



Application for Licence

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

Licence Number	L9254/2020/1
Applicant	Westpork Pty Ltd
ACN	009 148 789
File Number	DER2020/000272
Premises	Westpork Kojonup Lot 10 on Plan 23562 Crapella Road BOSCABEL Legal description - Lot 10 on Deposited Plan 23562 Certificate of Title Volume 2173 Folio 889
Date of Report	26/11/2020
Decision	Licence granted

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Manager, Process Industries

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

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1. Decision summary

This decision report documents the assessment of potential risks to the environment and public health from emissions and discharges during the operation of the Premises. As a result of this assessment, Licence L9254 has been granted.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this decision report, the department has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

2.2 Application summary and overview of Premises

On 1 July 2020, the applicant submitted an application for a licence to the department under section 57 of the *Environmental Protection Act 1986* (EP Act).

The application is to seek a licence relating to an intensive piggery at the Premises. The Premises is approximately 20 km north of Kojonup.

The Premises relates to the category and assessed design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in Licence L9254. The infrastructure and equipment relating to the premises category and any associated activities which the department has considered in line with *Guidance Statement: Risk Assessments* (DER 2017) are outlined in Licence L9254.

Figure 1 shows the premises layout and Figure 2 shows the premises waste treatment flow diagram.

2.3 Planning approval

The Shire of Kojonup has advised that the development of the premises was considered in 2015 under the local health laws and that the proposal met the required setback distance and that the changes to the premises still meet the required setbacks. The shire also advised that the premises layout has changed since it was originally approved by the Development Approval Panel and that the applicant is in the process of preparing an application for retrospective approval for the changes.

2.4 Wastewater treatment improvements

An Environmental Protection Notice was issued in July 2019 and amended in June 2020 requiring Westpork to take specified actions in response to odour emissions and nutrient emissions to groundwater. Westpork applied for a works approval for upgrades to the wastewater treatment system including an anaerobic pond and sludge settlement trenches. DWER granted works approval W6268/2019/1 for the construction and installation of improvement works on 3 October 2019.

DWER received an email from the Works Approval Holder on 1 May 2020, advising:

- that the drying beds were completed in December 2019;
- the anaerobic pond has been constructed and is currently being filled with wastewater. Once full the pond will direct wastewater to the southern pond allowing the northern pond to be desludged;
- the southern pond has been cleaned out and lined with HDPE;
- stormwater ponds have been taken offline and will be emptied in summer 2020/2021

- no wastewater is being directed to the northern pond and it is being allowed to dry out prior to desludging in summer 2020/2021;
- the anaerobic digester needs to be emptied and remediation works undertaken with the required parts currently in transit;
- fan separator relocated within a low permeability bunker; and
- the Works Approval Holder will advise local residents of the potential delays.

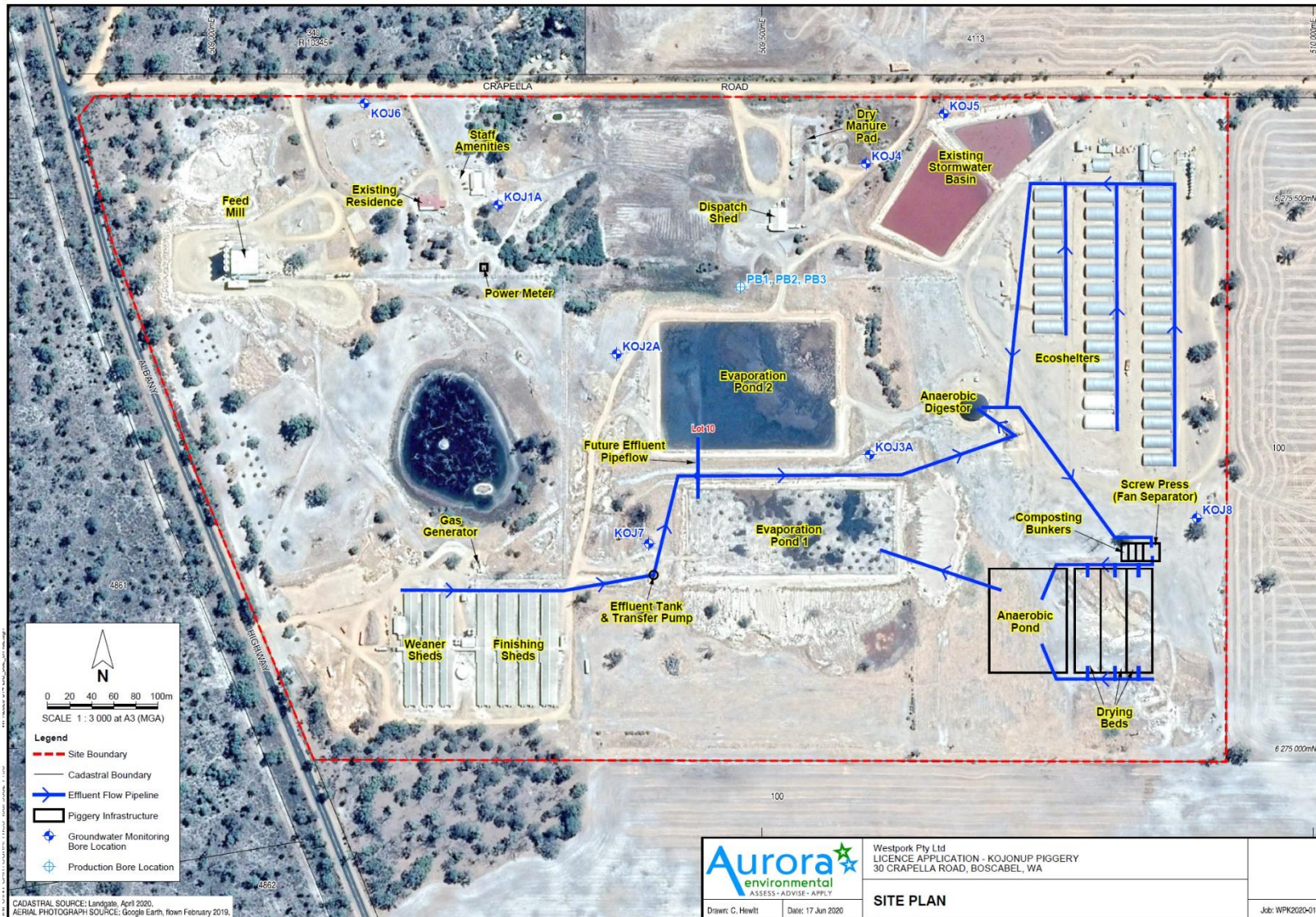


Figure 1: Premises Layout

Licence: L9254/2020/1

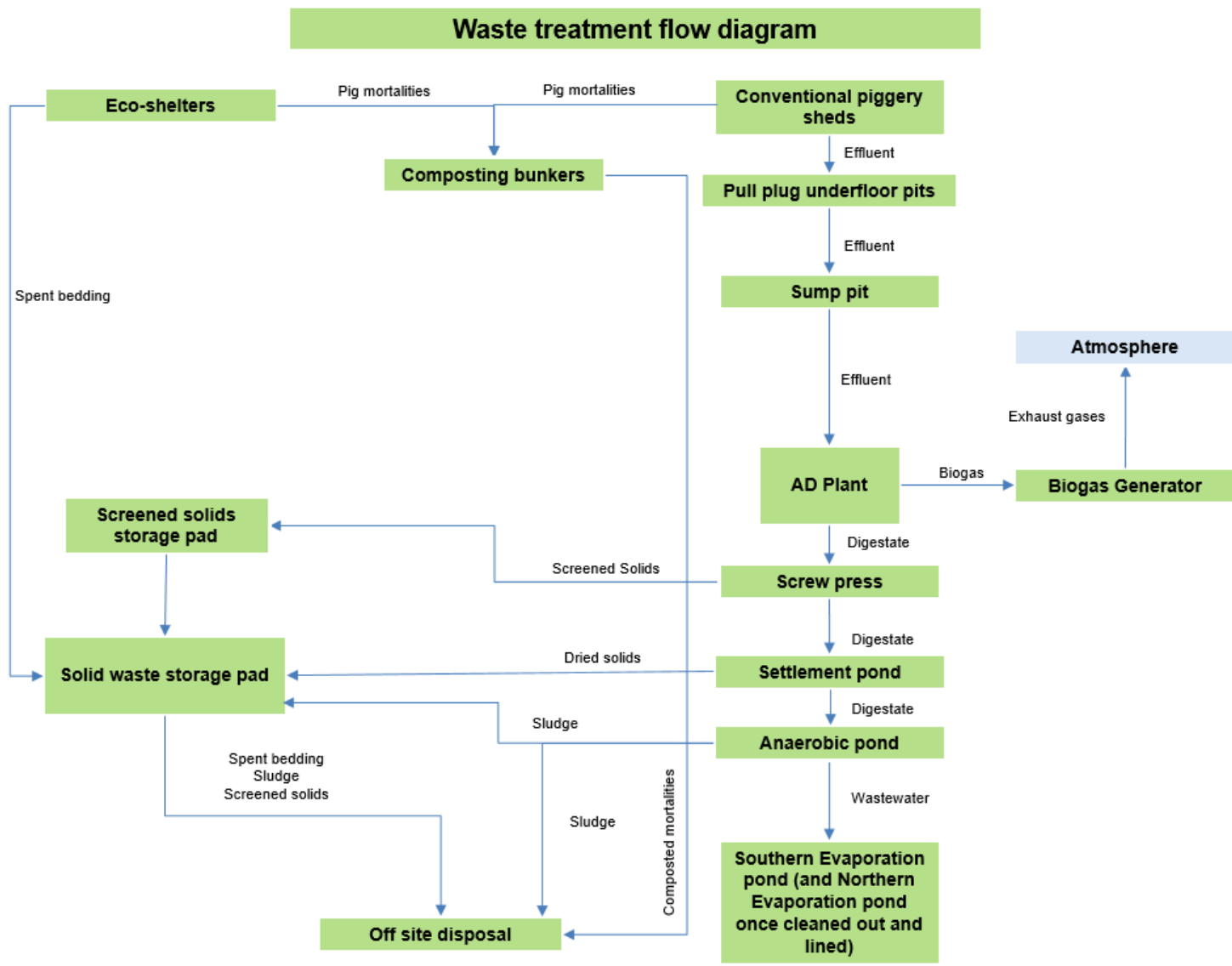


Figure 2: Process flow diagram of waste streams

3. Risk assessment

The department assesses the risks of emissions from prescribed premises and identifies the potential source, pathway and impact to receptors in accordance with the *Guidance Statement: Risk Assessments* (DER 2017).

To establish a Risk Event there must be an emission, a receptor which may be exposed to that emission through an identified actual or likely pathway, and a potential adverse effect to the receptor from exposure to that emission.

3.1 Source-pathways and receptors

3.1.1 Emissions and controls

The key emissions and associated actual or likely pathway during premises operation which have been considered in this Decision Report are detailed in Table 1 below. Table 1 also details the proposed control measures the applicant has proposed to assist in controlling these emissions, where necessary.

Table 1: Proposed applicant controls

Emission	Sources	Potential pathways	Proposed controls
Operation			
Odour	Piggery operations – conventional sheds, eco-shelters, AD plant, settlement trenches, wastewater ponds and composting areas.	Air/windborne pathway causing impacts to amenity	Regularly emptying/flushing sheds Removal of mortalities regularly Anaerobic pond and AD plant designed to adequately treat the volume of wastewater Flaring of biogas generated by the AD Plant The delegated officer has determined that the works taking place on the premises including those approved by works approval W6268/2019/1 are likely to address the odour impacts from the premises operations.
Nutrient rich wastewater		Seepage through soil	All wastewater directed to the wastewater treatment system Ponds appropriately sized Ponds lined with HDPE or clay to achieve a permeability of $<1 \times 10^{-9} \text{m/s}$ 400mm freeboard in evaporation ponds 500mm freeboard in anaerobic pond Separation distance from base of ponds to groundwater of 2m Groundwater monitoring
Noise	Piggery operations – conventional sheds, eco-shelters,	Air/windborne pathway causing impacts to amenity	Noise assessment suggests the operation will comply with the Environmental Protection (Noise) Regulations 1997 with no additional controls required.

3.1.2 Receptors

In accordance with the *Guidance Statement: Risk Assessment* (DER 2017), the Delegated Officer has excluded employees, visitors and contractors of the applicant's from its assessment. Protection of these parties often involves different exposure risks and prevention strategies, and is provided for under other state legislation.

Table 2 and Figure 3 below provides a summary of potential human and environmental receptors that may be impacted as a result of activities upon or emission and discharges from the prescribed premises (*Guidance Statement: Environmental Siting* (DER 2016)).

Table 2: Sensitive human and environmental receptors and distance from prescribed activity

Human receptors	Distance from prescribed activity
Residential Premises	1.574 km south west from premises boundary
Residential Premises	1.959 km north west from premises boundary
Residential Premises	2.178 km south east from premises boundary
Residential Premises	3.717 km north east from premises boundary
Environmental receptors	Distance from prescribed activity
Groundwater	Groundwater in the vicinity of the waste water evaporation ponds is approximately 7m below ground level
Wetland (salt lake)	Salt lake within the premises boundary 300m from evaporation ponds. Fitze's Swamp (salt lake) located directly north (200m) of the premises boundary and a number of lakes/swamps located within 3km from the premises boundary.
Water courses – minor non-perennial	Located within the premises boundary connecting to the Fitze's Swamp 200m to the north. This watercourse is 200m from new conventional sheds
Threatened/Priority Flora and Fauna	Adjacent to the premises on the western side of Albany highway.

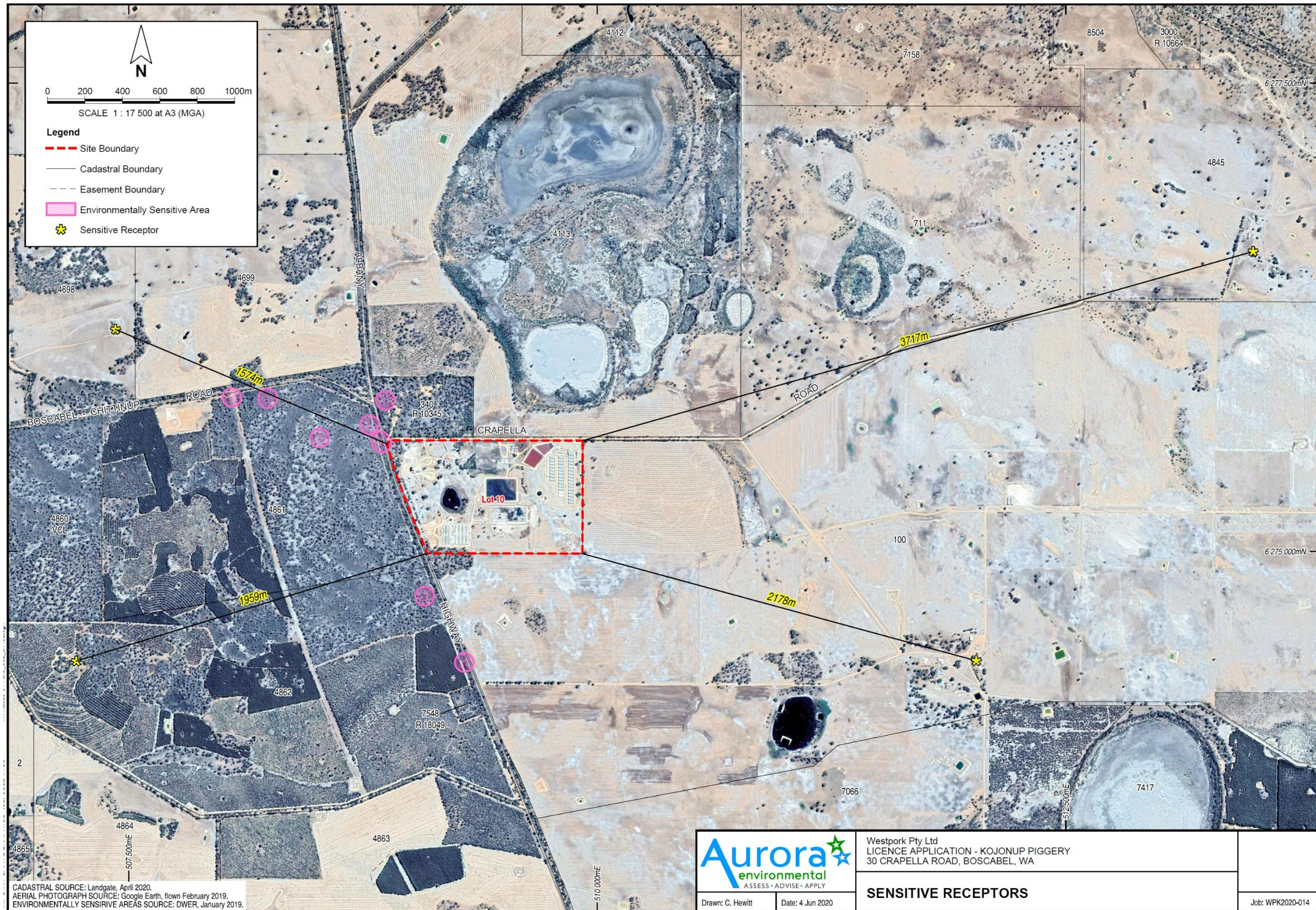


Figure 3: Distance to sensitive receptors

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guidance Statement: Risk Assessments* (DER 2017) for each identified emission source and takes into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are in-complete they have not been considered further in the risk assessment.

Where the applicant has proposed mitigation measures/controls (as detailed in Section 3.1), these have been considered when determining the final risk rating. Where the Delegated Officer considers the applicant's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the licence as regulatory controls.

Additional regulatory controls may be imposed where the applicant's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 3.

Licence L9254/2020/1 that accompanies this Decision Report authorises emissions associated with the operation of the Premises i.e. intensive piggery activities.

The conditions in the issued Licence, as outlined in Table 3 have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

Table 3: Risk assessment of potential emissions and discharges from the Premises during operation

Risk Event					Risk rating	Applicant controls sufficient?	Conditions of licence	Justification for additional regulatory controls
Source/Activities	Potential emissions	Potential pathways and impact	Receptors	Applicant controls	C = consequence L = likelihood			
Operation								
Piggery operations – conventional sheds, eco-shelters, AD plant, settlement trenches, wastewater ponds and composting areas.	Odour	Air/windborne pathway causing impacts to amenity	No residences within 2km of the premises	Regularly cleaning/flushing sheds Removal of mortalities regularly Anaerobic pond and AD plant designed to adequately treat the volume of wastewater Flaring of biogas generated by the AD Plant	C – Slight L – Unlikely Low risk	Yes	Condition 1 – The licence holder is to ensure that infrastructure is operated and maintained in a way that limits the risk of impacts from odour and wastewater emissions. Condition 3 – The licence holder is required to manage waste streams to ensure that odour emissions do not impact off site receptors. <u>Condition 7 – The licence holder is required to record pig numbers on the premises</u> <u>Conditions 8 – 12 Requires the licence holder to record and report compliance and monitoring information.</u>	NA – the conditions are in line with the applicant proposed controls and standard conditions for reporting
Piggery operations – conventional sheds, eco-shelters, AD plant, settlement trenches and wastewater ponds	Nutrient rich wastewater	Seepage through soil	Groundwater is 7m below ground level	All wastewater directed to the wastewater treatment system Ponds appropriately sized Ponds lined with HDPE to achieve a permeability of 1×10^{-9}m/s 400mm freeboard in evaporation ponds 500mm freeboard in anaerobic pond Separation distance from base of ponds to groundwater of 2m Groundwater monitoring	C – Minor L – Possible Medium risk	No	Condition 1 – As per above Condition 2 – Is required to ensure the licence holder manages wastewater appropriately as they have committed to in the application documentation. Condition 3 – The licence holder is required to manage waste streams to ensure that liquid wastes do not impact groundwater. <u>Condition 5 - Groundwater monitoring requirements have been included in the licence. These parameters are typical of groundwater monitoring at intensive animal industry premises.</u> <u>Condition 6 – Requires the licence holder to ensure analysis of wastewater is undertaken by an appropriately NATA accredited laboratory.</u>	Groundwater monitoring requirements have been included in the licence and are consistent with other intensive animal industry premises. The requirement to have water samples analysed by a NATA accredited laboratory is a standard requirement to ensure accurate results.
	Noise	Air/windborne pathway causing impacts to amenity	No Residences within 2km of the premises	Noise assessment suggests the operation will comply with the Environmental Protection (Noise) Regulations 1997 with no additional controls required.	C – Minor L – Rare Low risk	Yes	NA	NA

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guidance Statement: Risk Assessments* (DER 2017).

Note 2: Proposed applicant controls are depicted by standard text. **Bold and underline text** depicts additional regulatory controls imposed by department.

4. Consultation

Table 4 provides a summary of the consultation undertaken by the department.

Table 4: Consultation

Consultation method	Comments received	Department response
Application advertised on the department's website (4/08/2020)	None received	N/A
Five direct interest stakeholders (local residents) notified and invited to comment	None received	N/A
Local Government Authority advised of proposal (Date)	The Shire of Kojonup replied on 25/08/2020 advising that the premises has changed since the original Development assessment Panel approval and should be referred to the DAP.	Applicant has engaged a consultant to prepare a application for a retrospective amendment to the development proposal.

5. Conclusion

Based on the assessment in this Decision Report, the Delegated Officer has determined that a licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

References

1. Department of Environment Regulation (DER) 2016, *Guidance Statement: Environmental Siting*, Perth, Western Australia.
2. DER 2017, *Guidance Statement: Risk Assessments*, Perth, Western Australia.
3. DER 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
4. Works approval W6268/2019/1 and associated decision document.
5. *Aurora environmental 2020, Licence Application, Kojonup Piggery, 30 Crapella Road Boscabel WA Perth, WA.*

Appendix 1: Summary of applicant's comments on risk assessment and draft conditions

Condition	Summary of applicant's comment	Department's response
1. Premise Operation: Table 1	No more than 600m ³ of spent bedding shall be held on the premise at one time.	Licence updated
5. Monitoring: Table 3	Review of available groundwater results as part of the due diligence and the amended works approval application noted elevated levels of nutrients in the groundwater onsite – no elevation in zinc or arsenic was noted. Zinc and arsenic are not substances required to be sampled at any of Westporks other sites, and consideration for removing these parameters from the sampling suite is requested.	The requirement to sample for arsenic and zinc has been reviewed and based on the distance to receptors and the low risk zinc and arsenic have been removed from the groundwater sampling suite
9 (b). Records and Reporting	It is requested that 60 days be provided following the end of the reporting period to allow for the completion of the AACR.	Licence changed to give 60 days for submission
12. Records and Reporting	It is requested that 60 days be provided following the end of the reporting period to allow for the completion of the AER.	Licence changed to give 60 days for submission
12. Records and Reporting	Westpork are happy to provide the monthly pig numbers/SPUs as part of the AER and AACR. The numbers of pigs received, removed and carcass numbers will also be recorded and Westpork would be happy to provide on request to DWER, but would prefer this information to remain in confidence between the parties rather available in the public domain.	The licence holder can request that this information is not published when submitting the annual reports
Schedule 2: Infrastructure	7 conventional sheds have been constructed with a further 2 sheds to be constructed in the next 12 months in accordance with works approval W5865/2015/1. A licence amendment application will be submitted following completion of construction.	Licence updated to reflect 2 additional sheds to be constructed under works approval W5865
Schedule 2: Infrastructure	36 Eco-shelters exist on site for the permanent housing of pigs, and an additional 2 shelters are used for the load out of pigs (not for permanent housing).	Two additional load out shelters included in infrastructure table
Schedule 2: Infrastructure	No feed tank for the anaerobic digester is present on site, with effluent discharged directly to the digester. It is suggested this item is removed.	Feed tank removed from infrastructure table
Schedule 2: Infrastructure	Evaporation Pond 2 to be completed prior to expiry of 15 December 2021.	Infrastructure table updated to reflect clean out of evaporation pond 2.

Appendix 2: Application validation summary

SECTION 1: APPLICATION SUMMARY				
Application type				
Works approval	<input type="checkbox"/>			
Licence	<input type="checkbox"/>	Relevant works approval number:	W5865 and W6268	None <input type="checkbox"/>
		Has the works approval been complied with?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
		Has time limited operations under the works approval demonstrated acceptable operations?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
		Environmental Compliance Report submitted?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
		Date Report received: 1 July 2020		
Renewal	<input type="checkbox"/>	Current licence number:		
Amendment to works approval	<input type="checkbox"/>	Current works approval number:		
Amendment to licence	<input type="checkbox"/>	Current licence number:		
		Relevant works approval number:	N/A	<input type="checkbox"/>
Registration	<input type="checkbox"/>	Current works approval number:	None	<input type="checkbox"/>
Date application received				
Applicant and Premises details				
Applicant name/s (full legal name/s)		Westpork Pty Ltd		
Premises name		Westpork Kojonup		
Premises location		Lot 10 on Plan 23562 Boscabel, WA 6394		
Local Government Authority		Shire of Kolonup		
Application documents				
HPCM file reference number:		A1909232		
Key application documents (additional to application form):		Supporting document – Aurora Environmental June 2020		
Scope of application/assessment				
Summary of proposed activities or changes to existing operations.		Operation of Piggery, including wastewater treatment system		
Category number/s (activities that cause the premises to become prescribed premises)				
Table 1: Prescribed premises categories				
Prescribed premises category and description		Assessed production or design capacity		
Category2: Intensive Piggery		28,368 SPU piggery including eco shelters and conventional sheds		

Legislative context and other approvals		
Has the applicant referred, or do they intend to refer, their proposal to the EPA under Part IV of the EP Act as a significant proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No: EPA Report No:
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No:
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Certificate of title <input checked="" type="checkbox"/> General lease <input type="checkbox"/> Expiry: Mining lease / tenement <input type="checkbox"/> Expiry: Other evidence <input type="checkbox"/> Expiry:
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Approval: Expiry date: If N/A explain why?
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	CPS No: N/A No clearing is proposed.
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: N/A Licence/permit No: N/A No clearing is proposed.
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: Licence/permit No: Licence / permit not required.
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: N/A Type: Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Regional office:

<p>Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Name: N/A Priority: Are the proposed activities/ landuse compatible with the PDWSA (refer to WQPN 25)? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p>
<p>Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004</i>, <i>Environmental Protection (Controlled Waste) Regulations 2004</i>, <i>State Agreement Act xxxx</i>)</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Is the Premises within an Environmental Protection Policy (EPP) Area?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Is the Premises subject to any EPP requirements?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i>?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Classification: N/A Date of classification: N/A</p>