



Licence

Environmental Protection Act 1986, Part V

Licensee: **GD Pork Pty Ltd**

Licence: **L7286/1998/11**

Registered Office: G D Pork Pty Ltd
 Level 3, 35 Outram Street
 WEST PERTH WA 6005

ACN: 126 978 685

Premises Address: G D Pork Pty Ltd
 502 Sutters Lane
 WEST PINJARRA WA 6208

Being Lot 502 on Plan 54832
 Certificate of Title Volume 2677 Folio 599
 as depicted in Schedule 1.

Issue Date: Wednesday, 30 March 2016

Commencement Date: Thursday, 31 March 2016

Expiry Date: Thursday, 30 March 2017

Prescribed Premises Category

Schedule 1 of the Environmental Protection Regulations 1987

Category number	Category description	Category production or design capacity	Premises production or design capacity
2	Intensive Piggery: premises on which pigs are fed, watered and housed in pens.	1000 animals or more	3121 Standard Pig Units (SPU)

Conditions of Licence

Subject to the conditions of licence set out in the attached pages.

Date signed: 30 March 2016

.....
 Ed Schuller
 Senior Manager Industry Regulation, Process Industries
 Officer delegated under Section 20
 of the *Environmental Protection Act 1986*



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Introduction

This Introduction is not part of the Licence conditions.

Who we are

The Department of Environment Regulation (DER) is a Government Department for the State of Western Australia in the portfolio of the Minister for Environment. DER's purpose is to protect and conserve the State's environment on behalf of the people of Western Australia.

Our industry licensing role

DER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process DER works with the business owners, community, consultants, industry and other representatives to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DER also monitor and audit compliance with works approvals and licence conditions, take enforcement action as appropriate and develop and implement licensing and industry regulation policy.

Licence requirements

This licence is issued under Part V of the Act. Conditions contained with the licence relate to the prevention, reduction or control of emissions and discharges to the environment and to the monitoring and reporting of them.

Where other statutory instruments impose obligations on the Premises/Licensee the intention is not to replicate them in the licence conditions. You should therefore ensure that you are aware of all your statutory obligations under the Act and any other statutory instrument. Legislation can be accessed through the State Law Publisher website using the following link:

<http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>

For your Premises relevant statutory instruments include but are not limited to obligations under the:

- *Environmental Protection (Unauthorised Discharges) Regulations 2004* – these Regulations make it an offence to discharge certain materials such as contaminated stormwater into the environment other than in the circumstances set out in the Regulations.
- *Environmental Protection (Controlled Waste) Regulations 2004* - these Regulations place obligations on you if you produce, accept, transport or dispose of controlled waste.



- *Environmental Protection (Noise) Regulations 1997* – these Regulations require noise emissions from the Premises to comply with the assigned noise levels set out in the Regulations.

You must comply with your licence. Non-compliance with your licence is an offence and strict penalties exist for those who do not comply.

Licence holders are also reminded of the requirements of section 53 of the Act which places restrictions on making certain changes to prescribed premises unless the changes are in accordance with a works approval, licence, closure notice or environmental protection notice.

Licence Fees

If you have a licence that is issued for more than one year, you are required to pay an annual licence fee prior to the anniversary date of issue of your licence. Non payment of annual licence fees will result in your licence ceasing to have effect meaning that it will no longer be valid and you will need to apply for a new licence for your Premises.

Ministerial conditions

If your Premises has been assessed under Part IV of the Act you may have had conditions imposed by the Minister for the Environment. You are required to comply with any conditions imposed by the Minister.

Premises description and Licence summary

G D Pork Pty Ltd (“the licensee”) operates an intensive piggery at 502 Sutters Lane in West Pinjarra. The site is located within the Shire of Murray and within the Peel-Harvey Catchment Area. The following are sensitive ecosystems in proximity to the premises:

- a conservation category wetland approximately 1740m west of the premises boundary;
- resource enhancement and multiple use wetlands within the boundary, five wetlands within 1000m (2 north, 2 south and 1 southwest);
- Peel Inlet-Harvey Estuary approximately 7500m north west of the boundary. Three drains begin from within the premises and flow in a north-west direction. These drains connect to the Coolup Main Drain (located approximately 340m from the boundary and 640m from the existing ponds) that runs into the Peel Inlet.

The premises is located within a proclaimed area declared under the *Rights in Water and Irrigation Act 1914* (RIWI Act) and also within the *Environmental Protection (Peel Inlet-Harvey Estuary) Policy 1998 area* (Peel Harvey EPP). The nearest sensitive receptor is a rural dwelling approximately 300m north-west of the activity boundary of the premises.

The piggery has a breeder unit comprising of a mating shed, dry sow shed (deep litter), two farrowing sheds and a workshop. Suckers are transferred from the breeder unit at approximately 3 weeks of age to a grower unit located on a separate premises operated by the Licensee. Effluent from each of the pull-plug sheds is piped underground into a sump between the sheds before being pumped into a series of effluent treatment ponds which consist of a primary anaerobic pond, secondary evaporative pond and an emergency pond.

The licensee was granted works approval W5687/2014/1 on 27 September 2015 for infrastructure associated with an expansion to 9,713 animals (6,854 standard pig units).

The Licensee does not have any point source emissions to the environment and key risks relate to fugitive emissions such as odour and noise. DER undertook field odour surveys between 04/09/2015 and 11/11/2015. A report is yet to be finalised, however observations from the surveys have been considered in the risk assessment of fugitive odour emissions. While DER has removed the generic odour condition as per its published position on generic fugitive emission conditions (refer to www.der.wa.gov.au), this does not negate the requirement for the licensee to comply with the general provisions of the EP Act such as section 49(3) that make it an offence to cause or allow unreasonable



emissions under certain circumstances. DER notes that works proposed in works approval W5687/2014/1 and recommended licence conditions upon completion, are expected to reduce the odour risk. DER may consider further regulatory controls to address odour emissions if works are not substantially commenced within 12 months.

There is also a risk to groundwater and surface water contamination through waste management practices (e.g. carcass and effluent disposal). DER is aware of elevated nutrients detected in groundwater monitoring bores and consequently the site has been reported under the *Contaminated Sites Act 2003* and was classified as *possibly contaminated – investigation required* on 15 April 2015. Elevated nutrient levels are known to occur in both up-gradient and downgradient monitoring bores. This may indicate levels of nutrients in groundwater relate to migration from sources up-gradient of the premises, sources from within the premises or a combination of both. Further investigation and delineation of this is occurring through *Contaminated Sites Act 2003* mechanisms in order to assess the risk to environmental and human receptors and establish any required actions.

This licence has increased the monitoring frequency of monitoring bores from annual to six monthly and included an improvement condition relating to the provision of additional information for additional groundwater monitoring bores that have been installed. These additional four groundwater bores (MB4, MB5, MB6 and MB7) have additionally been included in the ambient groundwater monitoring program. This requirement is justified given the presence of elevated nutrients in groundwater, the proximity to environmental receptors and indirectly supports investigations under the *Contaminated Sites Act 2003*.

The licence is the successor to licence L7286/1998/10. The licences and works approvals issued for the Premises since 24/04/2002 are:

Instrument log		
Instrument	Issued	Description
L7286/1998/5	24/04/2002	Licence re-issue
L7286/1998/6	06/04/2003	Licence re-issue
L7286/1998/7	13/04/2004	Licence re-issue
L7286/1998/8	31/03/2005	Licence re-issue
L7286/1998/9	31/03/2006	Licence re-issue
L7286/1998/10	31/03/2011	Licence re-issue
L7286/1998/10	16/05/2011	Licence amendment
L7286/1998/10	12/7/2013	Licence amendment to REFIRE format
W5687/2014/1	27/09/2015	Works approval for expansion to 9,713 animals (6,854 standard pig units)
L7286/1998/11	30/03/2016	Licence re-issue

Severance

It is the intent of these Licence conditions that they shall operate so that, if a condition or a part of a condition is beyond the power of this Licence to impose, or is otherwise *ultra vires* or invalid, that condition or part of a condition shall be severed and the remainder of these conditions shall nevertheless be valid to the extent that they are within the power of this Licence to impose and are not otherwise *ultra vires* or invalid.

END OF INTRODUCTION



Licence conditions

1 General

1.1 Interpretation

1.1.1 In the Licence, definitions from the *Environmental Protection Act 1986* apply unless the contrary intention appears.

1.1.2 In the Licence, unless the contrary intention appears:

“**the Act**” means the *Environmental Protection Act 1986*;

“**annual period**” means the inclusive period from 1 July until 30 June in the following year;

“**AS/NZS 5667.1**” means the Australian Standard AS/NZS 5667.1 Water Quality – Sampling – Guidance on the design of sampling programs, sampling techniques and the preservation and handling of samples;

“**AS/NZS 5667.11**” means the Australian Standard AS/NZS 5667.11 Water Quality – Sampling – Guidance on sampling of groundwaters;

“**carcasses**” means the dead bodies of animals (pigs);

“**CEO**” means Chief Executive Officer of the Department of Environment Regulation;

“**CEO**” for the purposes of correspondence means:

Department Administering the *Environmental Protection Act 1986*
Locked Bag 33
CLOISTERS SQUARE WA 6850
Email: info@der.wa.gov.au;

“**environmentally hazardous material**” means material (either solid or liquid raw materials, materials in the process of manufacture, manufactured products, products used in the manufacturing process, by-products and waste) which if discharged into the environment from or within the premises may cause pollution or environmental harm. Note: Environmentally hazardous materials include dangerous goods where they are stored in quantities below placard quantities. The storage of dangerous goods above placard quantities is regulated by the Department of Mines and Petroleum;

“**fugitive emissions**” means all emissions not arising from point sources;

“**Licence**” means this Licence numbered L7286/1998/10 and issued under the *Environmental Protection Act 1986*;

“**Licensee**” means the person or organisation named as Licensee on page 1 of the Licence;

“**NATA**” means the National Association of Testing Authorities, Australia;

“**NATA accredited**” means in relation to the analysis of a sample that the laboratory is NATA accredited for the specified analysis at the time of the analysis;



“**Premises**” means the area defined in the Premises Map in Schedule 1 and listed as the Premises address on page 1 of the Licence;

“**spot sample**” means a discrete sample representative at the time and place at which the sample is taken;

“**SPU**” means a Standard Pig Unit (SPU) as defined in the current version of the National Environmental Guidelines for Piggeries;

“**Schedule 1**” means Schedule 1 of this Licence unless otherwise stated;

“**Schedule 2**” means Schedule 2 of this Licence unless otherwise stated; and

“**µS/cm**” means microsiemens per centimetre.

1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the current version of that standard.

1.1.4 Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence, where the emission amounts to:

- (a) pollution;
- (b) unreasonable emission;
- (c) discharge of waste in circumstances likely to cause pollution; or
- (d) being contrary to any written law.

1.2 General conditions

1.2.1 The Licensee shall maintain all pollution control and monitoring equipment to the manufacturer’s specification or any internal management system.

1.2.2 The Licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.

1.3 Premises operation

1.3.1 The Licensee shall ensure that all wastewaters from piggery operations including wash down water, by-products wastewater and contaminated run-off are directed to a wastewater treatment system.

1.3.2 The Licensee shall ensure that wastewater is only stored and/or treated within vessels or compounds provided with the infrastructure detailed in Table 1.3.2.

Table 1.3.2: Containment infrastructure

Storage vessel or compound	Material	Infrastructure requirements
Primary Anaerobic pond	Wastewater	None specified
Secondary Evaporation pond		
Emergency pond		



- 1.3.3 The Licensee shall manage the wastewater treatment ponds such that:
- (a) a minimum top of embankment freeboard of 500mm is maintained;
 - (b) storm water runoff is prevented from causing the erosion of outer pond embankments;
 - (c) overtopping of the wastewater treatment ponds does not occur except as a result of an extreme rainfall event (greater than 1 in 10 year event of 72 hours duration);
 - (d) vegetation and floating debris (emergent or otherwise) is prevented from encroaching onto pond surfaces or inner pond embankments; and
 - (e) no overflow leaves the Premises.

1.3.4 The Licensee shall ensure that where wastes produced on the Premises are not taken off-site for lawful use or disposal, they are only subjected to the on-site process(es) described in Table 1.3.4 and in accordance with the process requirements in that Table.

Table 1.3.4: Processing of materials		
Waste type	Process	Process requirements
Treated wastewater	Evaporation	None
Carcasses	On-site burial	(i) Waste shall be covered with at least 500mm of soil immediately upon deposit; and (ii) Burial shall not take place within 300m of a watercourse or within 50m of premises boundaries.

2 Monitoring

2.1 General monitoring

- 2.1.1 The licensee shall ensure that:
- (a) all water samples are collected and preserved in accordance with AS/NZS 5667.1;
 - (b) all groundwater sampling is conducted in accordance with AS/NZS 5667.11; and
 - (c) all samples are submitted to a laboratory with current NATA accreditation for the parameters to be measured unless indicated otherwise in relevant table.
- 2.1.2 The Licensee shall ensure that six monthly monitoring is undertaken at least 5 months apart.
- 2.1.3 The Licensee shall have all monitoring equipment referred to in any condition of the Licence calibrated in accordance with the manufacturer's specifications.
- 2.1.4 The Licensee shall, where the requirements for calibration cannot be practicably met, or a discrepancy exists in the interpretation of the requirements, bring these issues to the attention of the CEO accompanied with a report comprising details of any modifications to the methods.

2.2 Ambient environmental quality monitoring

- 2.2.1 The Licensee shall undertake the monitoring specified in Table 2.2.1.



Table 2.2.1: Monitoring of ambient groundwater quality				
Monitoring point reference (as depicted in schedule 1)	Parameter ¹	Units	Averaging period	Frequency
Monitoring bores: MB1, MB2, MB3, MB4, MB5, MB6, MB7	Nitrate-nitrogen	mg/L	Spot sample	Six monthly
	Ammonia-nitrogen	mg/L		
	Total Nitrogen	mg/L		
	Total Phosphorus	mg/L		
	Electrical Conductivity (EC)	µS/m		
	pH	-		
	Standing Water Level (SWL)	m(AHD) & mBGL		

Note 1: Electrical conductivity, pH and SWL are not required to be tested by a NATA accredited laboratory.

3 Improvements

3.1 Improvement programme

3.1.1 The Licensee shall complete the improvements in Table 3.1.1 by the date specified.

Table 3.1.1: Improvement programme		
Improvement reference	Improvement	Date of completion
IR1	The licensee shall prepare and submit to the CEO a report on groundwater monitoring bores MB4, MB5, MB6 and MB7 as specified in Table 2.2.1. The report shall include: <ul style="list-style-type: none"> (a) a comparison of installation against the requirements of <i>Minimum Construction Requirements for Water Bores in Australia</i> (AIH 2012); (b) a comparison of siting against the Department of Water <i>Water Quality Protection Note 30 Groundwater Monitoring Bores</i> (DoW 2009) (c) the ground level (to Australian Height Datum) of each monitoring location accurately determined through survey; and (d) a map of groundwater monitoring bore locations accompanied by GPS coordinates. 	31/01/2017

4 Information

4.1 Records

4.1.1 All information and records required by the Licence shall:

- (a) be legible;
- (b) if amended, be amended in such a way that the original and subsequent amendments remain legible or are capable of retrieval;
- (c) except for records listed in 4.1.1(d) be retained for at least 6 years from the date the records were made or until the expiry of the Licence or any subsequent licence; and



- (d) for those following records, be retained until the expiry of the Licence and any subsequent licence:
 - (i) off-site environmental effects; or
 - (ii) matters which affect the condition of the land or groundwater.

4.1.2 The Licensee shall ensure that:

- (a) any person left in charge of the Premises is aware of the conditions of the Licence and has access at all times to the Licence or copies thereof; and
- (b) any person who performs tasks on the Premises is informed of all of the conditions of the Licence that relate to the tasks which that person is performing.

4.1.3 The Licensee shall complete an Annual Audit Compliance Report indicating the extent to which the Licensee has complied with the conditions of the Licence, and any previous licence issued under Part V of the Act for the Premises for the annual period.

4.1.4 The Licensee shall implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the Premises and any action taken in response to the complaint.

4.2 Reporting

4.2.1 The Licensee shall submit to the CEO at the Contact Address an Annual Environmental Report within 62 calendar days after the end of the annual period. The report shall contain the information listed in Table 4.2.1 in the format or form specified in that table.

Table 4.2.1: Annual environmental report		
Condition or table (if relevant)	Parameter	Format or form ¹
-	Summary of any failure or malfunction of any pollution control equipment or any incidents that have occurred during the annual period and any action taken	None specified
4.1.3	Compliance	AACR
4.1.4	Complaints summary	None specified
Table 2.2.1	Nitrate-nitrogen, ammonia-nitrogen, Total Nitrogen, total Phosphorus, Standing Water Level, pH and electrical conductivity	AGQ1
-	List of monitoring methods used to collect and analyse data required by any condition of this licence.	None specified
-	Total number of animals	Tabular format: monthly maximum including annual total

Note 1: Forms are in Schedule 2

4.2.2 The Licensee shall ensure that the annual environmental report also contains:

- (a) an assessment of the information contained within the report against previous monitoring results; and
- (b) a list of any original monitoring reports submitted to the Licensee from third parties in the reporting period and make these reports available on request.



4.3 Notification

4.3.1 The Licensee shall ensure that the parameters listed in Table 4.3.1 are notified to the CEO at the Contact Address and in accordance with the notification requirements of the table.

Table 4.3.1: Notification requirements			
Condition or table (if relevant)	Parameter	Notification requirement¹	Format or form²
-	Any monitoring bores are de-commissioned, damaged or rendered unusable.	Within 7 days	None specified
2.1.4	Calibration report	As soon as practicable	None specified

Note 1: No notification requirement in the Licence shall negate the requirement to comply with s72 of the Act.

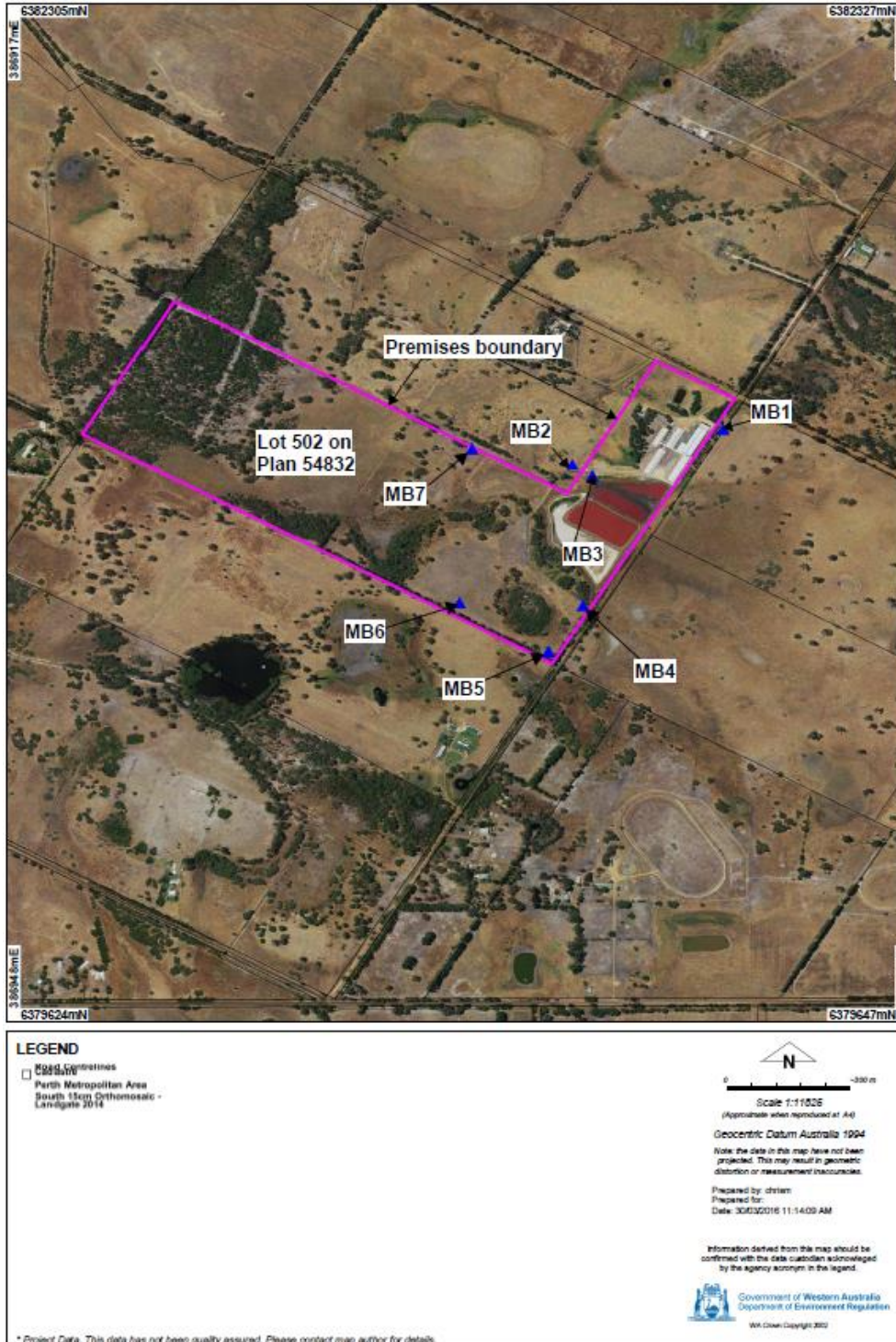
Note 2: Forms are in Schedule 2



Schedule 1: Maps

Premises map and map of ambient monitoring points

The Premises is shown in the map below. The pink line depicts the Premises boundary and the blue triangles depict the location of groundwater monitoring bores as referenced in Table 3.2.1.





Schedule 2: Reporting & notification forms

These forms are provided for the proponent to report monitoring and other data required by the Licence. They can be requested in an electronic format.

Copies of the original monitoring reports must also be submitted.

Licence: L7286/1998/10 Licensee: GD Pork Pty Ltd
 Form: AACR Period :
 Name: Annual Audit Compliance Report

Annual Audit Compliance Report

Section A: Statement of compliance with Licence conditions

Were all conditions of licence complied with within the reporting period?		
Yes	<input type="checkbox"/>	Initial Sections A & B, then proceed to Section C
No	<input type="checkbox"/>	Initial Section A, then proceed to Section B

Each page must be initialled by the person(s) who signs Section C of this annual audit compliance report (AACR).

Initial:



Section B: Details of non-compliance with Licence condition

a) Licence condition not complied with?	
b) Date(s) b) Date(s) and time(s) the non compliance occurred, if applicable?	
c) Was this non compliance reported to DER?	
<input type="checkbox"/> Yes, and <input type="checkbox"/> Reported to DER verbally Date <input type="checkbox"/> Reported to DER in writing Date	<input type="checkbox"/> No
d) Has DER taken, or finalised any action in relation to the non compliance?	
e) Summary of particulars of non compliance, and what was the environmental impact?	
f) If relevant, the precise location where the non compliance occurred (attach map or diagram)	
g) Cause of non compliance	
h) Action taken or that will be taken to mitigate any adverse effects of the non compliance	
i) Action taken or that will be taken to prevent recurrence of the non compliance	

Please use a separate page for each Licence condition that was not complied with. Each page must be initialled by the person(s) who signs Section C of this AACR

Initial:



Section C: Signature and certification

This AACR may only be signed by a person(s) with legal authority to sign it as defined below. Please tick the box next to the category that describes how this AACR is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the Licence holder is	The AACR must be signed and certified:
an individual	<input type="checkbox"/> by the individual Licence holder, or <input type="checkbox"/> by a person approved in writing by the Chief Executive Officer (CEO) of DER to sign on the Licensee's behalf.
a corporation	<input type="checkbox"/> by affixing the common seal of the Licensee in accordance with the Corporations Act 2001; or <input type="checkbox"/> by two directors of the Licensee; or <input type="checkbox"/> by a director and a company secretary of the Licensee, or <input type="checkbox"/> if the Licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or <input type="checkbox"/> by the principal executive officer of the Licensee; or <input type="checkbox"/> by a person with authority to sign on the Licensee's behalf who is approved in writing by the CEO of DER.
A public authority (other than a local government)	<input type="checkbox"/> by the principal executive officer of the Licensee; or <input type="checkbox"/> by a person with authority to sign on the Licensee's behalf who is approved in writing by the CEO of DER.
a local government	<input type="checkbox"/> by the CEO of the Licensee; or <input type="checkbox"/> by affixing the seal of the local government.

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. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this AACR is correct and not false or misleading in a material particular.

Signature: _____ Signature: _____

Name: (printed) _____ Name: (printed) _____

Position: _____ Position: _____

Date: _____ / _____ / _____ Date: _____ / _____ / _____

Seal (if signing under seal)



Licence: L7286/1998/11
Form: AGQ1
Name: Monitoring of ambient groundwater quality

Licensee: GD Pork Pty Ltd
Period :

Form AGQ1: Monitoring of ambient groundwater quality					
Emission point	Parameter	Result¹	Averaging period	Method	Sample date & times
MB1	Nitrate-Nitrogen	mg/L	Spot sample		
	pH	-			
	Electrical conductivity (EC)	µS/cm			
	Ammonia-nitrogen	mg/L			
	Total Nitrogen (TN)	mg/L			
	Total phosphorus (TP)	mg/L			
	Standing Water Level (SWL)	m(AHD) & mBGL			
MB2	Nitrate-Nitrogen	mg/L	Spot sample		
	pH	-			
	Electrical conductivity (EC)	µS/cm			
	Ammonia-nitrogen	mg/L			
	Total Nitrogen (TN)	mg/L			
	Total phosphorus (TP)	mg/L			
	Standing Water Level (SWL)	m(AHD) & mBGL			



MB3	Nitrate-Nitrogen	mg/L	Spot sample		
	pH	-			
	Electrical conductivity (EC)	µS/cm			
	Ammonia-nitrogen	mg/L			
	Total Nitrogen (TN)	mg/L			
	Total phosphorus (TP)	mg/L			
	Standing Water Level (SWL)	m(AHD) & mBGL			

Signed on behalf of GD Pork Pty Ltd..... Date:



Decision Document

Environmental Protection Act 1986, Part V

Proponent: G D Pork Pty Ltd

Licence: L7286/1998/11

Registered office: Level 3
35 Outram Street
WEST PERTH WA 6005

ACN: 126 978 685

Premises address: G D Pork Pty Ltd
502 Sutters Lane
WEST PINJARRA WA 6208

Being Lot 502 on Plan 54832
Certificate of Title Volume 2677 Folio 599

Issue date: Wednesday, 30 March 2016

Commencement date: Thursday, 31 March 2016

Expiry date: Thursday, 30 March 2017

Decision

Based on the assessment detailed in this document the Department of Environment Regulation (DER), has decided to issue a licence. DER considers that in reaching this decision, it has taken into account all relevant considerations.

Decision Document prepared by:

Chris Malley
Licensing Officer

Decision Document authorised by:

Ed Schuller
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 checked="" type="checkbox"/>	
	Licence amendment <input type="checkbox"/>	
	Works Approval amendment <input type="checkbox"/>	
Activities that cause the premises to become prescribed premises	Category number(s)	Assessed design capacity
	2	3121 standard pig units
Application verified	Date: 11/01/2016	
Application fee paid	Date: 21/01/2016	
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	N/A	
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 checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1998</i> (Peel Harvey EPP)
Is the Premises subject to any EPP requirements?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
<p>The Peel Harvey EPP sets out broader environmental quality objectives for the estuary which, if achieved, will rehabilitate the estuary and protect the estuary from further degradation. It outlines the means by which the environmental quality objectives for the estuary are to be achieved and maintained. The premises is not subject to any specific Peel Harvey EPP requirements, however siting and location are considered in the assessment of risk.</p>		

3. Executive summary of proposal and assessment



G D Pork Pty Ltd (“the licensee”) operates an intensive piggery at 502 Sutters Lane in West Pinjarra. The site is located within the Shire of Murray and within the Peel-Harvey Catchment Area. The following are sensitive ecosystems in proximity to the premises:

- a conservation category wetland approximately 1740m west of the premises boundary;
- resource enhancement and multiple use wetlands within the boundary, five wetlands within 1000m (2 north, 2 south and 1 southwest);
- Peel Inlet-Harvey Estuary approximately 7500m north west of the boundary. Three drains begin from within the premises and flow in a north-west direction. These drains connect to the Coolup Main Drain (located approximately 340m from the boundary and 640m from the existing ponds) that runs into the Peel Inlet.

The premises is located within a proclaimed area declared under the *Rights in Water and Irrigation Act 1914* (RIWI Act) and also within the *Environmental Protection (Peel Inlet-Harvey Estuary) Policy 1998 area* (Peel Harvey EPP). The nearest sensitive receptor is a rural dwelling approximately 300m north-west of the activity boundary of the premises.

The piggery has a breeder unit comprising of a mating shed, dry sow shed (deep litter), two farrowing sheds and a workshop. Suckers are transferred from the breeder unit at approximately 3 weeks of age to a grower unit located on a separate premises operated by the Licensee. Effluent from each of the pull-plug sheds is piped underground into a sump between the sheds before being pumped into a series of effluent treatment ponds which consist of a primary anaerobic pond, secondary evaporative pond and an emergency pond. The licensee was granted works approval W5687/2014/1 on 27 September 2015 for infrastructure associated with an expansion to 9,713 animals (6,854 standard pig units) which is currently under appeal.

The Licensee does not have any point source emissions to the environment and key risks relate to fugitive emissions such as odour and noise. DER undertook field odour surveys between 04/09/2015 and 11/11/2015. A report is yet to be finalised, however observations from the surveys have been considered in the risk assessment of fugitive odour emissions. While DER has removed the generic odour condition as per its published position on generic fugitive emission conditions (refer to www.der.wa.gov.au), this does not negate the requirement for the licensee to comply with the general provisions of the EP Act such as section 49(3) that make it an offence to cause or allow unreasonable emissions under certain circumstances. DER notes that works proposed in works approval W5687/2014/1 and recommended licence conditions upon completion, are expected to reduce the odour risk. DER may consider further regulatory controls to address odour emissions if works are not substantially commenced within 12 months.

There is also a risk to groundwater and surface water contamination through waste management practices (e.g. carcass and effluent disposal). DER is aware of elevated nutrients detected in groundwater monitoring bores and consequently the site has been reported under the *Contaminated Sites Act 2003* and was classified as *possibly contaminated – investigation required* on 15 April 2015. Elevated nutrient levels are known to occur in both up-gradient and downgradient monitoring bores. This may indicate levels of nutrients in groundwater relate to migration from sources up-gradient of the premises, sources from within the premises or a combination of both. Further investigation and delineation of this is occurring through *Contaminated Sites Act 2003* mechanisms in order to assess the risk to environmental and human receptors and establish any required actions.

This licence has increased the monitoring frequency of monitoring bores from annual to six monthly and included an improvement condition relating to the provision of information for additional groundwater monitoring bores that have been installed. These additional four groundwater bores (MB4, MB5, MB6 and MB7) have additionally been included in the ambient groundwater monitoring program. This requirement is justified given the presence of elevated nutrients in groundwater, the proximity to environmental receptors and indirectly supports investigations under the *Contaminated Sites Act 2003*.



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	L1.2.2	<p><u>Emission Description</u> <i>Emission:</i> Stormwater contamination by spills or leaks of fuels, oils and other chemicals and also contamination by piggery effluent. There is a 1800 L diesel fuel tank on the premises. <i>Impact:</i> Contamination of soil, surface water and groundwater resources with hydrocarbons and wastewater containing elevated nutrients such as phosphorus, ammonium and nitrogen. Premises is within a RIWI Act proclaimed area, the Peel Harvey EPP area and has sensitive ecosystems both within and in close proximity to the premises. Premises has been classified as <i>possibly contaminated – investigation required</i> under the <i>Contaminated Sites Act 2003</i> on 14 April 2015. <i>Controls:</i> The diesel fuel tank is contained within a 3000 L capacity concrete hardstand and banded compound. Pig pens are contained and undercover by design with raised floors. Wastewaters (pen and adjoining walkway) are directed to a sump prior to discharge to the anaerobic pond. The ponds have contoured embankments to minimise stormwater ingress.</p> <p><u>Risk Assessment</u> <i>Consequence:</i> Moderate <i>Likelihood:</i> Possible <i>Risk Rating:</i> Moderate</p> <p><u>Regulatory Controls</u> The placarding quantity for 'C1 combustible liquids with fire risk dangerous goods' is</p>	<p><i>Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007 – Schedule 1</i></p> <p><i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i></p> <p>Peel Harvey EPP</p> <p>RIWI Act</p> <p>L7286/1998/10</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>1000 L as per Schedule 1 of the <i>Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007</i>. The 1800 L diesel storage at the premises is subject to Department of Mines and Petroleum regulatory requirements. Condition 1.2.3 on the previous licence has therefore been deleted. Condition 1.2.2 (formerly condition 1.2.4) requires the licensee to recover and dispose of spills and has been retained in the new licence and addresses the risk of contamination in the event of spills. The licensee is also subject to the the <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i> which make it an offence to discharge certain materials such as petrol, diesel or other hydrocarbons.</p> <p>Condition 1.2.5 on the previous licence has been deleted. It required the separation of contaminated or potentially contaminated stormwater from contaminated stormwater. Pig pen design addresses the risk of stormwater contamination by piggery effluent. Conditions 1.3.1 and 1.3.3 from the previous licence have been retained and address the management of wastewaters (including contaminated run-off) and management of the ponds.</p> <p><u>Residual Risk</u> Consequence: Moderate Likelihood: Unlikely Risk Rating: Moderate</p>	
Premises operation	L1.3.1 – 1.3.4	The risk assessment of emissions associated with the application to replace expiring licence L7286/1998/10 did not identify a need to alter premises operation conditions from the previous licence.	N/A
Emissions general	2.1.1	The risk assessment of emissions associated with the application to replace expiring licence L7286/1998/10 did not identify a need to alter general emissions conditions from the previous licence. As there are no targets numerical or descriptive targets in the licence, the reference to recording and investigating targets was removed from condition 2.1.1.	N/A
Point source	N/A	The application to replace expiring Licence L7286/1998/10 did not propose any new	Application



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
emissions to air including monitoring		<p>emission points or sources. The previous licence did not contain any conditions for point source emissions to air. There is no identified change to the risk profile that warrants consideration of conditions.</p> <p>As per the administrative changes advice published on DER's website (www.der.wa.gov.au), DER has deleted all 'no condition' statements and respective headings from the previous licence.</p>	supporting documentation
Point source emissions to surface water including monitoring	N/A	<p>The application to replace expiring Licence L7286/1998/10 did not propose any new emission points or sources. The previous licence did not contain any conditions for point source emissions to surface water. There is no identified change to the risk profile that warrants consideration of conditions.</p> <p>As per the administrative changes advice published on DER's website (www.der.wa.gov.au), DER has deleted all 'no condition' statements and respective headings.</p>	www.der.wa.gov.au – administrative changes
Point source emissions to groundwater including monitoring	N/A	<p>The application to replace expiring Licence L7286/1998/10 did not propose any new emission points or sources. The previous licence did not contain any conditions for point source emissions to groundwater. There is no identified change to the risk profile that warrants consideration of conditions.</p> <p>As per the administrative changes advice published on DER's website (www.der.wa.gov.au), DER has deleted all 'no condition' statements and respective headings from the previous licence.</p>	www.der.wa.gov.au – administrative changes
Emissions to land including monitoring	N/A	<p>The application to replace expiring Licence L7286/1998/10 did not propose any new emission points or sources. The previous licence did not contain any conditions for emissions to land. There is no identified change to the risk profile that warrants consideration of conditions.</p> <p>As per the administrative changes advice published on DER's website</p>	www.der.wa.gov.au – administrative changes



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
		(www.der.wa.gov.au), DER has deleted all 'no condition' statements and respective headings.	
Fugitive emissions	2.2.1	<p>The application to replace expiring Licence L7286/1998/10 did not propose any new emission points or sources of fugitive dust. The previous licence did not contain any conditions for fugitive dust emissions. There is no identified change to the risk profile that warrants consideration of conditions. The licensee is required to comply with the general provisions of the EP Act (e.g. s49) which adequately addresses the risk of fugitive dust emissions.</p> <p>As per the administrative changes advice published on DER's website (www.der.wa.gov.au), DER has deleted all 'no condition' statements and respective headings.</p> <p>The following risk assessment relates to fugitive emissions through sources of seepage and leakage.</p> <p><u>Emission Description</u> <i>Emission:</i> Risk of nutrient seepage from ponds and the burial of carcasses. Similar to all intensive agricultural industries, piggeries are a land use that has the potential to cause contamination as specified in the guideline <i>Assessment and Management of Contaminates Sites</i>, DER 2014. <i>Impact:</i> Soil and groundwater contamination. Groundwater monitoring obtained under licence requirements indicates elevated levels of nitrogen, phosphorus and ammonia-nitrogen when compared to ANZECC water quality guideline triggers for slightly disturbed ecosystems. DER reported the site under the <i>Contaminated Sites Act 2003</i> and it was classified as <i>possibly contaminated – investigation required</i> on 15 April 2015.</p> <p>Site includes and is surrounded by a multiple-use wetland and resource enhanced wetland which can be impacted by nutrients. Coolup drainage line 380 m north of the</p>	EP Act – s49



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
		<p>site has the potential to be impacted by groundwater flows. The site is within the Peel-Harvey catchment.</p> <p><i>Controls:</i> Currently burial is permitted onsite to the extent that it shall not take place within 300m of a watercourse or within 50m of premises boundaries and shall be covered with at least 500mm of soil immediately upon deposit. Monitoring of bores is onducted annually.</p> <p><u>Risk Assessment</u> <i>Consequence:</i> Moderate <i>Likelihood:</i> Possible <i>Risk Rating:</i> Moderate</p> <p><u>Regulatory Controls</u> Due to the presence of elevated nutrients in groundwater as detected through licence monitoring requirements, the site was reported under the <i>Contaminated Sites Act 2003</i>. There is evidence of elevated nutrients (nitrogen and phosphorus) both up and down gradient of the potential sources of contamination. This may indicate levels of nutrients in groundwater relate to migration from sources up-gradient of the premises, sources from within the premises or a combination of both. The site was classified as <i>possibly contaminated – investigation required</i> on 15 April 2015. Further monitoring and delineation is required at the site with regards to the nutrients present in groundwater as there is a potential for groundwater impacts to move off site and impact on surrounding wetlands and surface water. Processes under the <i>Contaminates Sites Act 2003</i> are the appropriate mechanism to progress formal investigations of existing groundwater contamination and assess the risk to environmental and human receptors.</p> <p>There are identified pathways and receptors for groundwater migration the nearby multiple use wetland and resource enhancement wetland. The nearby Coolup drainage channel is also 380 m north of the site and could potentially receive groundwater flows. There is also potential for impacts on downgradient bores and</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>migration off site. The installation and monitoring of additional bores also indirectly supports the objectives and ongoing investigations under the <i>Contaminated Sites Act 2003</i>. DER records indicate the licensee installed four new groundwater monitoring bores at the premises in 2015, relating to contaminated sites investigations. The licensee confirmed this in comments on the draft licence and provided photographic evidence and a locational map. The bores are known as MB4, MB5 and MB6 which are likely to be up-gradient and MB7 likely to be down-gradient. The bores will be added to the ambient groundwater monitoring program (condition 2.2.1) and will be in addition to existing bores MB1 (cross gradient), MB2 (down gradient) and MB3 (down gradient). The inclusion of these bores in the licence is supported by the presence of elevated nutrients in existing groundwater bores, the risk in relation to proximity to environmental receptors and supports ongoing investigations under the <i>Contaminated Sites Act 2003</i>. The design specifications and logs for MB4-7 are not currently known. DER will require this information through an improvement condition. Refer to the Improvements section of this table for specific detail on this aspect.</p> <p>Condition 3.2.1 specifies an ambient groundwater quality monitoring program. The Licensee is required to monitor three bores on an annual (September to October) basis. Annual monitoring does not provide sufficient information to analyse seasonal fluctuations in parameters and produces a shallow data pool for establishing groundwater quality trends and interpreting data. In consideration of the sensitive location of the piggery and classification under the <i>Contaminated Sites Act 2003</i>, the frequency of monitoring has been increased to six monthly. Condition 3.1.2 has also been updated to reflect this change.</p> <p>DER notes that permeability testing of the emergency pond was performed by Structerre consulting engineers in 2015. This was done post-removal of vegetation from the pond and repair of the liner with compacted clay. The permeability results returned a permeability of 10^{-9} m/s which does not indicate an unacceptable risk of seepage in the locations tested.</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>Residual Risk</u> <i>Consequence:</i> Moderate <i>Likelihood:</i> Possible <i>Risk Rating:</i> Moderate</p>	
Noise	N/A	<p><u>Emission Description</u> <i>Emission:</i> Noise generated through intensive farming of pigs, movement/delivery of pigs and plant and equipment at the premises. <i>Impact:</i> Short-term impact, loss of amenity. Since April 2015 DER has not received any noise complaints. <i>Controls:</i> Existing site controls include traffic management and housekeeping procedures relating to animal feeding times.</p> <p><u>Risk Assessment</u> <i>Consequence:</i> Minor <i>Likelihood:</i> Possible <i>Risk Rating:</i> Moderate</p> <p><u>Regulatory Controls</u> The application to replace expiring Licence L7286/1998/10 did not propose any new emission points or sources. The previous licence did not contain any conditions for noise. Noting the absence of noise complaints, specific noise conditions on the licence are not required. This does not negate the requirement for the licensee to comply with assigned levels in regulation 7, 8 and 9 of the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Minor</p>	<p>Works approval W5687/2014/1 and supporting decision report</p> <p><i>Environmental Protection (Noise) Regulations 1997</i> – regulations 7, 8 and 9</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> Possible <i>Risk Rating:</i> Moderate</p>	
Odour	N/A	<p><u>Emission Description</u> <i>Emission:</i> Odour generated through pig accommodation sheds and breakdown of biological material through aneorobic and evaporative ponds. Decomposition of pig carcasses also has the potential to generate odour. <i>Impact:</i> Nuisance or amenity impact. As at 23/02/2016, there has been 116 complaints from seven complainants against the premises since 20/8/2015, with 110 of those complaints about odour. Odour complaints were not substantiated by DER and consequently an odour field assessment survey was completed between 04/09/2015 and 11/11/2015. The data obtained during this survey is being analysed and a report being prepared by DER.</p> <p>“Distinct” and “Strong” odours are considered likely to be present immediately adjacent to the premises at less than 100 m from odour sources (i.e. pig sheds). Odours at this intensity would be expected to cause impacts on amenity, however the nearest receptor is approximately 340 m away.</p> <p>DER believes that “Weak” and “Very weak” odours occur up to 500 m from the premises. This may confirm some complaints received from nearby residents as there are two dwellings within the distance. Odours at this intensity would be expected to cause low amenity impacts.</p> <p>At distances between 500 m and 1500 m “Very weak” to “Weak” odour intensity is expected to occur on a less regular basis. Again, odours at this intensity would be expected to cause low amenity impacts. There are four dwellings within 1500 m of odour sources (i.e. sheds or ponds)</p> <p>DER notes complaints since 26/09/2016 (28 complaints for odour) have been from a</p>	<p>Works approval W5681/2014/1 and Section 9 of the supporting decision report</p> <p>General provisions of the EP Act [e.g. section 49(3)]</p> <p>www.der.wa.gov.au – administrative changes</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>very small number of complainants which is consistent with the assessment.</p> <p><i>Controls:</i> Effluent collection system, routine cleaning and housekeeping practices.</p> <p><u>Risk Assessment</u> <i>Consequence:</i> Minor <i>Likelihood:</i> Possible <i>Risk Rating:</i> Moderate</p> <p><u>Regulatory Controls</u> DER notes the Licensee was granted works approval W5687/2014/1 on the 24/09/2015 which includes a proposed expansion and upgrade to infrastructure. Section 9 of the decision report for works approval W5687/2014/1 notes that odour related conditions will be included in the licence amended subsequent to completion of the works. The overall design and infrastructure specifications/requirements on the works approval are expected to result in significant improvement of odour performance of the piggery. The conditions of works approval were appealed by a third party (including odour grounds) and determination of appeals by the Minister for Environment is pending.</p> <p>DER is finalising a report in relation to its odour field survey investigations from 04/09/2015 to 11/11/2015 with key observations likely to be consistent with the assessment above.</p> <p>These observations do not indicate an immediate requirement for additional odour controls prior to the implementation of works under W5687/2014/1. While the proposed works and recommended licence conditions upon completion are expected to reduce the odour risk, DER may consider further regulatory controls to address odour emissions if works are not substantially commenced within 12 months. In the interim and pending the determination of an appeal against the works approval, DER</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>has removed the existing general odour condition on the licence. This reflects published advice on administrative changes on DER's website that no licence is to contain generic fugitive odour conditions. This does not negate the requirement for the licensee to comply with the general provisions of the EP Act, such as section 49(3) that make it an offence to cause or allow unreasonable emissions. A breach of section 49(3) is a substantive breach under the EP Act .</p> <p><u>Residual Risk</u> <i>Consequence:</i> Minor <i>Likelihood:</i> Possible <i>Risk Rating:</i> Moderate</p>	
Monitoring general	L3.1.1 – 3.1.4	<p>As per the ambient quality monitoring risk assessment, condition 3.1.2 has been altered from specifying annual monitoring undertaken at least 9 months to six monthly monitoring undertaken at least 6 months apart.</p> <p>The risk assessment of emissions associated with the application to replace expiring licence L7286/1998/10 did not identify a need to make any other alterations to the general monitoring conditions in the previous licence.</p>	N/A
Monitoring of inputs and outputs	N/A	<p>The previous licence did not have any specified conditions for monitoring inputs/outputs. The risk assessment of emissions did not identify a need to include conditions.</p> <p>As per the administrative changes advice published on DER's website (www.der.wa.gov.au), DER has deleted all 'no condition' statements and respective headings.</p>	www.der.wa.gov.au – administrative changes
Process monitoring	N/A	<p>The previous licence did not have any specified conditions for process monitoring. The risk assessment of emissions did not identify a need to include conditions.</p> <p>As per the administrative changes advice published on DER's website (www.der.wa.gov.au), DER has deleted all 'no condition' statements and respective</p>	www.der.wa.gov.au – administrative changes



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
		headings.	
Meteorological monitoring	N/A	<p>The previous licence did not have any specified conditions for meteorological monitoring. The risk assessment of emissions did not identify a need to include conditions.</p> <p>As per the administrative changes advice published on DER's website (www.der.wa.gov.au), DER has deleted all 'no condition' statements and respective headings.</p>	<p>www.der.wa.gov.au – administrative changes</p>
Improvements	4.1.1	<p>The previous licence contained Improvement Reference 1 (IR1) and Improvement Reference 2 (IR2) in Table 4.1.1. IR1 required the licensee to submit an assessment report by 31/12/2013 comparing the premises operations to the <i>National Environmental Guidelines for Piggeries</i>, Australian Pork Ltd 2010 and IR2 required the licensee to submit an Environmental Improvement Plan by 28/02/2014 based on the assessment report findings. DER records show the Licensee fulfilled these obligations on 25/05/2012 in its Environmental Management Plan submitted for its W5687/2014/1 application for works approval. The improvement references have therefore been deleted.</p> <p>As per the fugitive emissions risk assessment, DER understands that four new upgradient bores have been installed at the premises in 2015. DER does not necessarily have all required information to confirm the bores meet relevant design standards and are appropriately located. The licence will include a new improvement requirement for the licensee to provide a report on new groundwater bores at the premises. DER will use this information to assess further licence changes to the ambient groundwater monitoring program. As part of the licensee's comments on the draft licence (refer to Section 5), it indicated the new bores also addressed works approval W5687/2014/1 requirements for three additional monitoring bores. As there is no supporting evidence on the design specifications, siting and survey levels DER cannot yet determine whether the licensee has met the requirements of the works approval on this aspect. Information to be submitted on MB4-7 as part of IR1 is</p>	<p><i>National Environmental Guidelines for Piggeries</i>, Australian Pork Ltd 2010</p> <p>Works approval W5687/2014/1 – condition 8</p> <p><i>Water Quality Protection Note 30 Groundwater Monitoring Bores</i> (DoW 2009)</p> <p><i>Minimum Construction Requirements for Water Bores in Australia</i> (AIH)</p>



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
		expected to provide this confirmation.	2012)
Ambient quality monitoring	2.2.1	<p><u>Emission Description</u> <i>Emission:</i> Seepage and leakage of nutrient contaminated wastewater from ponds. <i>Impact:</i> Contamination of soil, groundwater resources and surface water. Premises is within a RIWI Act proclaimed area, the Peel Harvey EPP area and has sensitive ecosystems both within and in close proximity to the premises. Premises was been classified as <i>possibly contaminated – investigation required</i> under the <i>Contaminated Sites Act 2003</i> on 14 April 2015. <i>Controls:</i> Ponds are believed to be clay-lined, however there is minimal historical information available on the construction, design and integrity specifications.</p> <p><u>Risk Assessment</u> <i>Consequence:</i> Moderate <i>Likelihood:</i> Possible <i>Risk Rating:</i> Moderate</p> <p><u>Regulatory Controls</u> Condition 2.2.1 specifies an ambient groundwater quality monitoring program. The Licensee is required to monitor three bores on an annual (September to October) basis. Annual monitoring does not provide sufficient information to analyse seasonal fluctuations in parameters and produces a shallow data pool for establishing groundwater quality trends. In consideration of the sensitive location of the piggery and classification under the <i>Contaminated Sites Act 2003</i>, the frequency of monitoring has been increased to six monthly. Condition 3.1.2 has also been updated to reflect this change.</p> <p>The licensee provided advice on four new monitoring bores (MB4-7) it installed in 2015 as part of comments on the draft licence. These four bores have been included in the monitoring program (condition 2.2.1) in combination with an improvement condition</p>	Peel Harvey EPP RIWI Act <i>Contaminated Sites Act 2003</i>



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
		(IR1) to provide additional information on their design, siting and surveyed levels. <u>Residual Risk</u> <i>Consequence:</i> Moderate <i>Likelihood:</i> Possible <i>Risk Rating:</i> Moderate	
Information	5.3.1	The requirement to notify DER of any failure or malfunctions of any pollution control equipment that has caused or may cause pollution has been deleted as it is a duplication of requirements under s72 of the EP Act. It has been replaced by notification of any breaches of limits in relation to condition 2.1.1. The requirement to notify DER of monitoring calibrations issues was also included as the licensee undertakes ambient monitoring. The previous exclusion of this notification requirement appears to be in error.	EP Act – s72
Licence Duration	N/A	DER has taken into consideration its <i>Guidance Statement: Licence Duration</i> . DER has opted to limit the duration of this licence to one year. This allows other processes to be completed such as determination of appeals relating to works approval W5687/2015/1, finalisation of a report on the DER field odour survey findings and for the licensee to substantially commence works under works approval W5687/2014/1.	<i>Guidance Statement: Licence duration</i> Works approval W5687/2014/1.



5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
25/01/2016	Application advertised in <i>West Australian</i> newspaper	None	N/A
27/01/2016	Application referred to Shire of Murray and 14 direct interest persons	<p>Four individual submissions were received from direct interest persons in total. Two of the persons who made submissions also co-signed another of the submissions that was co-signed by five persons in total.</p> <p>Refer to Appendix A for a summary of third party community submission points.</p> <p>The Shire of Murray noted that it reapproved an expansion of the piggery on 22/09/2015. Provided the application to replace the expiring licence is consistent with the Shire's re-approval, there is no objection.</p>	<p>Refer to Appendix A for a summary of DER's response to third party community submission points.</p> <p>The proposed expansion relates to works approval W5687/2014/1.</p> <p>DER considers that, subject to appeal, this licence provides interim approval to operate the existing facility. DER notes the Shire of Murray is a stakeholder and has the ability to appeal the condition of this licence.</p>
23/03/2016	Draft instrument and decision document referred to the licensee.	<p>Written feedback was received from the licensee on 29/3/16.</p> <ol style="list-style-type: none"> 1. Update the licence table of contents on page 2 as there is no emissions sections. 2. Issue the licence for 30 months to align with the works approval which expires in September 2018. The licensee advised that as soon as the expansion is built a new licence will supersede this one anyway. 3. The licensee sought clarification on the requirement to install three extra monitoring bores. The licensee clarified extra monitor bores have been installed in 4 locations and each location has 2 bores, 1 shallow above the clay layer and one deep below the clay layer. This relates to both the possible contaminated site investigation and the works approval requirements. A map was provided along with photos. The licensee advised being confident the 	<ol style="list-style-type: none"> 1. DER corrected the table of contents to omit reference to an 'emissions' section. 2. DER refers to its comments in the executive summary of the the decision report which addresses the licensee comment: <i>DER notes that works proposed in works approval W5687/2014/1 and recommended licence conditions upon completion, are expected to reduce the odour risk. DER may consider further regulatory controls to address odour emissions if works are not substantially commenced within 12 months.</i> The duration of a licence is also subject to risk as specified in <i>Guidance Statement: Licence duration</i>. The licence has



Date	Event	Comments received/Notes	How comments were taken into consideration
		<p>bores comply with the proposed standards and proposed the four bores be incorporated into the licence immediately, subject to providing further information. The bores are MB4, MB5, MB 6 and MB7.</p> <p>4. The licensee sought clarification on condition 5.2.2 (b)/4.2.2 (b): <i>a list of any original monitoring reports submitted to the Licensee from third parties in the reporting period and make these reports available on request.</i></p> <p>5. The licensee disagreed with reference to Australian Standards for water sampling. It believes it is not consistent with the State Governments agenda of reducing burden on business as it costs money to access the standards and is time consuming. The licensee suggested DER have a standard practice paper or provide free access to the relevant Australian Standards.</p>	<p>therefore been granted for a 12 month duration.</p> <p>3. DER noted the licensee's advice on additional bores that have been installed and also the photographic records and location map. DER has included new bores MB4, MB5, MB6 and MB7 in the ambient groundwater monitoring program (licence – Table 2.2.1). However, DER notes there is a lack of information on the installation specifications, appropriateness and accuracy of siting and ground level survey information. The licence will include one IR condition requiring that information on the four new bores. The licensee indicated the bores may also address the requirements of works approval W5687 to install three new bores. The submission of information under IR will help to validate this claim.</p> <p>4. The annual environmental report (Licence – Table 4.2.1) is required to report ambient groundwater monitoring results using form AGQ1 and is a summary of results. From time to time DER may request original data or observation sheets as prepared by third parties who obtain or analyse samples on the licensee's behalf. This is for the purposes of data verification or review of quality assurance/quality control information. Condition 4.2.2(b) requires the licensee to reference (in a list) any original monitoring reports it receives from third parties.</p> <p>5. AS/NZS 5667.1 and AS/NZS 5667.11 are</p>



Date	Event	Comments received/Notes	How comments were taken into consideration
			<p>nationally recognised independent standards applicable to the collection of water samples including groundwater. The standards can be accessed through an independent third party provider and are subject to copyright therefore cannot be distributed or made available by DER. In most circumstances where regulatory water sampling conditions are imposed, conditions reference the relevant Australian Standards and is not a requirement unique to licence L7286.</p>



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



Appendix A – Summary of submissions

The following table summarises third party community submissions points and DER comments.

Subject	Summary of community submission point	DER comments
Odour	<ol style="list-style-type: none"> 1. A reference to section 6.1 of the licensee’s application form. There are in fact emissions to air from the activities that pose a risk to public health or environment. Odour has been investigated by DER. 2. A reference to section 7.1 of the licensee’s application form. The person acknowledged they weren’t familiar with NEGP 2010 S-factor calculations, but questioned whether boundaries around the piggery met requirements. 3. A reference to Attachment 5 of the licensee’s application form. There is disagreement that the current licensee has made any improvements to the site. The person has been present since 2001 and did not have any complaints of odour until the current licensee took over. 4. The odour causes physical illness and impacts on amenity and convenience. 5. Residents have made multiple complaints of odour to DER and the Shire of Murray. The Shire of Murray did not formally record these complaints until very recently and then, only after residents complained about the Shire’s poor complaint management system. 6. The shire’s manager Environmental Health informed resident she visited the GD Pork premises once on 23/09/2015 to check on the odour issues reported by residents. Both Shire and DER staff don’t visit the piggery at times when adverse odour impacts are occurring therefore are not detecting the odours and not substantiating the complaints. 7. Residents informed DER staff that instances of significant odour were more likely during summer months but the DER investigation commenced during the cooler months. To date, residents have not been made aware of the outcomes. 8. Odour is terrible; especially in summer when you want to sit outside in the evening and you can’t leave the windows open at night. 9. The stink wafts onto our property at any time, it’s very unpredictable although more frequent in winter months. 10. If the air is thick and still (especially in fog and before big storms) the stench is guaranteed. These awful smells can and have hung around for hours, it’s disgusting and DER don’t seem to be able to verify it. 11. The licensee is not complying with condition 2.7.1. Local residents up to 3 to 4 km away experience unreasonable odours at various times. Residents adjacent to or very close experience significant odour or loss of enjoyment almost every day. 	<ol style="list-style-type: none"> 1. The site does not have point source emissions to air, however the risk of fugitive odour emissions has been assessed in the section 4 decision table. 2. This relates to the calculation of recommended separation distances using S-Factor calculations within the <i>Environmental Guidelines for Piggeries</i> (Australian Pork Limited, 2010) (“NEGP 2010”). Recommended separation distances are primarily a planning tool but also inform DER’s risk assessment of emissions. Where a premises does not meet recommended separation distances, DER considers the risk of emissions impacting on receptors and may impose stricter controls. 3. DER notes the comment regarding specific site improvements in relation to odour management. DER has based its odour risk assessment in section 4 - decision table based on current conditions, not what may have changed at the site since the current licensee took control of the site. 4. DER has assessed the risk of fugitive odour emissions in the section 4 – decision table. DER has taken into consideration complaints history, field odour survey observations and also noted the pending determination of an appeal against works approval W5687/2014/1. 5. DER cannot comment on the management of odour complaints by the Shire of Murray. This is a matter for the Shire of Murray and any concerns or queries should be made direct to the shire. Odour complaints should be directed to DER’s Pollution watch number on 1300 784 782. 6. As above, DER cannot comment of the management of odour complaints by the Shire of Murray. 7. DER notes that the comments in points 7-9 were contradictory in terms of whether summer or winter months were more conducive to odour impacts. DER conducted its own field odour investigations between 04/09/2015 and 11/11/2015 and while a formal report is yet to be finalised, DER has considered preliminary findings in its risk assessment of fugitive odour emissions (refer to the section 4 – decision table). 8. Refer to points 7. 9. Refer to point 7.



	<p>12. Disposal of waste on site has given rise to significant adverse odour issues in April 2014. When a DER officer investigated complaints it was found to be most likely pig manure from GD Pork being spread on a paddock. The officer informed residents this practice would cease, however residents are aware the trailer loads of pig manure and straw continue to be spread on land around the piggery and is contributing to odour</p>	<p>10. DER undertook field odour surveys between 04/09/2015 and 11/11/2015 and while a formal report is yet to be finalised, DER has considered field odour observations in its risk assessment of fugitive odour emissions (refer to the section 4 – decision table).</p> <p>11. Refer to point 10 above.</p> <p>12. DER received a number of odour complaints in April 2014 that it investigated. While the exact cause of specific complaints was not substantiated, DER identified that a property neighbouring the premises had received spent bedding (manure and straw) from the deep litter piggery sheds and had applied this material to paddocks. Meteorological data at the time of complaints indicated this activity possibly contributed to odour impacts at that time. DER understands this activity since ceased and there was no evidence to suggest that spent bedding or manure has been applied to the piggery premises since. Any complaints or evidence to the contrary can be reported to DER via the Pollution Watch Hotline for further investigation.</p>
Noise	<ol style="list-style-type: none"> 1. The noise is bad if the breeze is blowing a certain direction 2. The pigs can be heard clearly from our place, even just one pig squealing is easily audible with the right conditions. At feeding times the noise is disruptive and also if the pigs become disturbed at any other time. 3. The current licence is inadequate because it does not include conditions relating to noise. Residents close to the piggery suffer negative impacts from excessive noise on a daily basis. Noise sources include more than 1,000 sows roaring and screaming, truck loading and truck movements. 4. Noise starts early in the morning from pigs screaming about 4am or 5am depending on the time of year. It then occurs again around 4 to 5pm. 5. Noise impacts on health welfare and amenity. 6. The site is poorly sited for limiting noise impacts. 7. As it is operating in a residential area, GD Porks licence should include conditions with regard to noise emissions, These should involve the installation of noise barriers and, at the very least, restrict noise generating activities to business hours only 	<ol style="list-style-type: none"> 1. Comments regarding noise impacts are not necessarily supported by complaints data. DER has not received a noise complaint since April 2015. 2. Comments regarding noise impacts are not necessarily supported by complaints data. DER has not received a noise complaint since April 2015. 3. DER has assessed the risk of noise emissions in the section 4 - decision table. The absence of specific noise conditions does not negate the requirement for the licensee to comply with assigned levels in regulation 7, 8 and 9 of the <i>Environmental Protection (Noise) Regulations 1997</i>. Comments regarding negative impacts are not supported by complaints data as noted in point 1 above. 4. Refer to point 1 above. 5. Refer to point 1 above. 6. The siting and location of the piggery is a result of historical factors that predate this licence. The siting and location does not negate the requirement for the licensee to comply with assigned levels in regulation 7, 8 and 9 of the <i>Environmental Protection (Noise) Regulations 1997</i>. 7. DER notes that the piggery premises and surrounding areas are zoned as Rural. However, whether nearby receptors are residential or rural is irrelevant for the purposes of assessing the risk of noise emissions. The licensee is required to comply with assigned levels in regulation 7, 8 and 9 of the <i>Environmental Protection (Noise) Regulations 1997</i> regardless of whether the receptor is rural or residential.



<p>Groundwater / surface water contamination</p>	<ol style="list-style-type: none"> Concerns with siting and location of the premises within the Peel Harvey Estuary. The water table is less than a meter below the surface, there is the nearby Coolup Main Drain which overflows during Winter. The site is already known to be a contaminated site and there is concern with contaminating the estuary. DER is requested to refuse the application in favour of the amenity of neighbours and more importantly the contamination of our environment. A reference to section 6.3 of the licensee's application form. The licensee admitted to groundwater contamination which is part of the Peel Harvey Inlet so it does have emissions to land from the activities that pose a risk to public health or environment. The current licence summary makes a recommendation that no solids or effluent be spread on-site due to the poor capacity of the soil to hold onto nutrients and hence the high risk of nutrients leaching into the groundwater. Condition 1.3.4 and Table 1.3.4 state that where wastes produced on site are not taken off-site for lawful use or disposal they are only subjected to on-site processes described in Table 1.3.4. The table states that wastes shall be covered with at least 500mm of soil immediately upon deposit. This seems contradictory Residents have not been informed about what, if any action has been taken as a result of reporting and investigations under the <i>Contaminated Sites Act 2003</i>. 	<ol style="list-style-type: none"> The siting and location of the premises is a result of historical factors that predate this licence. The site is not already known to be a contaminated site. The site has been classified as <i>possibly contaminated – investigation required</i> under the <i>Contaminated Sites Act 2003</i> on 15 April 2015. This relates to elevated nutrient concentrations detected in both up-gradient and downgradient monitoring bores. This may indicate levels of nutrients in groundwater relate to migration from sources up-gradient of the premises, sources from within the premises or a combination of both. Further investigation and delineation of this is occurring through <i>Contaminated Sites Act 2003</i> mechanisms in order to assess the risk to environmental and human receptors and establish any required actions. Refer to the section 4 – decision table. DER has assessed the risk of fugitive emissions including the risk of seepage from ponds contaminating surface water and groundwater. DER has included additional monitoring bores on the licence in combination with an improvement condition with a view to increasing ambient groundwater monitoring that will also support the objectives of contaminated sites investigations. Refer to points 1 and 2 above. Condition 1.3.4 limits it to the disposal of treated wastewater via evaporation (in the secondary evaporation pond) and the option to bury carcasses on site where specific requirements can be met. The licence does not permit the disposal of manures, sludges or wastewater directly to land or into waters. Queries on the status of contaminated sites actions and progress can be directed to the Contaminated Sites Hotline on 1300 762 982 (9am to 5pm Monday to Friday) or contaminated.sites@der.wa.gov.au.
<p>Compliance / Enforcement</p>	<ol style="list-style-type: none"> A reference to section 5.2 of the licensee's application form. The licensee should be issued with a penalty infringement notice or compliance order on the basis of admitting to contaminating groundwater. GD Pork has caused groundwater pollution which is against the object and principles of the EP Act under which the current licence was awarded. DER has a range of powers to deal with discharge of waste, pollution and environmental harm but to date we are not aware that any action has been taken against GD Pork. GD Pork is in non-compliance with condition 5.1.4 of the current licence which requires it to have a complaints management system. There is little value in it if affected parties are not informed about its existence. There is no evidence a system has ever been utilised by GD Pork. The condition is vague and open to interpretation rendering it useless. It does not state from whom the complaints may have been received, to 	<ol style="list-style-type: none"> The premises has been classified as <i>possibly contaminated – investigation required</i> under the <i>Contaminated Sites Act 2003</i>. Refer to point 1 of the 'groundwater/surface water contamination response above. Complaints can be reported to DER via its Pollution Watch Hotline on 1300 784 782 or pollutionwatch@der.wa.gov.au. DER is aware the licensee additionally maintains a complaints register to fulfil the requirements of the condition to maintain a complaints management system. If a third party chooses to make a complaint directly to the licensee, it provides certainty that complaints details and any actions undertaken are properly recorded.



	<p>whom, by what process anyone could make a complaint and there is no requirement for the system to be advertised or made public. It should be amended to include a publically advertised process by which complaints can be lodged. Complaints after hours should require senior management of GD Pork to attend the premsies and oversee any remedial action</p>	
Licensee's Application – other queries	<ol style="list-style-type: none"> 1. A reference to section 4.2 of the licensee's application form. Questions why the proposal not been referred to the Environmental Protection Authority. 2. A reference to section 5.5 of the licensee's application form. It is questioned whether the licensee has suitably qualified or experienced personnel present at all times of operation 	<ol style="list-style-type: none"> 1. A significant proposal may be referred to the Environmental Protection Authority (EPA) under section 38 of the EP Act. The licensee submitted an application to replace expiring licence L7286/1998/10. This is an application to continue the existing licence and not a new proposal which warranted referral to the EPA. 2. DER did not impose additional regulatory controls based on consideration of available information on the licensee's fitness and competency. DER has imposed regulatory controls to manage the risk posed by piggery operations and it is the licensee's responsibility to comply with licence requirements.
Proximity to human and environmental receptors / Location / siting	<ol style="list-style-type: none"> 1. The site is located in the vicinity of Ramsar listed wetlands and the Peel Yalgorup System. The site satisfies all the unsuitability criteria in DAFWA's Environmental Guidelines for New and Existing Piggeries. 2. It does not meet the standards for buffer zones for intensive piggeries 3. The site is in an environmentally unsuitable area. There is shallow depth of water table, sandy soils with low PRI and localised catchment areas for wetlands, permanent water courses, drains or other wetlands. 4. The closest resident is 45 m from the site and another is just over a km 	<ol style="list-style-type: none"> 1. The siting and location of the piggery is a result of historical factors that predate this licence. However, DER refers to the section 4 – decision table. DER has considered proximity to receptors such as wetlands in the risk assessment of emissions. For example, DER has included additional groundwater bores and an improvement condition to increase ambient groundwater monitoring and increased the frequency of existing ambient groundwater monitoring. In part this relates to the risk of contaminating nearby surface water areas. 2. Buffers are a planning tool. DER uses recommended separation distances (where available) to inform the risk of emissions impacting of nearby receptors. Refer also to point 2 above in relation to 'Odour.' 3. Refer to point 1 above. 4. Refer to point 2 above. The closest dwelling is approximately 300-350 m from the existing infrastructure.
Land use planning	<ol style="list-style-type: none"> 1. Comments regarding living within the recommended buffer zone for the piggery. It is believed that since the piggery was given original approval, all properties within the buffer zone should have a caveat placed on them to stop building. Concerns that the presence of the piggery is preventing sale of their property. 2. The area is developing including Point Grey 10 mins away so how much longer should the piggery operate in a growing area. 3. In the last 40 years or so since the piggery was established, many new residences have been built on properties adjacent to the piggery. Development in the region is continuing. The Shire of Murray only recently approved the construction of a new dwelling in Collins Rd within a few hundred metres of the piggery sheds. 	<ol style="list-style-type: none"> 1. Land use planning issues are a matter for the relevant planning authorities such as the Shire of Murray and West Australian Planning Commission. DER does not have control over regional development and is not responsible for planning approvals in the localised area. DER does not consider non-environmental risks and impacts such as those on property value and property desirability. 2. Refer to point 1 above. 3. Refer to point 1 above. 4. Refer to point 1 above. The premises is zoned rural under the Town Planning Scheme and surrounding properties are also zoned rural.



Animal welfare	<p>4. GD Pork now finds itself operating in a growing residential environment</p> <p>1. GD Pork has recently changed their expansion application in regards to the housing of their pigs. They currently use sow stalls no longer used by a lot of piggeries in Australia as they are considered not in the best interests of the animals yet GD Pork were still going to use them in their original submission. How can they claim to employ worlds best practice and know how.</p> <p>2. Intensive farming of pigs in sheds is incredibly cruel, it's not industry leading. Cannot agree with the renewal of a licence that clearly promotes the farming of animals in such a cruel and inhumane way</p>	<p>1. The design of pig housing as part of the expansion relates to works approval W5687/2014/1, however DER does not regulate animal health and welfare matters.</p> <p>2. Any concerns or complaints regarding animal health and welfare can be directed to the Department of Agriculture and Food or the RSPCA</p>
Licence duration	<p>1. Refuse the application or the licence could be granted for 6-12 months to allow the Pinjarra premises to move somewhere like Kojonup where the licensee has another premises which is in a far less sensitive area and more suitable for a piggery.</p> <p>2. It is not understood how the piggery was given approval in the first place, given the sensitivity of the area.</p> <p>3. The licence should not be renewed.</p>	<p>1. DER has assessed the risk of emissions as per the section 4 – decision table and determined it will grant a licence. DER considers it has taken into consideration all relevant considerations and the conditions will manage the risk of impacts in addition to other requirements such as the general provisions of the EP Act and <i>Environmental Protection (Noise) Regulations 2003</i>.</p> <p>2. The original licensing of the premises and its siting and location relates to historical factors that predate this licence. DER has assessed the risk of emissions as per the section 4 – decision table and determined it will grant a licence. DER considers it has taken into consideration all relevant considerations and the conditions will manage the risk of impacts in addition to other requirements such as the general provisions of the EP Act and <i>Environmental Protection (Noise) Regulations 2003</i>.</p> <p>3. Refer to point 1 above.</p>