

GD PORK PTY LTD — ENVIRONMENTAL PROTECTION ACT LICENCE — AMENDMENT

Grievance

MR C.J. TALLENTIRE (Gosnells) [9.49 am]: My grievance is to the Minister for Environment. Yet again I am presenting to the minister a grievance that demonstrates a justified crisis in community confidence in environmental regulation in Western Australia. This grievance, though, concerns a proposal by a company known as GD Pork Pty Ltd to dramatically expand a facility at lot 502 Sutters Lane, West Pinjarra. I acknowledge in the public gallery people from neighbouring properties and the general community who have grave concerns about this proposal. It involves upgrading the facility to provide about 3 120 standard pig units. That is a dramatic increase on the present facility, which has a far from unblemished record. One of my first points to the minister is that the Department of Environment Regulation fails to take on board the complaints that community members present to it and fails to even log them correctly. It has turned out that complaints are sometimes logged under different names and cannot be found later. Clearly, people are not given a direct mechanism for making a complaint. It is not good enough for people to be fobbed off by the department telling them to contact the pollution prevention hotline. There needs to be a specific reference number that people can use. When people speak to an officer in the department, in no way should they be fobbed off by comments from officers suggesting that everyone has a right to run a business and suggesting that the department sees its role as being the defender of noxious industries, not the body that will enforce environmental regulation and hear the complaints of people in the local community. People in the local community are the eyes and ears on the ground. They are the friends of environment regulation. The minister needs to get that cultural change through to the people in his agency.

What is at stake here? In addition to the terrible problems of odour that are being inflicted on people because of the mismanagement of the current facility, there are dramatic problems with contamination of the groundwater, which many people in the local community depend on for their own domestic consumption and for their livestock. There is a broader issue, too, minister, which is the contamination of the Peel–Harvey estuary. This facility drains to the Coolup main drain, which in turn drains into the Peel–Harvey estuary. We all have concerns about the nutrient load on the Peel–Harvey estuary, and this is yet another threat to that estuary. The minister’s actions so far on Peel–Harvey estuary matters are questionable. This is a chance for the minister to show that he understands that what takes place in the catchment has a direct impact on the health and viability of the area.

The local community is presenting submissions to the licensing division of the minister’s Department of Environment Regulation and has also made a referral to the Environmental Protection Authority. We again have the issue—as we discussed with the Boral Asphalt proposal in Orange Grove and the Bio-Organics proposal in Oakford—that licensing does not seem to deal with people’s concerns. I know that the minister wants to defend the way the EPA manages its workload. But I put it to the minister that the best thing he could do for this proposal is use his powers—powers that we have discussed before—to refer this matter to the EPA and require the EPA to give the minister advice on the proposal. After all, minister, this proposal is at odds with the EPA document “Guidance for the Assessment of Environmental Factors”. That document refers to the 3 500-metre buffer zone that is required as a minimum for a piggery of this size. The minister should ensure that the EPA is involved in these things. I know there is a view, especially in the Liberal Party room, that EPA assessments are for only big mining proposals, big resource projects and big infrastructure projects. But here we are seeing a death by a thousand cuts through the erosion of environmental regulation in Western Australia because of the inadequate enforcement of the regulations that are in place. That is why the minister needs to get the EPA involved in looking at cases such as this.

This is not a case of nimbyism. The people I have spoken to and whom I have visited when I have gone to West Pinjarra are actively involved in a variety of agricultural and equine enterprises. They understand what it is to live on the land. They are not prudish about this at all. They know that the practice of agriculture occasionally causes agricultural smells. But this is totally different. We have a real problem with contamination of the groundwater and contamination of the air. Serious pollution events are taking place. However, as things present at the moment, it seems that the minister’s part V licensing people want to just process through—as though they were running a sausage machine—an increase in the output of this piggery. The minister must intervene in this issue and ensure that the highest standards of environmental regulation are enforced, and that the previous misdemeanours and failures in the operation of the facility are fully investigated. There can be no question about an expansion of this facility until all the errors of the past are fixed. That includes the carcass disposal ponds and the burying of carcasses in the ground, which is causing even more contamination of the groundwater. The minister needs to ensure that that is investigated. The minister needs to ensure that his Department of Environment Regulation takes seriously its job of upholding the highest standards of environmental protection in Western Australia.

MR A.P. JACOB (Ocean Reef — Minister for Environment) [9.56 am]: I thank the member for Gosnells for providing me with some notice of this grievance. As Minister for Environment, the Department of Environment Regulation falls under my ministerial portfolio. The Department of Environment Regulation oversees the works approvals, licensing and compliance of prescribed premises under the Environmental Protection Act 1986. The Environmental Protection Act contains both a part IV and a part V. Part IV of the act essentially deals with projects that meet the significance test and that go through the EPA process, and the EPA has the Office of the EPA to assist it in that process. The Department of Environment Regulation largely administers part V of the act. I do not want to put words in the member for Gosnells' mouth, and he may have a valid point that those two departments could be merged and we could run all approvals through that one agency. However, that is not consistent with the act as it is currently written, and that is not the way in which the process has been set up. The Department of Environment Regulation prescribes premises and licensing, and the Environmental Protection Authority is in charge of environmental regulation.

GD Pork Pty Ltd operates an intensive piggery under existing DER licence L7286/1998/10 at 502 Sutters Lane, West Pinjarra, in the Shire of Murray. That piggery is currently licensed for the equivalent of 1 150 breeding sows. The licensee is required to operate the premises in accordance with the conditions that have been set out under its existing licence and is required to report to the Department of Environment Regulation should any breaches occur. The Department of Environment Regulation takes its job very seriously—it takes its licensing job very seriously, and it takes its compliance job very seriously. The DER inspects licensed premises on a routine basis in order to ensure compliance with licence conditions.

As I said, there is an existing licence for 1 150 breeding sows. The substance of the grievance as it was put to me was a works approval for an expansion of that facility from 1 150 to 2 500 breeding sows. This works application was received from GD Pork by the Department of Environment Regulation on 10 June 2014. The proposed expansion would include the construction of new sheds on site, and extensions to existing sheds, to house what will be roughly a doubling of the number of breeding sows on site. The proposed expansion would also include the construction of two new effluent ponds. Significantly, this would include a covered anaerobic pond, with a biogas —

Mr C.J. Tallentire interjected.

The SPEAKER: Member for Gosnells, just let the minister talk.

Mr A.P. JACOB: Thank you, Mr Speaker.

There are two completely different issues here. The issue that was raised with me is the proposed expansion, which is going through a new licensing process. The member for Gosnells continues to talk about the existing licence.

Mr C.J. Tallentire interjected.

Mr A.P. JACOB: I would largely see a new licence as perhaps an opportunity to address some of that, and that is exactly what I am answering. That includes a covered anaerobic pond with a biogas management system. The proposal includes a carcass composting facility and the decommissioning of the existing ponds. In accordance with the requirements of the Environmental Protection Act, the Department of Environment Regulation advertised the application in *The West Australian* on 23 June and 14 July. It was my understanding that the department wrote to 19 stakeholders, inviting submissions by 20 July. The Department of Environment Regulation has received 14 written submissions, and I assure the house that these submissions are being considered as part of the department's assessment of the application.

The member for Gosnells raised a number of other completely unsubstantiated claims in the process of his grievance. If he wants to make the case for any of those more substantively, I am happy to respond accordingly.

Mr C.J. Tallentire interjected.

Mr A.P. JACOB: As I said, I am advised that this proposal has recently received planning approval from the local authority and the Department of Environment Regulation is currently awaiting additional information from the applicant to complete its assessment. The department will be able to finalise the assessment of the works approval application once all the necessary information has been received and it is just waiting on some outstanding information from the applicant.

Mr C.J. Tallentire: Did you knock it back?

Mr A.P. JACOB: I am just outlining the actions that have been taken, member. For the benefit of the house and anybody else listening, I can also advise that there are appeal provisions that relate to works approvals. In this case a decision to refuse a works approval or the specifications of a works approval can be appealed by an applicant. A third party can also appeal the specifications of the works approval, but not the decision to give a works approval. The appeal period is 21 days.

The Department of Environment Regulation will continue to work closely on this—and the more than 1 000 licensed premises across this state—with stakeholders, the public and the applicants in the determination of this proposal.