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GS Separation Distances
Strategy and Reform
Department of Environment Regulation
Locked Bag 33 Cloisters Square
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Dear Sir/Madam

**Department of Environment Regulation (DER): Separation Distances –
Consultation paper 2015**

Australian Pork Limited (APL) welcomes the opportunity to make a submission on the above consultation paper.

APL is the national representative body for Australian pig producers. It is a producer-owned, not-for-profit organisation, which combines marketing, research & innovation and policy development to assist in securing a profitable and sustainable future for the Australian pork industry. APL works in close association with key industry and government stakeholders.

Intensive Piggeries

Under the WA planning provisions, all piggeries in WA are classified as 'animal husbandry intensive' regardless of production type. This means that outdoor production systems are classified as an intensive piggeries.

APL understands that DER are only capturing prescribed premises in the Separation Distances Guidelines ("the Guidelines"). There needs to be a clear indication of what type of piggery production system is classified as Intensive under these Guidelines to avoid confusion with the planning definitions. The current description could be describing an outdoor production system which we believe is not the intent of this document.

APL has invested significant funding and research into developing science based best management practices that minimise impacts on both the environment and surrounding community including dust, noise and odour. National Environmental Guidelines for Piggeries (NEGP) 2010 revised, uses this science to set industry expectations and best management practices.

Noise

APL seeks clarification of the justification for the 1000m buffer requirement for noise as stipulated in the Guidelines. This figure should be derived from a science based approach and case by case scenarios. APL are unaware of any noise complaints arising from piggeries in Australia over the past six years. It is accepted that any separation distance set for odour will be more than adequate to minimise potential noise impacts from piggery operations.

The proposed 1000m buffer will prohibit the development of small to medium new and expanding piggeries in WA due to the noise requirements being significantly larger than odour separation distances. For example a 50 sow farrow to finish is approximately 63 l SPU or 600 animals. The S factor level 1 calculation derives 402m.

APL believe that unless there is adequate science based justification, this figure should be omitted and replaced with the separation distances derived from the S-Factor methodology.

Odour

APL welcomes the guidance document utilising the S-Factor calculation from the NEGP that is based on the latest information and science regarding odour impacts from piggeries.

The NEGP has 3 levels of odour assessment.

Level 1 uses a standard empirical formula offering high levels of protection for community amenity.

Level 1.5 uses the standard empirical formula (level 1) with the addition of a wind frequency reduction factor for a proposed site, using available wind speed and direction data that is representative of the site. This intermediate factor is designed to improve the prediction of impacts.

Level 2 uses odour modelling with standard recommended emission data that can be used when piggery design or management is substantially different to standard design used in level 1 and 1.5, meteorological data is available or receptor locations not accurately represented in level 1 and 1.5.

Level 3 involves more comprehensive modelling using site specific data and may include time series assessment of the odour impact.

The separation distance guidelines however only allows the S-Factor Level 1 category to be utilised. APL seeks clarification for this approach. The Guidelines has an emphasis on using a risk based assessment and utilising site specific data to assess potential risk but does not allow the more site specific calculations to be taken into consideration. APL recommends that DER consider incorporating the S-factor calculation contained in the NEGP, without stipulating specific levels to allow for the site to fully utilise the site specific risk assessment methodology.

Categorising Piggeries

The separation of category 2 Intensive piggeries (1000 animals or more) and category 69 intensive piggeries (500-1000 animals) is likely to lead to the oversight of the requirements for the smaller category. APL understand that both require a works approval but the 1000+ category also requires a licence. As the information requirement for both are similar it is recommended that the two categories are amalgamated. APL also recommends DER c use the industry recognised SPU values in their guidelines. SPU's have been widely used in the Australian pork industry for over 10 years and are being used by other regulators such as QLD as a trigger for regulatory requirements. SPU's are a fairer assessment of risk as it takes into account the volatile solids outputs of various classes of pigs, for example, heavier pigs generate more waste to younger animals. A pig producer could have 500 pigs but be a breeder unit that has a lot of young stock on site. This has significantly lower risk when compared to a grower operation.

Intent of the separation distances

APL understands that the intent of the Guidelines is to inform the risk assessment of activities carried out on prescribed premises, which includes intensive piggeries. Although the separation distances will be used by DER to support decision making for applications for works approvals and licences it should be noted that other decision makers may use these guidance distances in their assessment processes. Clear intent is required in regards to their use within a risk assessment process and the fact they are recommendations only to separate premises and sensitive land uses. Such a clarification will avoid the Guidelines being used as prescribed requirements without taking into account management on the site. As an example, it is particularly important for biogas systems which create an impermeable barrier around the main odour source on site. EPA Victoria clearly state that the recommended separation distances are EPA's default minimum in the absence of a detailed site specific assessment for a proposed industrial or sensitive land use.

Consideration for site specific variation

There is a need for more detailed information regarding considerations for site specific variation. APL draws attention to EPA Victoria Guidelines.

There is conflicting sentiment through the document especially regarding in the guidance statement section (page 4) regarding the ability for site specific assessments. Care needs to be taken to avoid people reading sections in isolation of the remainder the Guidelines that may lead to an assumption of a fixed separation distance approach.

Modelling requirements

Section 2 of the guidance statement (page 4) states that DER will require noise modelling in accordance with its regulatory assessment framework guidance statement. The requirement for noise modelling should be based on risk – it should not be mandatory. This should not be a requirement for every prescribed premise. Moreover, there are no known issues or complaints in relation to noise from conventional piggeries. It has been shown that any buffer for odour negates the noise and dust impacts for piggery operations.

Section 3 (page 4) states that modelling of odour, dust or air emissions will not be sufficient to demonstrate a lower risk. There needs to be more guidance on what would be required in this instance.

Retrospective application of distances

The information on page 2 and in section 7 (page 4) of the guidance statement state that distances will be used to inform risk assessments for the renewal of licences and for inspection and compliance activities in relation to existing prescribed premises. These sites will also be subject to a more detailed risk assessment at the time of renewal or during inspections. It is APLs understanding that you cannot legally subject a site to retrospective buffer requirements. There are existing conditions and enforcement tools available if required should the general EP Act be breached. Existing sites should be subject to the same.

Ancillary activities at a prescribed premise

APL suggests that DER considers the implications of ancillary activities undertaken on a prescribed premises where the works approval or licence is allocated against a primary category. There has been confusion with regulators allocating multiple buffer requirements based on the activities carried out on the property rather than on the primary licenced premise category. For example a piggery operation may compost on site for use on site or for sale. In the past, regulators have tried to apply compost requirements on piggeries due to the volume produced. However, the piggery buffer has been formulated from S factor calculations that includes the pig site and associated activities. The effect of this approach, is “double dipping” in relation to the buffers with a product that is quite different to the mixed feedstock compost produced to a standard that is fit for purpose from a dedicated compost facility.

If you would like to discuss the submission further or would like any clarification, please feel free to contact Janine Price on 02 628827 or janine.price@australianpork.com.au

Yours sincerely



Deb Kerr

General Manager, Policy

