



Decision Document

Environmental Protection Act 1986, Part V

Proponent: Judith Ann HOFFRICHTER and
Peter Rex HOFFRICHTER and
Stephen Peter HOFFRICHTER and
Deborah HOFFRICHTER

Licence: L8539/2011/1

Registered office: Judith Ann HOFFRICHTER and Peter Rex HOFFRICHTER and
Stephen Peter HOFFRICHTER and Deborah HOFFRICHTER
Lot 1045 on Plan 152905, Myrup Road
MYRUP WA 6450

Premises address: Shark Lake Piggery
Lot 1045 on Plan 152905; Lot 8 on Plan 94347 and Lot 585 on Plan
88889, Myrup Road
MYRUP WA 6450
Being Lot 1045 on Plan 152905; Lot 8 on Plan 94347 and Lot 585 on
Plan 88889

Issue date: Thursday 27 October 2011

Commencement date: Thursday 27 October 2011

Expiry date: Tuesday 26 October 2021

Decision

Based on the assessment detailed in this document the Department of Environment Regulation (DER) has decided to issue an amended licence. DER considers that in reaching this decision, it has taken into account all relevant considerations and legal requirements and that the Licence and its conditions will ensure that an appropriate level of environmental protection is provided.

Decision Document prepared by: Terrel MacGregor
Licensing Officer

Decision Document authorised by: Jonathan Bailes
Delegated Officer



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1 Purpose of this Document

This decision document explains how DER has assessed and determined the application and provides a record of DER's decision-making process and how relevant factors have been taken into account. Stakeholders should note that this document is limited to DER's assessment and decision making under Part V of the *Environmental Protection Act 1986*. Other approvals may be required for the proposal, and it is the proponent's responsibility to ensure they have all relevant approvals for their Premises.

2 Administrative summary

Administrative details		
Application type	Works Approval <input type="checkbox"/> New Licence <input type="checkbox"/> Licence amendment <input checked="" type="checkbox"/> Works Approval amendment <input type="checkbox"/>	
Activities that cause the premises to become prescribed premises	Category number(s)	Assessed design capacity
	2 – Intensive piggery	8,000 animals
Application verified	Date: 07/04/2011	
Application fee paid	Date: 27/07/2011	
Works Approval has been complied with	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Compliance Certificate received	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Commercial-in-confidence claim	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Commercial-in-confidence claim outcome		
Is the proposal a Major Resource Project?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Was the proposal referred to the Environmental Protection Authority (EPA) under Part IV of the <i>Environmental Protection Act 1986</i> ?	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"/>
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No: EPA Report No:
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the <i>Environmental Protection Act 1986</i>)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Department of Water consulted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises within an Environmental Protection Policy (EPP) Area	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	



3 Executive summary of proposal and assessment

This licence is the result of an amendment sought by the Licensee to construct a new intensive piggery shed. The Licensee's application for a Licence Amendment (application documents) included additional requested changes regarding the renaming of the pond layout and removal of the sludge drying process requirement identified in Table 1.3.2.

Shark Lake Piggery (SLP) is operated by Stephen Hoffrichter, Judith Ann Hoffrichter, Peter Rex Hoffrichter and Deborah Hoffrichter. The construction of the piggery began in 1983 on 200 acres.

SLP was constructed and began operating prior to the commencement of the *Environmental Protection Act 1986* and the *Environmental Protection Regulations 1987*. Therefore, the piggery was designed and constructed without a works approval.

The premise is a farrowing to finish operation. The final product is live pigs which are transported to abattoirs for slaughter. The piggery currently intensively houses between 5,000 and 8,000 pigs at any one time. A new evaporation pond, an upgrade of the existing drainage system from the main piggery shed, and a new shed were completed through a works approval in 2012 (W8179/2012/1), with the compliance document received on 3 December 2012.

The premises is located approximately 12 km from the town of Esperance. The greater farm which is the prescribed premises boundary covers 1400 acres. The piggery is situated approximately in the middle of the farm on top of a hill which comprises of sand over gravel over clay.

The premises is located within the Lake Warden System (LWS) and is approximately 5.5 km directly north of Lake Warden. An unnamed but significant seasonal creek passes through the property approximately 1.5 km to the north of the piggery and eventually drains into Pink Lake, part of the LWS.

The nearest activity to the premises is the Esperance Speedway, which is approximately 1 km to the south-west of the piggery and owned by Department of Regional Development and Lands. The nearest residence to the premises is located 1 km to the east of the piggery. A total of four residences are located within a 3 km radius of the premises.

The main emissions at the site relate to the piggery by-products and odour. The by-products consist of effluent, spent bedding and mortalities. Some effluent is reused at the premises and applied to land for crop production. Spent bedding is removed offsite, and carcasses are buried on site. All other effluent generated from the piggery is treated via the wastewater treatment system which comprises a series of treatment and evaporation ponds. Treated wastewater is reused for flushing through the piggery. Odour is managed through the regular cleaning of housing sheds and shelters and the ongoing management of wastewater treatment ponds.

The amendment in February 2016 was sought by DER to correct administrative errors. Additional changes were made as a result of findings at a compliance inspection in January 2016. This includes clarification of the number of pigs that may be held at the premises at any one time and the reuse of piggery by-products. Definitions that are relevant to licence conditions were added to the licence in line with other category 2 prescribed premises licences.

DER has considered whether the risk profile of emissions and discharges from the premises has significantly changed since the previous licence was granted. No changes have occurred and, therefore, DER has not amended conditions relating to emissions and discharges, with the exception of conditions relating to the processing of materials that are applied to land.



4 Decision table

All applications are assessed in line with the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987* and DER's Operational Procedure on Assessing Emissions and Discharges from Prescribed Premises. Where other references have been used in making the decision, they are detailed in the decision document.

DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
General conditions	Previous L1.1.5, L1.2.1 and L1.2.2	Previous condition 1.1.5 has been deleted as it only contained explanatory text. Previous conditions 1.2.1 and 1.2.2 have been deleted as they are not sufficiently clear or certain.	DER Guidance Statement: Setting Conditions
Works	2.1.1 – 2.1.5	<p>Through this licence amendment application, the Licensee is proposing to construct an additional shed (intensive accommodation shed) to provide additional space to house existing pig numbers without increasing the maximum number of pigs held on site. Works conditions 2.1.1 to 2.1.5 have been applied to require the Licensee to demonstrate that the shed has been designed and constructed to proposed specification and can be operated as proposed.</p> <p>Construction</p> <p><u>Emission Description</u> <i>Emission:</i> Dust emissions associated with construction activities and earthworks undertaken for construction of the shed. <i>Impact:</i> Dust emissions can cause amenity issues for the local community. The closest occupied residences are located between 1km and 3km from the premises. Dust emissions from construction may cause limited, localised impact and possible complaints if not adequately managed. <i>Control:</i> No specific management or control measures have been proposed by the licensee to manage potential dust emissions during construction. The location of the premises and siting of proposed infrastructure providing separation from receptors is the primary control.</p>	<p>Application documents</p> <p>General provisions of the EP Act</p> <p><i>Environmental Protection (Noise) Regulations 1997</i></p>



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
		<p><u>Risk Assessment</u> <i>Consequence:</i> Insignificant <i>Likelihood:</i> Unlikely <i>Risk Rating:</i> Low</p> <p><u>Regulatory Controls</u> General provisions of the <i>Environmental Protection Act 1986</i> (EP Act) are considered appropriate to manage potential dust emissions during construction. No specific licence conditions are required.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Insignificant <i>Likelihood:</i> Unlikely <i>Risk Rating:</i> Low</p> <p><u>Emission Description</u> <i>Emission:</i> Noise emissions associated with construction activities and earthworks undertaken for construction of the shed. <i>Impact:</i> Noise emissions can cause amenity issues for the local community. The closest occupied residences are located between 1km and 3km from the premises. Noise emissions from construction may cause limited, localised impact and possible complaints if not adequately managed. <i>Control:</i> No specific management or control measures have been proposed by the licensee to manage potential noise emissions during construction. The location of the premises and siting of proposed infrastructure providing separation from receptors is the primary control.</p> <p><u>Risk Assessment</u> <i>Consequence:</i> Insignificant</p>	



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
		<p><i>Likelihood:</i> Unlikely <i>Risk Rating:</i> Low</p> <p><u>Regulatory Controls</u> The <i>Environmental Protection (Noise) Regulations 1997</i> are considered appropriate to manage potential noise emissions during construction. No specific licence conditions are required.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Insignificant <i>Likelihood:</i> Unlikely <i>Risk Rating:</i> Low</p> <p><u>Emission Description</u> <i>Emission:</i> Waste material from the sheds, sump and drainage system, including potential leachate from the waste material entering the environment. <i>Impact:</i> Emissions have the potential to degrade surface water quality. The premises is located within the Lake Warden System and is approximately 5.5km directly north of Lake Warden. A significant seasonal creek passes through the property approximately 1.5 km north of the piggery site plan. There is potential for localised impact on surface water quality. Groundwater bore monitoring data indicates that groundwater is approximately 3.5m below ground level. Permeability testing of soil samples taken to support Works Approval W51792012/1 indicates that the soils where the piggery is established are clay in nature with a permeability that exceeds 1×10^{-9} metres per second. <i>Control:</i> Effluent from the new intensive accommodation shed will be directed to the existing drainage on the site that connects to the wastewater system. The shed will be constructed above ground level to prevent uncontaminated stormwater entering the shed and will be designed to prevent egress of waste and leachate outside of the waste collection system and shed.</p>	



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
		<p><u>Risk Assessment</u> <i>Consequence:</i> Minor <i>Likelihood:</i> Unlikely <i>Risk Rating:</i> Moderate</p> <p><u>Regulatory Controls</u> Conditions 2.1.1 to 2.1.5 specify infrastructure requirements for the shed to ensure that the potential for waste and leachate entering the environment is minimised.</p> <p>Existing condition 3.2.1 requires the Licensee to ensure all wastewaters from the piggery, including wash down water, by-product runoff, and contaminated run-off are directed to the wastewater treatment system.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Minor <i>Likelihood:</i> Unlikely <i>Risk Rating:</i> Moderate</p>	
Premises operation	L3.2.2 (previous 1.3.2) L3.2.4 (previous 1.3.4) L4.2.2 L6.2.1	<p>The Licensee has reconfigured Pond System (A). The first two ponds in the system (anaerobic and settling) will now act as one large anaerobic pond. Three ponds now form Pond System A as labelled in Schedule1 of the Licence. Table 3.2.1 relating to condition 3.2.2 and the map in Schedule 1 have been updated to reflect this change.</p> <p>The process requirement to dry sludge prior to application to land has been removed from Table 3.2.2 (condition 3.2.4). It is desirable for the Licensee to have sludge and solids with a high moisture content to allow for spreading on land. This requires that the moisture content of the waste is maintained and not dried out. The volume of wastes applied to land in tonnes is limited by existing condition 3.2.4 to no more than 0.5 tonnes per hectare and 2500 tonnes per year by existing condition 4.2.2. This data must be recorded monthly and reported by the Licensee annually under condition 6.2.1.</p>	Applicant documents



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
Reporting	Previous L4.1.2	This condition has been removed as it is not enforceable as the requirements for compliance are not clear. It is not a defence to offences under the EP Act for the Licensee or its agents to claim they were unaware of licence conditions. Moreover, knowledge does not ensure compliance and the obligation to comply with conditions of the Licence must remain with it and its agents.	DER Guidance Statement: Setting Conditions
Licence duration	N/A	The duration of the Licence has been extended to 2021 in accordance with DER Guidance Statement on Licence Duration.	DER Guidance Statement: Licence Duration



5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
14/07/2016	Proponent sent a copy of draft instrument	Verbal comments received on 19/07/2016 regarding the use of wording and information in the executive summary.	Minor changes made to wording and information in the executive summary.
26/07/2016	Proponent sent a copy of second draft instrument based on comments received on 19/07/2016	Email received 4/08/2016 requesting that Deborah Hoffrichter is added as a Licensee.	Licensee description updated to include Deborah Hoffrichter.

6 Risk Assessment

Note: This matrix is taken from the DER Corporate Policy Statement No. 07 - Operational Risk Management

Table 1: Emissions Risk Matrix

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Moderate	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	Extreme
Unlikely	Low	Moderate	Moderate	Moderate	High
Rare	Low	Low	Moderate	Moderate	High