



## CEO initiated licence amendment

### Division 3, Part V *Environmental Protection Act 1986*

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<b>Licence Number</b>	L9142/2018/1
<b>Licence Holder</b>	Westpork Pty Ltd
<b>ACN</b>	009 148 789
<b>File Number:</b>	DER2018/000976-1
<b>Premises</b>	Westpork Pinjarra 502 and 503 Sutters Lane West Pinjarra WA 6208  Legal Description Lot 502 on Deposited Plan 54832 Certificate of Title Volume 2677 Folio 599 Lot 503 on Deposited Plan 54832 Certificate of Title Volume 2677 Folio 600
<b>Date of Report</b>	29 April 2020
<b>Decision</b>	Final

# 1. Definitions and interpretation

## Definitions

In this Amendment Report, the terms in Table 1 have the meanings defined.

**Table 1: Definitions**

Term	Definition
ACN	Australian Company Number
Amendment Report	refers to this document
Category/ Categories/ Cat.	categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
CEO	means Chief Executive Officer.
Delegated Officer	an officer under section 20 of the EP Act
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
DWER	Department of Water and Environmental Regulation
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
Existing Licence	The Licence issued under Part V, Division 3 of the EP Act and in force prior to the commencement of and during this Amendment
Licence Holder	Westpork Pty Ltd.
Minister	the Minister responsible for the EP Act and associated regulations
Prescribed Premises	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Amendment Report applies, as specified at the front of this Amendment Report.
SPU	Standard pig unit, as defined in <i>National Environmental Guidelines for Indoor Piggeries (NEGIP)</i> , published by Australian Pork Limited in May 2018.

## 2. Purpose and scope of the assessment

### 2.1. Background

Westpork Pty Ltd. (the Licence Holder) holds licence L9142/2018/1 for an intensive piggery located in West Pinjarra, within the Peel region of Western Australia. On the 25 July 2019, the Department of Water and Environmental Regulation (DWER) issued the Licence Holder with Environmental Protection Notice (EPN) DWERDG401/19. This EPN required the Licence Holder to implement measures to reduce odour impacts on the surrounding community from the premises.

### 2.2. Current situation

In response to the EPN the Licence Holder applied for a works approval to allow upgrades to the wastewater treatment system including a covered anaerobic digester, sludge settlement trenches and a combined biogas power generation and flare system. DWER issued works approval W6292/2019/1 to the Licence Holder for the construction and installation of improvement works on 20 December 2019.

DWER received an email from the Licence Holder on 6 April 2020, advising:

- that the desludging of the anaerobic pond commenced in September 2019 and was completed in early December 2019;
- tenders have been awarded for the design, construction and commissioning of the covered anaerobic digester;
- the global Severe Acute Respiratory Syndrome Coronavirus - 2 (COVID 19) pandemic will delay the completion of proposed improvement works by preventing the Licence Holder from obtaining critical componentry for the waste water treatment plant upgrades; and
- the Licence Holder will advise local residents of the potential delays.

### 2.3. Amendment

As the Licence is due to expire on 15 June 2020, the Delegated Officer has initiated an amendment to the licence which extends its expiry date to 15 June 2021. This extension will allow the Licence Holder to complete construction of the infrastructure approved through W6292/2019/1 and to apply for a licence amendment to incorporate the operation of this infrastructure into L9142/2018/1.

An extension of the EPN's expiry date to 15 June 2021 is being separately considered by DWER, to provide the Licence Holder time to complete the upgrades to the wastewater treatment infrastructure at the premises.

This Amendment Report documents the Delegated Officer's decision to amend the licence to extend its expiry date by an additional 12 months, such that the new expiry date will be 15 June 2021. The guidance statements and documents that have informed this assessment and decision are listed in Appendix 1.

## 3. Amendment description

This report is limited only to minor amendments for the extension of the Licence expiry date, the incorporation of Lot 503 on Deposited Plan 54832 into the Licence and some other administrative amendments. No changes to the aspects of the existing Licence relating to the Category under which the Licence is prescribed have been requested by the Licence Holder. Emissions associated with existing premises infrastructure have been previously subject to risk assessment through the premises licence assessment and therefore are not considered in this Amendment Report.

Details of the amendment are set out in the form of a revised licence.

### 3.1. Licence and works approval history

Table 2 provides the licensing and works approval history for L9142/2018/1.

**Table 2: Licence and works approval history**

Instrument	Issued	Amendment
L9142/2018/1	03/07/2018	Licence issued.
L9142/2018/1	21/09/2018	Licence Amendment Notice 1 to extend duration by 12 months.
L9142/2018/1	17/05/2019	Transfer of the Licence to the new occupier of the Premises, Westpork Pty Ltd. This amendment also consolidated Amendment Notice 1 and other administrative matters. The transfer and amendment was issued in the form of a revised Licence.
L9142/2018/1	23/09/2019	Licence Amendment to extend duration to 15 June 2020.
W6292/2019/1	20/12/2019	Works approval authorising works associated with the upgrades to the waste water treatment infrastructure at the premises.
L9142/2018/1	29/04/2020	Licence amended to extend the expiry date to 15 June 2021, to reflect the extension of the Environmental Protection Notice (Reference: DWERDG401/19) for this premises to the same date. The licence was also amended to include Lot 503.

## 4. Decision

The Delegated Officer has taken into consideration DWER's *Guidance Statement: Licence duration* and determined that extending the licence expiry date by one year is appropriate on the basis that it provides sufficient time for the Licence Holder to complete the construction works, apply for a new licence and for DWER to assess and determine that application. DWER will consider the adequacy and appropriateness of the existing controls on the licence through the new licence application assessment process. The new expiry date will be 15 June 2021.

The Delegated Officer has also undertaken minor administrative changes to the licence as discussed in section 3 of this report.

The Licence Holder was provided a draft amended licence and draft amendment report for comment on 21 April 2020.

The Delegated Officer notes that DWER may also review the appropriateness and adequacy of controls at any time and that, following a review, may initiate amendments to the Licence under the EP Act.

Based on the assessment in this Amendment Report, the Delegated Officer has determined that the licence is amended to extend the duration by 12 months until 15 June 2021.

Chris Malley  
A/Manager, Process Industries  
Regulatory Services

*An officer delegated by the CEO under section 20 of the EP Act*

## Appendix 1: Key documents

	Document title	In text ref	Availability
1.	Westpork Pinjarra EPN DWERDG401/19 - Request for Amendment	N/A	Available from DWER records (A1882716)
2.	Written authorisation from Westpork Pty Ltd to waive the 21 day notice period and proceed with the Licence amendments.	N/A	Available from DWER records (DWERDT275320)
3.	<i>National Environmental Guidelines for Indoor Piggeries</i> (NEGIP), as published by Australian Pork Limited in May 2018	N/A	Available from: <a href="http://australianpork.com.au/">http://australianpork.com.au/</a>
4.	DER, August 2016. Guidance Statement: Licence duration. Department of Environment Regulation, Perth.	DER 2016	Accessed at <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>
5.	DWER, June 2019. Guideline: Decision Making. Department of Water and Environmental Regulation, Perth.	DWER 2019a	
6.	DWER, June 2019. Guideline: Industry Regulation Guide to Licensing. Department of Water and Environmental Regulation, Perth.	DWER 2019b	