



Licence Number	L6859/1987/12
Licence Holder	Pearls Pty. Limited
ACN	008 396 825
File Number:	DER2015/000044
Premises	Narrogin Farm Lot 566 on Deposited Plan 409391 394 Narrakine Road South DUMBERNING WA 6312
Date of Amendment	14 June 2017

Amendment

The Chief Executive Officer (CEO) of the Department of Environment Regulation (DER) has amended the above licence in accordance with section 59 of the *Environmental Protection Act 1986* as set out in this Amendment Notice. This Amendment Notice constitutes written notice of the amendment in accordance with section 59B(9) of the EP Act and follows.

Date signed: 14 June 2017

Caron Goodbourn
ACTING MANAGER LICENSING - PROCESS INDUSTRIES
LICENSING AND APPROVALS

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

Amendment Notice

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the licence issued under the EP Act for a prescribed premises as set out below. This notice of amendment is given under section 59B(9) of the EP Act.

This notice is limited to an amendment for Category 2 and relates to the Licence Holder's request to amend the prescribed premises boundary in line with a recent subdivision. The previous prescribed premises being Lot 2581 on Plan 109130 and Lot 2582 on Plan 109129, now becomes Lot 566 on Deposited Plan 409391 (refer to Schedule 1 and Schedule 2).

Pearls Pty. Limited (Licence Holder) is the Occupier of Narrogin Farm. The piggery on Narrogin Farm is currently decommissioned of pigs and has been since the Licence Holder took over the Licence from Craig Mostyn Farms Pty Ltd in 2015. When the piggery was operational, the throughput was assessed at 9,500 pigs housed in conventional sheds at any one time.

The piggery operates with a combination of conventional sheds (pull plug system) and deep litter piggery sheds (housed on a bed of straw or a similar medium) where there are 23 deep litter sheds with a capacity to house 180 pigs per shed. This amounts to a maximum capacity of 13,640 pigs which could be housed on the premises at any one time.

The following DER guidance statements have informed the decision made on this amendment:

- *Guidance Statement: Risk Assessment*, (November 2016);
- *Guidance Statement Regulatory Principles*, (July 2015);
- *Guidance Statement Setting Conditions*, (October 2015);
- *Guidance Statement Decision Making*, (November 2016);
- *Guidance Statement Land Use Planning*, (February 2017); and

Amendment Description

The Licence Holder submitted an application for a licence amendment to DER on 6 February 2017 where the amendment proposes to re-align the premises boundary to acknowledge a recent sub-division. The re-alignment will allow Narrogin Hay Pty Ltd to purchase the newly created Lot 565 on Deposited Plan 409391 for agricultural activities. The subdivision has re-aligned the premises boundary so that the deep litter piggery sheds will be included on Lot 566 to ensure they remain part of the piggery's prescribed premises.

Lot 565 will also include a Perpetual Easement for Right of Carriageway to access the piggery (refer to Schedule 1).

A Perpetual Easement has been provided for the bore and related pumping infrastructure, located on Lot 565. The easement allows the current and future Occupiers of Lot 566 full and free right of the use of the water supply bore and the Water Easement Area as well as access to allow maintenance, repair works, servicing and any other works necessary to ensure the bore remains operational.

A Restrictive Covenant has been implemented by Narrogin Hay Pty Ltd which does not permit any person to reside in the current dwelling or allow the occupation of any new residential dwelling on the adjacent Lot 565.

On 5 May 2016, the Licence Holder provided to DER a report from Consultants RPS Environment and Planning Pty Ltd in response to Improvement Condition 4.1.2. This Report demonstrated that the clay liners on all the wastewater ponds met the required permeability of 1×10^{-9} m/second. Condition 4.1.2 also required the Licence Holder to demonstrate that all

areas where solid waste is stored and/or buried met the required permeability as well as all areas where liquid waste is channelled and/or stored. DER has assessed the Report and is satisfied that the requirements of condition 4.1.2 have been met and therefore Table 1.3.3 will be amended accordingly.

The RPS Report, as noted above, included a site map showing two carcass burial grounds, identified as the North West Burial Area and the South West Burial Area (refer Schedule 2). Soil testing of the North West Burial Area demonstrated that the compacted clay liner met the required permeability. Table 1.3.3 of the licence will be amended accordingly.

The Delegated Officer has determined that, based on the lack of information about herd details, a condition has been added requiring the Licence Holder to provide details of planned stocking rates for the conventional and deep litter sheds prior to piggery operations recommencing on site. This will allow a full risk-based review and assessment of emissions or discharges that potentially require additional regulatory controls. The risk assessment may also re-assess the current approved throughput of 9,500 animals at any one time in the conventional sheds to ensure that potential odour emissions from future piggery operations do not impact on nearby sensitive receptors.

Other approvals

The Licence Holder indicated in Part 4 of their Application Form that it had obtained all relevant planning approvals but did not attach any copies of relevant decisions and any consultation undertaken with interested parties. DER consulted with the Shire of Narrogin and was advised that piggeries are listed as 'SA' under the Shire of Narrogin *Town Planning Scheme No. 2*. This means that piggeries are not allowed to operate unless they have relevant approvals from the Shire.

On 12 May 2017, the Shire provided comments on the proposed subdivision and proposed changes where the Shire recognises that the piggery has been operating in the current location for some time. Further comments from the Shire regarding operation of the piggery include the following:

- Lot 565 Wanerie Road and Lot 566 Narrakine Road, Narrogin are zoned "Farming" under the Shire of Narrogin *Town Planning Scheme No 2*;
- Lot 566 which includes the piggery has the required separation distance of 3km between the existing deep litter piggery sheds and the municipal boundary of the Town of Narrogin;
- The Shire acknowledges the Department's intention to amend the licence and remove Lot 565 from the Narrogin Farm Licence L6859/19787/12;
- The Shire supports Narrogin Hay Pty Ltd's intention to place a Restrictive Notice on Lot 565 which will not allow occupation of the residence, previously listed as the Piggery Manager's residence, or construction of any new residence due to the proximity of the piggery located on Lot 566; and
- If Pearls Pty. Limited or any future Occupier(s) of the piggery propose to increase pig numbers on Lot 566 over the current approved licensed threshold of 9,500 pigs at any one time, the Shire will require a fresh planning approval for Council's consideration. The Shire will only consider a planning approval application once the Shire has given notice in accordance with sub-clause 6.3 of the *Town Planning Scheme*.

Decision

Following an assessment of the proposal to amend the premises boundary of Narrogin Farm, the Delegated Officer has determined that a Restrictive Covenant is required for the adjoining Lot 566 due to the proximity to the piggery. The Restrictive Covenant is to be binding to current and future owners of Lot 565 and not permit any person to reside in the existing dwelling or allow the occupation of any new residential dwelling on the land. This will ensure there will not be a noise or odour sensitive premises on Lot 565 which could be impacted by emissions associated with piggery operations.

There are no set thresholds or concentration criteria for odour assessment where the general provisions of the EP Act make it an offence to cause or allow emissions, which includes emissions of odour that unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person.

With regards noise emissions, the main source of noise will be from the piggery sheds, both conventional and deep-litter. The nearest sensitive receptor is located 1.1km in a northerly direction. Based on this separation distance, noise emissions are expected to comply with the *Environmental Protection (Noise) Regulations 1987*.

Changes to the Licence have been detailed under **Amendment** on pages 5 to 8. These changes are either administrative changes or in accordance with DER's *Guidance Statement: Setting Conditions*.

Amendment History

Table 1: Amendment history for L6859/1987/12

Instrument	Issued	Amendment
L6859/1987/12	25 November 2011	Licence amendment to increase assessed capacity from 5,000 to 9,500 pigs at any one time
L6859/1987/12	21 May 2015	Change of Occupier from Craig Mostyn Farms Pty Ltd to Pearls Pty. Limited
L6859/1987/12	29 April 2016	The CEO of DER amended the licence to extend the expiry date of the licence by an administrative notice
L6859/1987/12	12 June 2017	Amendment Notice 1- Boundary re-alignment including a change in lot description from Lot 2581 and Lot 2582 to Lot 566 Narrakine Road, Dumberning

Amendment

- The Definitions in section 1.1.2 of the licence are amended to include the deletion of the text shown in strikethrough and the insertion of the red text shown in underlined below:

“Annual Audit Compliance Report means a report in a format approved by the CEO as presented by the Licence Holder or as specified by the CEO from time to time”.

Manager Licensing Process Industries (Metro)
 Department of Environment Regulation
 Locked Bag 33
 CLOISTERS SQUARE WA 6850
 Telephone: (08) 9333 7510
 Facsimile: (08) 9333 7550
 Email: industry.regulation@der.wa.gov.au

CEO for the purposes of notification means

Director General
Department Administering the Environmental Protection Act 1986
Locked Bag 33 Cloisters Square
PERTH WA 6850
info@der.wa.gov.au

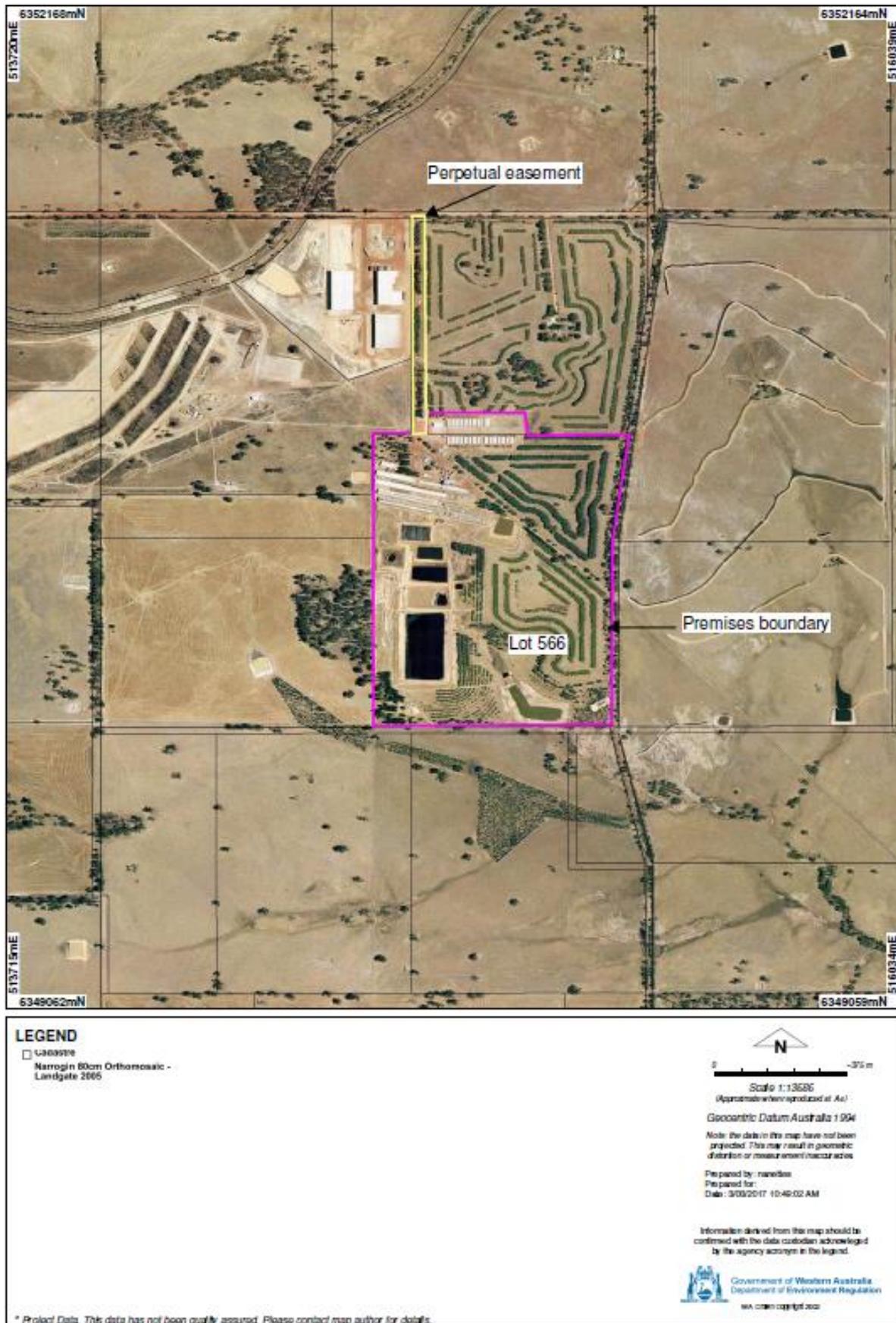
“Delegated Officer” means an Officer delegated with powers under Division 3, Part V of the Environmental Protection Act 1986;

- Condition 1.3.3 of the Licence is amended by the deletion of the text shown in strikethrough below and the insertion of the red text shown in underline below:

Table 1.3.3: Containment infrastructure		
Structure	Material	Infrastructure requirements
Pond 1 (anaerobic pond)	Wastewater	Compacted clay <u>with a</u> Permeability of the liner on the pond to be verified (see IR2, Section 4) <u>of at least</u> <u>1 x10⁻⁹m /second or equivalent</u>
Ponds 2 and 3 (aerobic ponds)	Wastewater	Compacted clay <u>with a</u> Permeability of the liner on the ponds to be verified (see IR2, Section 4) <u>of at least</u> <u>1 x10⁻⁹m /second or equivalent</u>
Evaporation pond	Wastewater	Compacted clay <u>with a</u> Permeability of the liner of the pond to be verified (see IR2, Section 4) <u>of at least</u> <u>1 x10⁻⁹m /second or equivalent</u>
Solids separator	Wastewater	Concrete lined
Screened solids storage area	Screened solids	A bunded hardstand area capable of preventing surface run-off of leachate and sludge and which returns sludge leachate to the wastewater treatment system.
Solid waste interim storage area	Piggery solids and pond sludge	A bunded hardstand area capable of preventing surface run-off of leachate, sludge and contaminated stormwater and which returns sludge leachate to the wastewater treatment system.
Catch drains	Contaminated stormwater and Wastewater	Compacted clay <u>with a</u> Permeability of the liner of the catch drains to be verified (see IR4, Section 4) <u>of at least</u> <u>1 x10⁻⁹m /second or equivalent</u>
Burial pits	Carcasses <u>and</u> <u>afterbirth</u>	Compacted clay <u>with a</u> Permeability of the liner of the burial pit(s) to be verified (see IR3, Section 4) <u>of at least</u> <u>1 x10⁻⁹m /second or equivalent</u>

3. The Licence is amended to include Condition 1.3.9:
1.3.9 The Licensee shall notify the CEO not less than 60 days prior to recommencement of piggery operations and provide information on proposed stocking numbers and herd details for both the intensive sheds and the deep litter sheds.
4. The Licence is amended by the removal of Schedule 2 - the Annual Audit Compliance Report (AACR) template. The AACR template can be found on DER's website www.der.wa.gov.au
5. The Premises Maps in Schedule 1 and Schedule 2 of the Licence are replaced by the following maps, identified as Schedule 1 (Premises boundary shown in pink) and Schedule 2 (Site infrastructure layout).

Schedule 1: Premises boundary shown in pink



Schedule 2: Site infrastructure layout



Appendix 1: Summary of Licence Holder comments

The Licence Holder was provided with the draft Amendment Notice on 25 May 2017 for review and comment. The Licence Holder responded on 8 June 2017. The following comments were received on the draft Amendment Notice.

Comments received	DER consideration of risk
Licence Holder confirmed there are no carcass burial sites on Lot 565 and provided a copy of the restrictive covenant over Lot 565.	Reference to decommissioned carcass burial sites removed from Amendment Notice. Carcass burial sites contained on Lot 566.