covered with water, and water covering the land. The land falls within the area defined by Certificate of title No 152485/1 (PID:2857454) and is shown in attachment 1 of this notice.

'Agricultural Effluent' means treated and untreated effluent collected during the management of livestock.

'Council' means Circular Head Council.



SCHEDULE 2

REQUIREMENTS

PURSUANT TO SECTION 44(3) (D) OF THE ACT I IMPOSE THE FOLLOWING REQUIREMENTS UPON YOU:

PREVENT ESCAPE OF POLLUTANTS

1. To ensure that environmental harm does not occur, effluent must be contained within the property boundaries at all times and in a way that does not cause environmental harm or an environmental nuisance.
2. All necessary actions must be taken to prevent the effluent from entering watercourses within 14 days from which this notice is served to you. This includes but is not limited to the following:
 - Improving the bunding around the second effluent pond to prevent any overflow from entering the paddock drain or reentering the first (solid) pond;
 - Lower and keep low the second effluent pond to ensure it does not overflow during and after any rainfall.
3. Unless otherwise approved in writing by the Council, such works must be taken on the land to prevent further discharge of effluent from the land within 14 days of the serving of this notice to immediately prevent the agricultural effluent from entering the nearby waterways.
4. Remove accumulated dairy effluent solids from the paddock drain within 28 days from the date of this notice.
5. Advise Council once these actions have been completed.

GENERAL

1. A copy of these conditions and any associated documents referred to in these conditions must always be held in a location that is known and accessible to the person responsible for the activity. The person responsible for the activity must take all reasonable steps to ensure that all persons who are responsible for undertaking work on the land, including contractors and sub-contractors, are familiar with these conditions to the extent relevant to their work.



2. If an incident causing or threatening environmental nuisance, serious environmental harm or material environmental harm from pollution occurs in the course of the activity, then the person responsible for the activity must immediately take all reasonable and practicable action to minimise any adverse environmental effects from the incident.
3. If the person responsible for the activity is not the owner of the land upon which the activity is carried out and the owner of the land changes or is to change, then, as soon as reasonably practicable but no later than 30 days after becoming aware of the change, the person responsible must notify the Director in writing of the change of ownership



SCHEDULE 3

INFORMATION

1. The activity on the land must be conducted in accordance with the requirements of the EMPCA and Regulations thereunder and in accordance with the requirements of any relevant Tasmanian Sustainable Development Policies, Environment Protection Policies and in accordance with the principles of Best Practice Environmental Management (BPEM). As such, the requirements of this notice must not be construed as an exemption from any of those requirements or principles.
2. Waste disposal activities on the land must comply, as a minimum standard, with the requirements contained in the relevant State Acts and Regulations, and any subsequent amendments, including:
 - i. *Workplace Health and Safety Act 2012*; and
 - ii. *Workplace Health and Safety Regulations 2012*.
3. Notification of incidents:

If an incident causing or threatening environmental nuisance, serious or material environmental harm from pollution occurs in the course of the activity to which this permit relates, then the person responsible for the activity must:

 - i. Immediately take all practicable action to minimise any adverse environmental effects from the incident;
 - ii. As soon as reasonably practicable, but not later than 24 hours, after becoming aware of the incident, notify the Council of the incident by a telephone call to the 24-hour emergency telephone number 6452 4800; and
 - iii. Not later than 24 hours after becoming aware of the incident, provide details of the incident to Council by email to council@circularhead.tas.gov.au, or by hand delivery, outlining the nature of the incident, the circumstances in which it occurred, and the action taken to deal with the incident.
4. Any notification given by a person in compliance with this requirement is not admissible in evidence against the person in proceedings for an offence or for the imposition of a penalty (other than proceedings in respect of the making of a false or misleading statement).



ATTACHMENT 1

Land Title

227 Blackwood Road TOGARI TAS 7330 (PID 6252647)

