



Application for (Replacement) Licence

Division 3, Part V *Environmental Protection Act 1986*

Licence Number:	L9142/2018/1
Licence Holder	GD Pork Pty Ltd
ACN	126 978 685
File Number:	DER2018/000976
Premises:	GD Pork Pty Ltd - Pinjarra 502 Sutters Lane West Pinjarra Lot 502 on Deposited Plan 54832 Certificate of Title Volume 2677 Folio 599
Date of report:	3 July 2018
Status of Report	Final

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1. Definitions of terms and acronyms

In this Decision Report, the terms in Table 1 have the meaning defined.

Table 1: Definitions

Term	Definition
ACN	Australian Company Number
Applicant	GD Pork Pty Ltd
Category/Categories (Cat.)	categories of prescribed premises as set out in Schedule 1 of the EP Regulations
CEO	Chief Executive Officer
Decision Report	this document
Delegated Officer	An officer under section 20 of the EP Act.
DWER	Department of Water and Environmental Regulation As of 1 July 2017, the Department of Environment Regulation (DER), the Office of the Environmental Protection Authority (OEPA) and the Department of Water (DoW) amalgamated to form the Department of Water and Environmental Regulation (DWER). DWER was established under section 35 of the <i>Public Sector Management Act 1994</i> and is responsible for the administration of the <i>Environmental Protection Act 1986</i> along with other legislation.
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
NEGP	<i>National Environmental Guidelines for Piggeries</i> (Australian Pork Limited, 2010)
Premises	As specified as the <i>Premises</i> on page i of this Decision Report
Prescribed Premises	Premises prescribed under Schedule 1 to the EP Regulations
Primary Activities	is defined in DER's <i>Guidance Statement: Risk Assessments</i> to include the primary activities which fall within the description of the category of prescribed premises in Schedule 1 to the EP Regulations.
Prescribed premises	premises prescribed under Schedule 1 to the EP Regulations.
Prescribed Standard	In this assessment, refers to the Noise Regulations
Risk Event	As described in <i>Guidance Statement: Risk Assessment</i>
SPU	Standard pig unit as defined in NEGP

2. Purpose and scope of assessment

GD Pork Holdings Pty Ltd (the Applicant) operates an intensive piggery at Lot 502 on Deposited Plan 54832 Sutters Lane, West Pinjarra. The Applicant held licence L7286/1998/11 until 30 April 2018 when an administrative error caused the licence to cease to have effect pursuant to regulation 5DA of the *Environmental Protection Regulations 1987* (EP Regulations).

The Applicant lodged an application for a new (replacement) licence with the Department of Water and Environmental Regulation (DWER) on 14 June 2018 (the Application) using a reduced scope administrative application form approved by the Chief Executive Officer (CEO) of DWER. In the circumstances, the DWER has determined the most appropriate course of action is replacement of the licence with the same conditions and expiry date as per the ceased licence L7286/1998/11.

Ceased licence L7286/1998/11 was granted on 30 March 2016 and accompanied by Decision Document that included assessment of emissions from the Premises and determination of licence conditions. Ceased licence L7286/1998/11 and its Decision Document are available on the Departments website as listed in Appendix 1. This Decision Report therefore does not include additional risk assessment or determination of controls beyond ceased licence L7286/1998/11 and is limited to documenting the Delegated Officer's determination of a new (replacement) licence, primarily as an administrative matter to replace the licence.

3. Background

The Premises are located within the Peel region of Western Australia, approximately 7.9 km southwest of the Pinjarra town site in the Shire of Murray. The Licence Holder purchased the Premises and has operated the piggery since 2007.

The Applicant held licence L7286/1998/11 until 30 April 2018 when it ceased to have effect. There are several residences in proximity to the piggery, the closest of which is less than 350 m from the pig sheds. The site continues to be subject to odour complaints from local residents.

The Applicant holds works approval W5687/2014/1 for the expansion of the piggery to increase the capacity of approximately 3121 SPU to 6854 SPU. The Department assessed that, regardless of the increased capacity, the upgrades to the facility would improve odour emissions from the Premises. The works approval was amended in June 2016 to implement the then Minister for Environment's determination of appeals against the conditions of the works approval. The works approval expires on 27 September 2018.

On 16 January 2018, GD Pork applied to amend its licence duration for a further six months while the expansion works under the works approval were completed. The Application had estimated the works would be complete by July 2018 and the licence duration was subsequently extended to 27 September 2018 to align with the works approval expiry. The amendments to increase the licence period were not appealed by the Applicant or the public.

GD Pork submitted works approval compliance information on 2 March 2018 and a licence amendment application on 15 March 2018 to allow operation of the expanded piggery. The works had not been completed pursuant to the provision of the Works Approval and as such the licence amendment application could not be accepted.

In June 2018, DWER identified that annual fees for licence L7286/1998/11 had not been paid by 30 April 2018 causing the licence to cease to have effect pursuant to regulation 5DA of the EP Regulations. DWER investigations identified this was an administrative error from the non-generation of a fee reminder and invoice for the Applicant. While not a statutory requirement for the Department to send fee reminder notifications, it is standard procedure for this to occur in advance of the end of a fee period.

The cessation of licence L7286/1998/11 also caused the 15 March 2018 licence amendment application to become redundant as a ceased licence cannot be amended.

The Application is for the Categories in Table 2 below which is consistent with ceased licence L7286/1998/11.

Table 2: Prescribed Premises Categories in the Application

Classification of premises	Description	Production or design capacity
2	Intensive piggery: premises on which pigs are fed, watered and housed in pens.	3121 Standard pig units (SPU)

4. Consultation

The Delegated Officer identified properties owners in close proximity to the Premises and the Shire of Murray as direct interest stakeholders. Six residents were notified of the Application by hardcopy mail seeking comment. A further nine were similarly contacted via email requesting comment.

The Application was advertised in the *West Australian* newspaper and published on the Department's website. The consultation period was seven days and considered appropriate in the circumstances of a replacement licence with no additional risk assessment or condition changes.

DWER received one written submission during the seven day consultation period. The submission commented upon the odour impacts. Further consultation and consideration of odour controls for the expanded piggery will occur through assessment and determination of a replacement licence amendment application as outlined in Section 5.

The Department maintains a 'Community Updates' webpage on its website with information about licensing and regulatory matters for the Premises. The webpage was updated prior to the commencement of the consultation period and direct interest stakeholders encouraged to access the webpage.

5. Determination of new licence

The Applicant lodged an application for a new (replacement) licence to seek a licence to replace ceased licence L7286/1998/11. The Application is in respect of an administrative error that result in licence L7286/1998/11 ceasing to have effect. The replacement licence contains the same conditions as ceased licence L7286/1998/11 and the previous expiry date of 27 September 2018 has been retained.

A 15 March 2018 application to amend L7286/1998/11 in respect of works completed under W5687/2014/1 has also become redundant due to the cessation and is not considered in this Decision Report. The Applicant had not completed the works pursuant to the provisions of the Works Approval and as such the licence amendment application could not be accepted.

The Applicant will need to lodge a replacement licence amendment application to include the expanded piggery. The Delegated Officer took into account that if a new (replacement) licence amendment application is lodged and subsequently accepted, it will be advertised for public comment and direct interest stakeholders will be notified in a separate process.

6. Applicant's comments

The draft Decision Report and draft new (replacement) licence were provided to the Applicant on 28 June 2018 for comment. The Applicant responded on 2 July 2018 waiving the remainder of the comment period with no comments.

7. Conclusion

This Decision Report has been prepared to document the replacement of ceased licence L7286/1998/11 with a new licence containing the same conditions with no additional risk assessment. The Delegated Officer determined the Application with due consideration to the circumstances of a DWER administrative error causing licence L7286/1998/11 to cease to have effect.

This assessment was also informed by a site visit on 18 June 2018 by a DWER Officer.

Based on this Decision Report, a replacement licence has been granted subject to the same conditions as ceased licence L7286/1998/11.

Paul Byrnes
Manager, Licensing (Process Industries)
Regulatory Services (Environment)

Delegated Officer
under section 20 of the *Environmental Protection Act 1986*

Appendix 1: Key documents

	Document Title	In text ref	Availability
1.	<i>Application for a new (replacement) licence lodged by GD Pork Pty Ltd on 14 June 2018</i>	the Application	DWER records (A1697442)
	Licence 7286/1998/11	Ceased licence L7286/1998/11	https://www.der.wa.gov.au/our-work/licences-and-works-approvals
	Works Approval W5687/2010/1	Works approval W5687/2010/1	https://www.der.wa.gov.au/our-work/licences-and-works-approvals

Appendix 2: Replacement Licence L9142/2018/1
