



## Application to transfer a licence

### Division 3 Part V of the *Environmental Protection Act 1986*

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<b>Licence number</b>	L6876/1989/12
<b>Applicant</b>	Westpork Pty Ltd
<b>ACN</b>	009 148 789
<b>DWER file number:</b>	DER2014/001577
<b>Premises</b>	Australind Piggery 96 Rosamel Road PARKFIELD WA 6233  Lot 2 on Diagram 76597
<b>Date of report</b>	10 May 2021
<b>Decision</b>	Licence transferred

## Purpose and scope of assessment

On 19 November 2020, Westpork Pty Ltd (Westpork) submitted an application to transfer licence L6876/1989/12 for the Australind Piggery from GD Pork Holdings Pty Ltd (GD Pork).

This report documents the delegated officer's determination of the application.

## Background

The Australind Piggery is a sow-weaner-breeder operation located on the outskirts of Bunbury. It was established in 1977 as a small intensive piggery by the Milne Agrigroup, who operated it until 2009. In 2012 it was acquired by GD Pork and underwent significant expansion, with current design capacity of 11,800 standard pig units.

## Assessment

The assessment of the transfer application is limited to a review of ownership details to determine if a transfer may occur. There are no proposed changes to the current approved premises categories or design capacity.

### Legal entity status

Westpork Pty Ltd is a registered company with a valid and current entry on the Australian Securities & Investments Commission register (ACN 009 148 789), and is therefore a legal entity.

Westpork is currently the registered proprietor of the premises, being Lot 2 on Diagram 76597.

### Fitness and competency

Westpork is currently the licence holder for a number of other piggeries in WA, including the Gingin breeder farm (L4409/1988/8) which supplies progeny for the Mindarra grow-out farm (L5724/1993/11); the Serpentine breeder farm (L6373/1989/10) which supplies third party contract growers; the Pinjarra breeder farm (L9142/2018/1) which supplies progeny for the Kojonup grow-out site (L9254/2020/1), and the Martup farrow-to-finish unit (L7279/1994/9).

It also owns and operate a number of other conventional and outdoor piggeries that are not yet licensed under the *Environmental Protection Act 1986* (EP Act), including the Mt Barker outdoor piggery, and a greenfield site acquired in 2016 (Moora).

Westpork advises it has not been convicted or paid a penalty for an offence under a provision of the EP Act or its subsidiary legislation or similar environmental protection legislation in Australia.

## Decision

The delegated officer has determined to transfer the licence to Westpork, on the grounds it is a current legal entity, is the current owner of the premises, and is a fit and competent operator that currently holds several other licences under the EP Act and has no known convictions.

### Licence update

In transferring the licence, the delegated officer has also:

- updated the format and appearance of the licence;
- revised condition numbers, and removed any redundant conditions and realigned condition numbers for numerical consistency; and
- updated reporting and record keeping conditions consistent with the current DWER licence template.

The decision report for the previous licence will remain on the DWER website for future reference and will act as a record of DWER's decision making.

## Consultation

The applicant was provided with drafts of the transferred licence and this report on 9 April 2021 and waived the consultation period.

The applicant advised it does not intend on proceeding with the significant upgrade works proposed by GD Pork, as detailed in Schedule 3 of the transferred licence, including the construction of new intensive sheds, wastewater treatment system and biogas plant. The applicant will continue using the straw-based shelters only on the premises.

The applicant will submit a separate licence amendment to initiate the changes required to the transferred licence, to reflect the actual activities that it intends on conducting at the premises.

## Conclusion

Based on this assessment, it has been determined the licence will be transferred, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

## Summary of changes

The below table provides a summary of the administrative and formatting changes made to the existing licence as part of this transfer, and will act as a record of implemented changes. All changes have been incorporated into the transferred licence as part of the transfer process.

Condition no.	Proposed amendments
Cover page	Restructured to clearly indicate what prescribed activities have been risk assessed. Licence holder updated to Westpork Pty Ltd, including ACN and registered business address details.
Licence history	Inserted, consistent with current DWER licence template.
Interpretation and note	Inserted, consistent with current DWER licence template.
Condition 1*	Deleted, this condition is considered to unnecessarily duplicate existing obligations under the EP Act.
Condition 2*	Deleted, consistent with current DWER licence template.
Conditions 3 & 4	Replaced "suitably qualified professional" with "professional engineer", as the former term is not sufficiently clear or certain.
Condition 19*	Deleted, consistent with current DWER licence template. This condition is considered to unnecessarily duplicate existing licence conditions and the EP Act.
Condition 15	Standard record-keeping requirements added, consistent with current DWER licence template.
Condition 20*	Deleted, this condition is superseded by new condition 18, consistent with current DWER licence template.
Condition 21*	Deleted, this condition duplicates existing requirements already required under section 72 of the EP Act (duty to notify CEO of discharges of waste).
Condition 22*	Deleted, this condition is superseded by new condition 16, consistent with current DWER licence template.
Condition 23*	Deleted, this condition is superseded by new condition 17, consistent with current DWER licence template.
Definitions	Definitions removed: 'CEO request', 'Environmental harm', 'General description', 'Material change', 'Material Environmental Harm', 'Pollution', 'Serious Environmental Harm', 'Unreasonable emission' –

	conditions which contained these references have been removed, consistent with current DWER template, as part of this transfer.
	Definitions added: 'books', 'Department', 'prescribed premises', 'professional engineer'.
	Definitions modified: 'AACR', 'CEO', 'licence holder'.

*\* Denotes condition number on previous licence prior to being transferred.*