



Licence

Environmental Protection Act 1986, Part V

Licensee: 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
 MYRUP WA 6450
 Being Lot 1045 on Plan 152905, Lot 8 on Plan 94347 and Lot 585 on
 Plan 88889 as depicted in Schedule 1

Issue date: Thursday 27 October 2011

Commencement date: Thursday 27 October 2011

Expiry date: Tuesday 26 October 2021

Prescribed premises category

Schedule 1 of the *Environmental Protection Regulations 1987*

Category number	Category description	Category production or design capacity	Approved Premises production or design capacity
2	Intensive Piggery: premises on which pigs are fed, watered and housed in pens.	1,000 animals or more	8,000 animals

Conditions

This Licence is subject to the conditions set out in the attached pages.

Date signed: 5 August 2016

.....
 Jonathan Bailes
 Manager Licensing (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.

The DER's industry licensing role

The Department of Environment Regulation (the DER) is a government department for the state of Western Australia in the portfolio of the Minister for Environment. The DER's purpose is to advise on and implement strategies for a healthy environment for the benefit of all current and future Western Australians.

The DER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process the DER regulates to prevent, control and abate pollution and environmental harm to conserve and protect the environment. The DER also monitors and audits compliance with works approvals and licence conditions, takes enforcement action as appropriate and develops and implements licensing and industry regulation policy.

Licence requirements

This Licence is issued under Part V of the Act. Conditions contained within 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 Environment. You are required to comply with any conditions imposed by the Minister.

Premises description and Licence summary

This licence is the result of an amendment sought by the Licensee to construct a new intensive piggery shed. Additional requested changes include 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 premises 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. To-date there has been no odour or noise complaints received by DER.

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.

The licences and works approvals issued for the Premises since 27/10/2011 are:

Instrument log		
Instrument	Issued	Description
L8539/2011/1	27/10/2011	New application
W5179/2012/1	02/08/2012	Works Approval
L8539/2011/1	05/07/2013	Licence amendment to new format
L8539/2011/1	12/02/2016	Licence amendment to correct administrative errors and clarify waste management activities
L8539/2011/1	DRAFT	Licence amendment for an additional shed, alteration of site plan and removal of sludge drying process requirement. Extension of licence duration.

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 For the purposes of this Licence, unless the contrary intention appears:

'Act' means the *Environmental Protection Act 1986*;

'annual period' means the inclusive period from 1 January until 31 December in the same year;

'AS/NZS 5667.1' means the Australian Standard AS/NZS 5667.1 *Water Quality – Sampling – Guidance of 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*;

'carcass' means the dead body of an animal (pig);

'CEO' means Chief Executive Officer of the Department of Environment Regulation;



'CEO' for the purpose of correspondence means:

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

'controlled waste' has the definition in *Environmental Protection (Controlled Waste) Regulations 2004*;

'effluent' means the liquid by-product stream comprising of wastewater, spilt/leaked drinking water, manure, and waste feed;

'freeboard' means the distance between the maximum water surface elevations and the top of retaining banks or structures at their lowest point;

'hardstand' means a surface with a permeability of 10^{-9} metres/second or less;

'Licence' means this Licence numbered L8539/2011/1 and issued under the Act;

'Licensee' means the person or organisation named as Licensee on page 1 of the Licence;

'mBGL' means meters below ground level;

'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;

'pig' means any weaned pig;

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

'Schedule 1' means Schedule 1 of this Licence unless otherwise stated;

'Schedule 2' means Schedule 2 of this Licence unless otherwise stated;

'sludge' means accumulated solids separated from effluent during wastewater treatment and storage;

'Standard Pig Unit' (SPU) has the meaning as defined in the National Environmental Guidelines for Piggeries – Second Edition 2010, Australian Pork Limited;

'six monthly' means the two inclusive periods from 1 January to 30 June and 1 July to 31 December in the same year;

'solids' means solids separated from the effluent stream via the solids separation screen;

'spent bedding' means used bedding consisting of straw, sawdust, spilt feed or similar loose material that has absorbed faeces, urine and spilt drinking water;

'spot sample' means a discrete sample representative at the time and place at which the sample is taken;

'SWL or standing water level' means the water level of any surface water or in any piezometer measured prior to sampling and expressed in metres AHD;



'treatment ponds' means anaerobic ponds located on the premises;

'waste' has the meaning defined in the *Environmental Protection Act 1986*; 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 standard in force from time to time during the term of this Licence.

1.1.4 Any reference to a guideline or code of practice in the Licence means the version of that guideline or code of practice in force from time to time, and shall include any amendments or replacements to that guideline or code of practice made during the term of this Licence.

2 Works

2.1 Works

2.1.1 The Licensee must carry out the Works within the Premises in accordance with the requirements set out in Schedule 2 to this Licence.

2.1.2 The Licensee must locate the Works generally in accordance with the site layout plan in Schedule 1 to this Licence.

2.1.3 The Licensee must not depart from the requirements specified in column 2 of the Table 2.1.1 (Infrastructure Requirements) except:

- (a) where such departure does is minor in nature and does not materially change or affect the infrastructure;
- (b) or where such departure improves the functionality of the infrastructure and does not increase risks to public health, public amenity or the environment; and all other conditions in this Licence are still satisfied.

2.1.4 If Condition 2.1.3 applies, then the Licensee must provide the CEO with a list of departures which are certified as complying with Condition 2.1.3.

2.1.5 The Licensee shall ensure that each item of infrastructure or equipment specified in Column 1 is designed and constructed in accordance with the requirements specified in column 2, as set out in the Infrastructure Requirements Table.

Table 2.1.1 Infrastructure Requirements Table

Column 1	Column 2
Infrastructure	Requirements (design and construction)
Intensive Accommodation Shed	<p>The shed must be designed and constructed so as to meet the following specifications:</p> <ul style="list-style-type: none"> (a) The intensive accommodation shed must be 20 m wide and 30m in length and comprise of a steel roof and walls and a concrete floor. (b) The intensive accommodation shed must include an open effluent collection drain channel. (c) The open effluent collection drain channel must be sloped to allow effluent to run into the existing drainage system. <p>The Licensee must ensure that all wastewater and slurry from the intensive piggery shed is directed to the wastewater treatment ponds.</p>



3 Premises operation

3.1 General conditions

3.1.1 The Licensee shall ensure that uncontaminated stormwater is kept separate from contaminated or potentially contaminated stormwater. Where stormwater has come into contact with a possible source of contamination, it should be treated as contaminated.

3.2 Premises operation

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

3.2.2 The Licensee shall ensure that wastewater is only stored and/or treated within vessels or compounds provided with the infrastructure detailed in Table 3.2.1.

3.2.3 The Licensee shall manage the wastewater treatment ponds such that:

- (a) a minimum top of embankment freeboard of 400mm is maintained;
- (b) stormwater 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;
- (e) trapped overflows shall be maintained between treatment ponds to prevent carry-over of surface floating matter to subsequent ponds; and
- (f) a crust is maintained on the anaerobic ponds at all times.

3.2.4 The Licensee shall ensure that where wastes produced on the Premises are not taken off-site for lawful use or disposal, they are only subject to the on-site processes described in Table 3.2.2 and in accordance with the process requirements in that Table.

3.2.5 The Licensee shall ensure that the total number of pigs held on the Premises does not exceed 8,000 pigs.

Table 3.2.1: Containment infrastructure		
Storage vessel or compound	Material	Infrastructure requirements
Effluent sump	Effluent	Concrete lined
Solids waste storage area	Solids	A bunded hardstand area which is drained such that run-off is directed to the wastewater treatment system.
	Spent bedding	Clay lined area
Anaerobic pond (A)	Effluent	Lined to achieve a permeability of at least 1×10^{-9} m/s or equivalent.
Anaerobic pond (B)		
Settling pond (A)		
Settling pond (B)		
Evaporation pond (A)	Treated effluent	
Evaporation pond (B)		



Table 3.2.2: Processing of materials		
Waste type	Process	Process requirements
Treated wastewater	Evaporation	None
	Re-used for flushing piggery	None
Carcasses	On-site burial	(i) Carcasses shall be disposed of in on-site burial pits or lime pits; (ii) Waste shall be covered with at least 500mm of soil immediately upon deposit; and (iii) Burial shall not take place within 50m of any defined watercourse, wetland or external property boundary.
Effluent, sludge, solids and spent bedding	On-site application to land	(i) effluent, sludge, solids or spent bedding derived from the piggery shall be disposed of evenly by means of a mechanical spreader at a rate of no more than 0.5 tonnes per hectare; (ii) effluent, sludge, solids or spent bedding shall only be applied to land that is a minimum of 1 metre above the winter groundwater table; (iii) application of effluent, sludge, solids or spent bedding shall be managed such that there is no runoff beyond the boundaries of the premises; and (iv) application of effluent, sludge, solids or spent bedding shall not occur within 50 metres of any defined watercourse, wetland or external property boundary.

4 Emissions

4.1 General

4.1.1 The Licensee shall record and investigate the exceedance of any descriptive or numerical limit in this section.

4.2 Emissions to land

4.2.1 The Licensee shall ensure that where waste is emitted to land from the emission points in Table 4.2.1 and identified on the map of emission points to land in Schedule 1 it is done so in accordance with the conditions of this Licence.

Table 4.2.1: Emissions to land		
Emission point reference and location on map of emission points to land	Description	Source including abatement
L1	Paddocks that make up Lot 585	Effluent, sludge, solids or spent bedding
L2	Paddocks that make up Lot 1045	
L3	Paddocks that make up Lot 8	

4.2.2 The Licensee shall not cause or allow emissions to land greater than the limits listed in Table 4.2.2.



Table 4.2.2: Emission limits to land			
Emission point reference	Parameter	Limit (including units)	Averaging period
L1, L2 and L3 (combined)	Effluent, sludge, solids and spent bedding applied to land	2,500 tonnes	Annual

5 Monitoring

5.1 General monitoring

5.1.1 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 laboratory samples are submitted to and tested by a laboratory with current NATA accreditation for the parameters being measured.

5.1.2 The Licensee shall ensure that six monthly monitoring is undertaken at least 5 months apart.

5.2 Monitoring of emissions to land

5.2.1 The Licensee shall undertake the monitoring in Table 5.2.1 according to the specifications in that table.

Table 5.2.1: Monitoring of emissions to land		
Parameter	Units	Frequency
Volume of effluent, sludge, solids or spent bedding applied to land	Tonnes	Monthly
Area of land where effluent, sludge, solids or spent bedding have been applied	m ²	
Locations where effluent, sludge, solids or spent bedding have been applied	-	
Dates when effluent, sludge, solids or spent bedding	-	

5.3 Ambient environmental quality monitoring

5.3.1 The Licensee shall undertake the monitoring in Table 5.3.1 according to the specifications in that table.



Table 5.3.1: Monitoring of ambient groundwater quality				
Monitoring point reference and location on Map of monitoring locations	Parameter	Units	Averaging period	Frequency
MB2- Monitoring Bore	Total Dissolved Solids	mg/L	Spot sample	Six monthly (June and December)
	Electrical Conductivity (EC) ¹	µS/m		
	Total Nitrogen	mg/L		
	Total Phosphorus	mg/L		
	Nitrate-N (Nitrate-Nitrogen)	mg/L		
	Standing Water Level (SWL)	mBGL*		
	pH ¹	-		
MB1 – House Extracting Bore	Total Dissolved Solids	mg/L	Spot sample	Six monthly (June and December)
	Electrical Conductivity (EC) ¹	µS/m		
MB3 - Extraction Bore	Total Nitrogen	mg/L		
	Total Phosphorus	mg/L		
	Nitrate-N (Nitrate-Nitrogen)	mg/L		
	pH ¹	-		

Note 1: In-field non-NATA accredited analysis permitted.

6 Information

6.1 Records

6.1.1 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 6.1.1(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 waters.

6.1.2 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 previous annual period.

6.1.3 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.



6.2 Reporting

6.2.1 The Licensee shall submit to the CEO an Annual Environmental Report within 30 calendar days after the end of the annual period. The report shall contain the information listed in Table 6.2.1 in the format or form specified in that table.

Table 6.2.1: 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 year and any action taken	None specified
6.1.2	Compliance	AACR
6.1.3	Complaints summary	None specified
Table 5.2.1	Monthly volumes of effluent, sludge, solids or spent bedding spread to land, area, location, and dates of spreading	None specified
Table 5.3.1	Groundwater monitoring data: Total Dissolved Solids (TDS), Electrical Conductivity (EC), Total Nitrogen (TN), Total Phosphorus (TP), Nitrate-N (Nitrite-Nitrogen), Standing Water Level (SWL), pH	None specified
3.2.5	Monthly maximums and annual total of number of animals held at the premises expressed as number of pigs and equivalent SPU.	Tabular format

Note 1: Forms are in Schedule 2

6.2.2 The Licensee shall ensure that the annual environmental report also contains an assessment of the information contained within the report against previous monitoring results.

6.2.3 The Licensee shall submit the information in Table 6.2.2 to the CEO according to the specifications in that table.

Table 6.2.2: Non-annual reporting requirements				
Condition or table (if relevant)	Parameter	Reporting period	Reporting date (after end of the reporting period)	Format or form
-	Copies of original monitoring reports submitted to the Licensee by third parties	Not Applicable	Within 14 days of the CEO's request	As received by the Licensee from third parties

6.3 Notification

6.3.1 The Licensee shall ensure that the parameters listed in Table 6.3.1 are notified to the CEO in accordance with the notification requirements of the table.

Table 6.3.1: Notification requirements			
Condition or table (if relevant)	Parameter	Notification requirement ¹	Format or form
-	The desludging of any wastewater ponds at the premises.	No less than 14 days prior.	In writing
-	Taking wastewater pond offline for maintenance works.	No less than 72 hours prior.	In writing

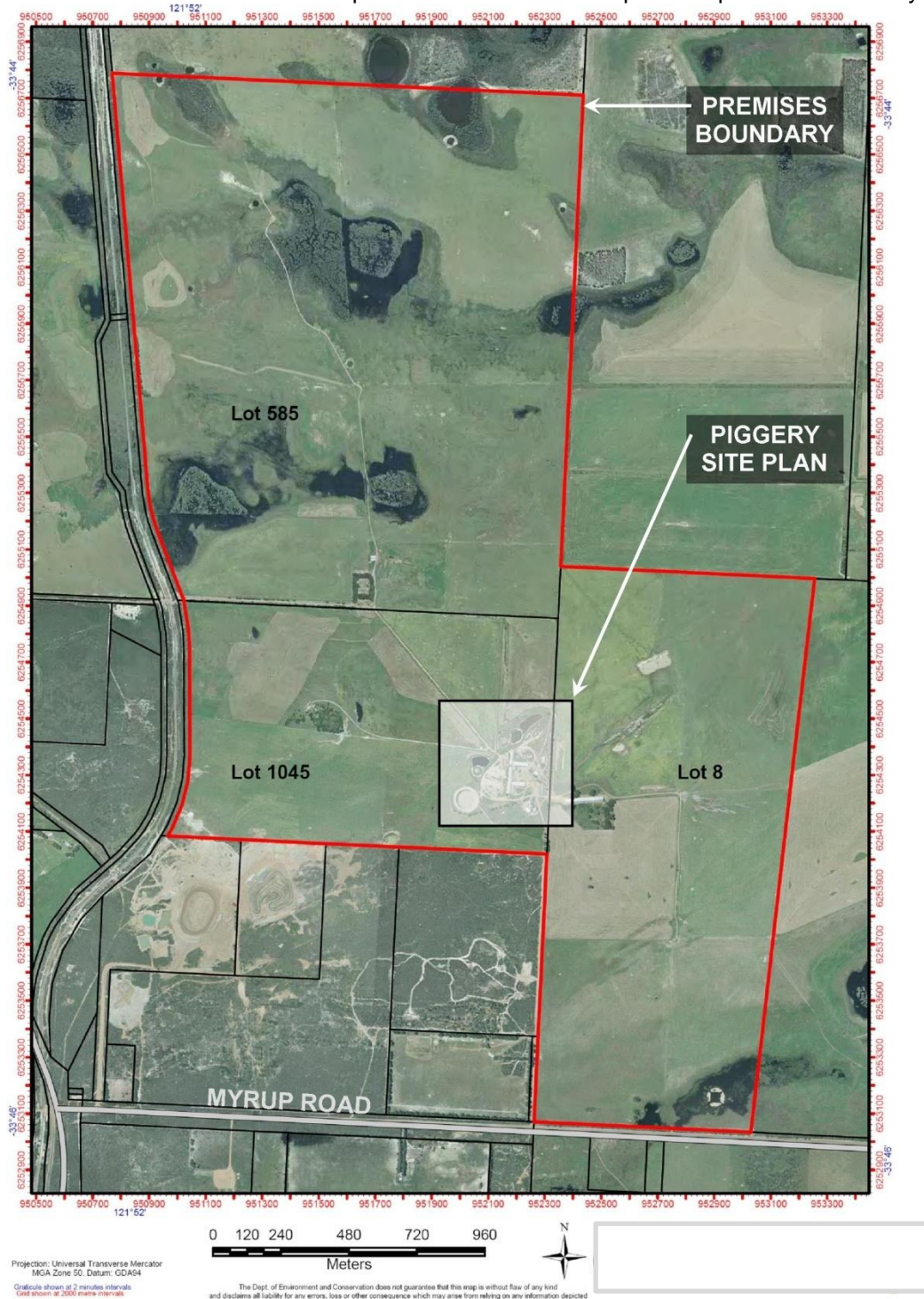
Note 1: Notification requirements in the Licence shall not negate the requirement to comply with s72 of the Act



Schedule 1: Maps

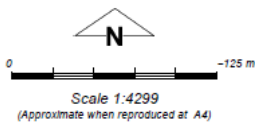
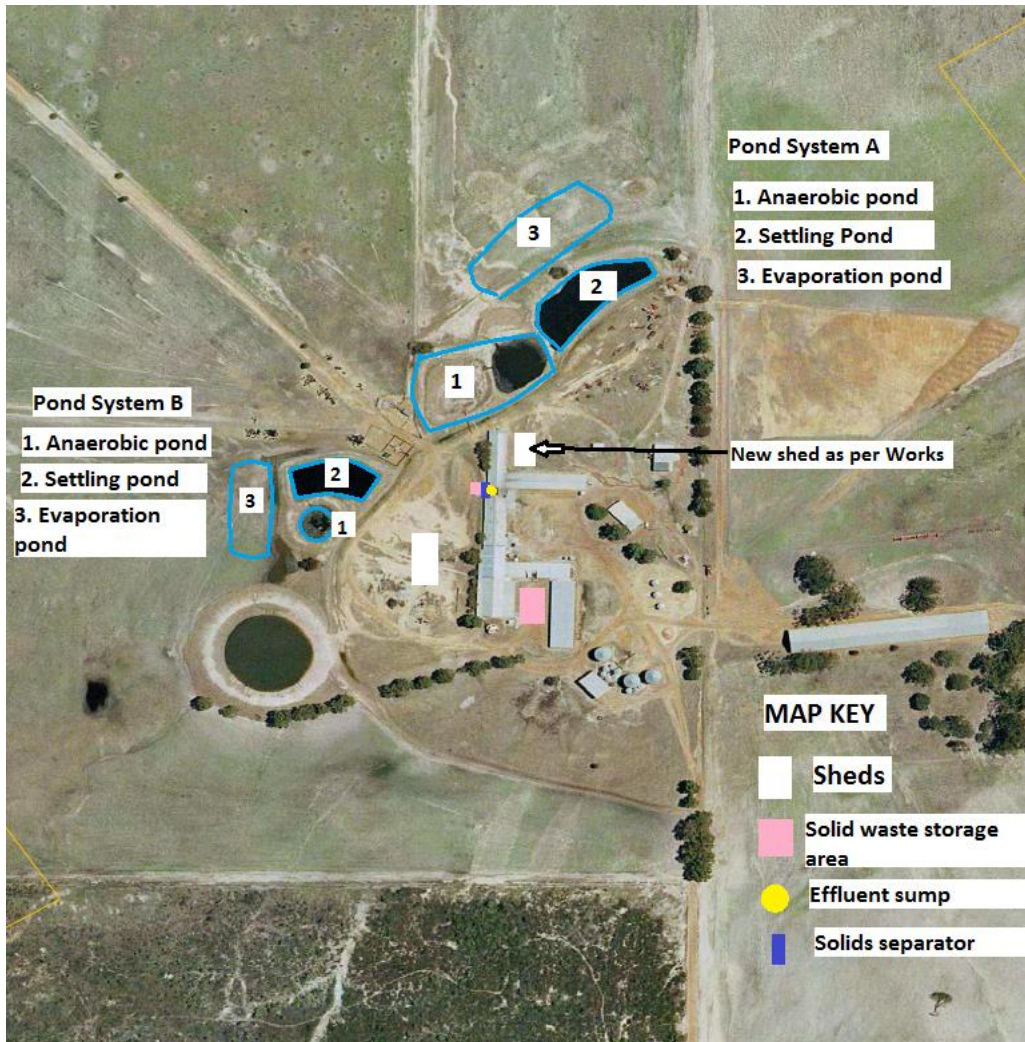
Premises map

The Premises is shown in the maps below. The red line depicts the premises boundary





Site layout plan





Map of monitoring locations

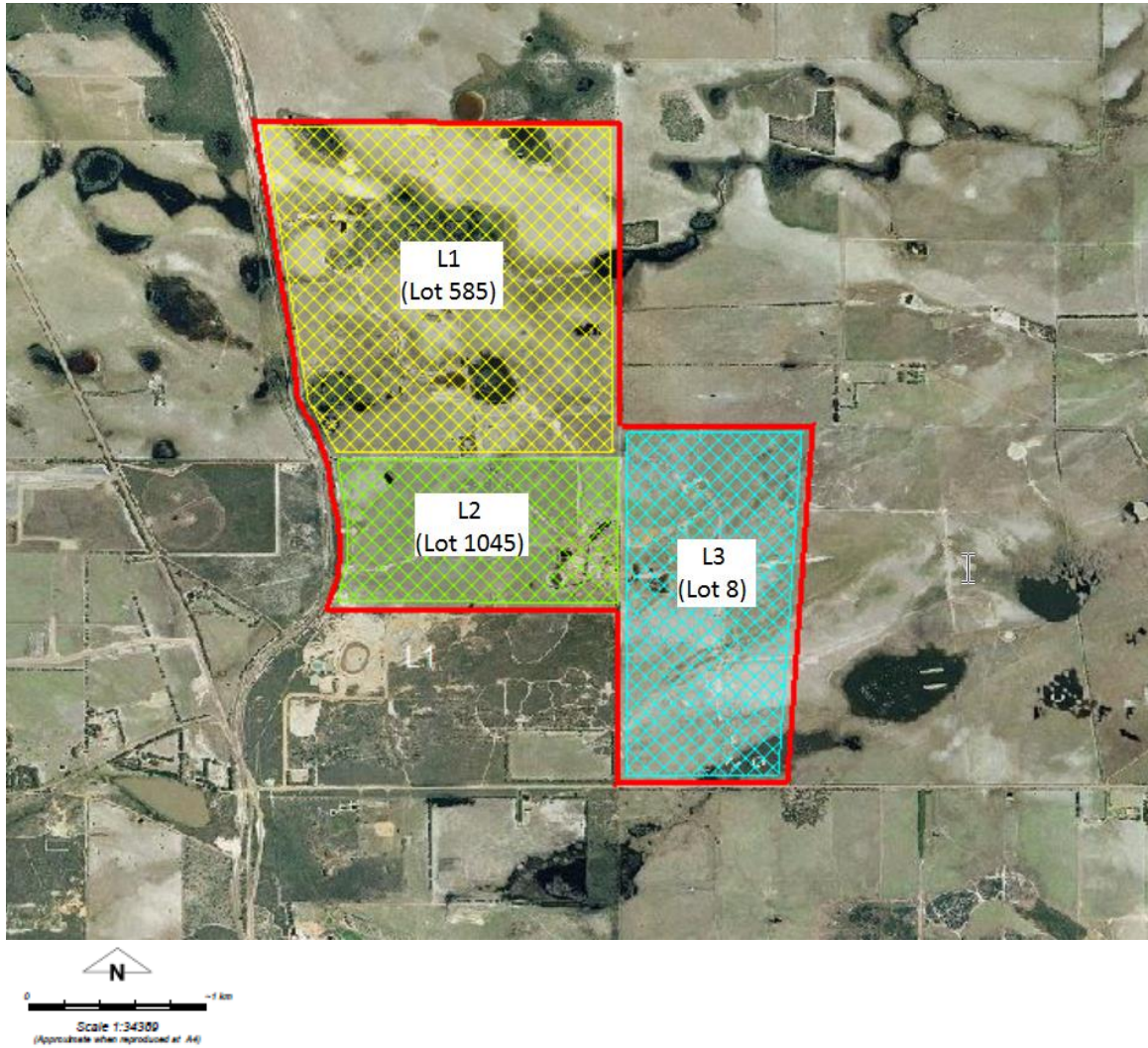
The locations of the monitoring points defined in Table 5.3.1 are shown below.





Map of emission points to land

The locations of the emission points defined in Table 4.2.1 are shown below





Schedule 2: Works

The Works to be carried out on the Premises are specified in the table below:

Item	Works	Specifications/Drawings
1	Intensive Accommodation Shed	<p>Intensive shed, 20m wide and 30m in length and comprising of a steel roof and walls and a concrete floor. Consisting of sorting, housing and breeding pens. Open effluent collection channel with the floor sloped to allow the effluent to run into the current drainage system in the existing shed</p> <ul style="list-style-type: none">• 1 intensive accommodation shed <p>Plan – Site layout plan</p>



Schedule 3: 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.

ANNUAL AUDIT COMPLIANCE REPORT PROFORMA

SECTION A LICENCE DETAILS

Licence Number:	Licence File Number:
Company Name:	ABN:
Trading as:	
Reporting period: _____ to _____	

STATEMENT OF COMPLIANCE WITH LICENCE CONDITIONS

1. Were all conditions of the Licence complied with within the reporting period? (please tick the appropriate box)

Yes Please proceed to Section C

No Please 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 C

SIGNATURE AND CERTIFICATION

This Annual Audit Compliance Report (AACR) may only be signed by a person(s) with legal authority to sign it. The ways in which the AACR must be signed and certified, and the people who may sign the statement, are set out 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 Annual Audit Compliance Report must be signed and certified:
An individual	<input type="checkbox"/> <input type="checkbox"/>	by the individual licence holder, or by a person approved in writing by the Chief Executive Officer of the Department of Environment Regulation to sign on the licensee's behalf.
A firm or other unincorporated company	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A corporation	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	by affixing the common seal of the licensee in accordance with the <i>Corporations Act 2001</i> ; or by two directors of the licensee; or by a director and a company secretary of the licensee, or if the licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A public authority (other than a local government)	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
a local government	<input type="checkbox"/> <input type="checkbox"/>	by the chief executive officer of the licensee; or 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 annual audit compliance report 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)



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
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Premises address: Shark Lake Piggery
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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 (EP Act)</i> 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> Consequence: Minor Likelihood: Unlikely Risk Rating: 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> Consequence: Minor Likelihood: Unlikely Risk Rating: 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