



Licence

Environmental Protection Act 1986, Part V

Licensee: Rural Developments Pty Ltd

Licence: L7725/2001/7

Registered office: 18 High St
FREMANTLE WA 6160

ACN: 008 689 110

Premises address: Leeuwin Estate
Stevens Road
WITCHCLIFFE WA 6286
Being Lot 668 on plan 131667, Lot 661 on plan 131668 and Lot 1016 on plan 231030 as depicted in Schedule 1

Issue date: Thursday, 29 May 2014

Commencement date: Thursday, 5 June 2014

Expiry date: Saturday, 4 June 2016

Prescribed premises category

Schedule 1 of the *Environmental Protection Regulations 1987*

Category number	Category description	Category production or design capacity	Approved Premises production or design capacity
25	Alcoholic beverage manufacturing: premises on which an alcoholic beverage is manufactured and from which liquid waste is or is to be discharged onto land or into water.	350 kilolitres or more per year	850 kilolitres per year

Conditions

This Licence is subject to the conditions set out in the attached pages.

Date signed: 30 September 2015

.....
Jonathan Bailes
Manager Licensing (Process Industries)
Officer delegated under section 20
of the *Environmental Protection Act 1986*



Contents

Licence	1
Contents	2
Introduction	2
Licence conditions	4
1 General	4
2 Emissions	7
3 Monitoring	7
4 Improvements	8
5 Information	9
Schedule 1: Maps	11
Schedule 2: Reporting & notification forms	13

Introduction

This Introduction is not part of the Licence conditions.

DER's industry licensing role

The Department of Environment Regulation (DER) is a government department for the state of Western Australia in the portfolio of the Minister for Environment. DER's purpose is to advise on and implement strategies for a healthy environment for the benefit of all current and future Western Australians.

DER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process DER regulates to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DER also monitors and audits compliance with works approvals and licence conditions, takes enforcement action as appropriate and develops and implements licensing and industry regulation policy.

Licence requirements

This Licence is issued under Part V of the Act. Conditions contained within the Licence relate to the prevention, reduction or control of emissions and discharges to the environment and to the monitoring and reporting of them.

Where other statutory instruments impose obligations on the Premises/Licensee the intention is not to replicate them in the licence conditions. You should therefore ensure that you are aware of all your statutory obligations under the Act and any other statutory instrument. Legislation can be accessed through the State Law Publisher website using the following link:

<http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>

For your Premises relevant statutory instruments include but are not limited to obligations under the:

- *Environmental Protection (Unauthorised Discharges) Regulations 2004* – these Regulations make it an offence to discharge certain materials such as contaminated stormwater into the environment other than in the circumstances set out in the Regulations.
- *Environmental Protection (Controlled Waste) Regulations 2004* - these Regulations place obligations on you if you produce, accept, transport or dispose of controlled waste.
- *Environmental Protection (Noise) Regulations 1997* – these Regulations require noise emissions from the Premises to comply with the assigned noise levels set out in the Regulations.



You must comply with your licence. Non-compliance with your licence is an offence and strict penalties exist for those who do not comply.

Licence holders are also reminded of the requirements of section 53 of the Act which places restrictions on making certain changes to prescribed premises unless the changes are in accordance with a works approval, licence, closure notice or environmental protection notice.

Licence fees

If you have a licence that is issued for more than one year, you are required to pay an annual licence fee prior to the anniversary date of issue of your licence. Non payment of annual licence fees will result in your licence ceasing to have effect meaning that it will no longer be valid and you will need to apply for a new licence for your Premises.

Ministerial conditions

If your Premises has been assessed under Part IV of the Act you may have had conditions imposed by the Minister for Environment. You are required to comply with any conditions imposed by the Minister.

Premises description and Licence summary

Rural Developments Pty Ltd operate the Leeuwin Estate winery approximately 5 km south-east of Margaret River. The annual winery throughput is currently around 850 kL of wine (1 250 tonne of grape crush).

The premises is located in a priority agricultural area which includes other vineyards, woodland and grazing land. The Boodjidup Brook and several tributaries run through the premises, which also includes two earth dams.

All production areas are designed to divert stormwater away from drains; whilst all production areas containing contaminated stormwater drain to collection sumps that are pumped to the wastewater treatment system. Wastewater from the production areas is directed via screened floor drains to two settling tanks. Treated wastewater is then directed from the settling tanks through a series of four storage tanks to an evaporation storage pond. Correction of pH occurs in-line between the settling tanks and the storage tanks. Treated wastewater from the evaporation storage pond is passed through sand filters prior to the onsite irrigation area. The irrigation paddock is approximately 1.8 ha in size and is planted with annual ryegrass. Irrigation occurs through small drippers.

Approximately 120 tonne of grape marc is produced on an annual basis, primarily during the vintage period (February to May). Marc is removed from the press, prior to transfer to a handstand pad along with screening solids and other organic solid wastes. The stored material is spread back on to the vineyard.

This Licence is the result of an amendment sought by the Licensee to alter the location of the irrigation area for the disposal of winery wastewater. The current irrigation area has been in operation for 14 years and is now proposed to be planted to vineyard. The new irrigation area is located approximately 750 metres north west of the existing irrigation area.

The licences and works approvals issued for the Premises since 22/05/2014 are:

Instrument log		
Instrument	Issued	Description
L7725/2001/7	22/05/2014	Licence re-issue and conversion to new format
L7725/2001/7	01/09/2015	Licence amendment to move emission point reference and irrigation area location, and update to current template



Severance

It is the intent of these Licence conditions that they shall operate so that, if a condition or a part of a condition is beyond the power of this Licence to impose, or is otherwise *ultra vires* or invalid, that condition or part of a condition shall be severed and the remainder of these conditions shall nevertheless be valid to the extent that they are within the power of this Licence to impose and are not otherwise *ultra vires* or invalid.

END OF INTRODUCTION

Licence conditions

1 General

1.1 Interpretation

1.1.1 In the Licence, definitions from the *Environmental Protection Act 1986* apply unless the contrary intention appears.

1.1.2 For the purposes of this Licence, unless the contrary intention appears:

'Act' means the *Environmental Protection Act 1986*;

'annual period' means the inclusive period from 1 July until 30 June in the following year;

'AS/NZS 5667.1' means the Australian Standard AS/NZS 5667.1 *Water Quality – Sampling – Guidance of the Design of sampling programs, sampling techniques and the preservation and handling of samples*;

'AS/NZS 5667.10' means the Australian Standard AS/NZS 5667.10 *Water Quality – Sampling – Guidance on sampling of waste waters*;

'averaging period' means the time over which a limit is measured or a monitoring result is obtained;

'CEO' means Chief Executive Officer of the Department of Environment Regulation;

'CEO' for the purpose of correspondence means;

Chief Executive Officer
Department Administering the Environmental Protection Act 1986
Locked Bag 33
CLOISTERS SQUARE WA 6850
Email: info@der.wa.gov.au;

'controlled waste' has the definition in *Environmental Protection (Controlled Waste) Regulations 2004*;

'freeboard' means the distance between the maximum water surface elevations and the top of retaining banks or structures at their lowest point;

'hardstand' means a surface with a permeability of 10^{-9} metres/second or less;

'Licence' means this Licence numbered L7725/2001/7 and issued under the Act;

'Licensee' means the person or organisation named as Licensee on page 1 of the Licence;



'marc' means grape material (mainly skin, pulp and seeds) which is left over after grape crushing and pressing;

'NATA' means the National Association of Testing Authorities, Australia;

'NATA accredited' means in relation to the analysis of a sample that the laboratory is NATA accredited for the specified analysis at the time of the analysis;

'Premises' means the area defined in the Premises Map in Schedule 1 and listed as the Premises address on page 1 of the Licence;

'Schedule 1' means Schedule 1 of this Licence unless otherwise stated;

'Schedule 2' means Schedule 2 of this Licence unless otherwise stated;

'spot sample' means a discrete sample representative at the time and place at which the sample is taken;

'vintage' means the period of time during which the first and last grapes of the season are received for crushing; and

1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the standard in force from time to time during the term of this Licence.

1.1.4 Any reference to a guideline or code of practice in the Licence means the version of that guideline or code of practice in force from time to time, and shall include any amendments or replacements to that guideline or code of practice made during the term of this Licence.

1.1.5 Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence, where the emission amounts to:

- (a) pollution;
- (b) unreasonable emission;
- (c) discharge of waste in circumstances likely to cause pollution; or
- (d) being contrary to any written law.

1.2 General conditions

1.2.1 The Licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.

1.2.2 The Licensee shall operate and maintain all pollution control and monitoring equipment to the manufacturer's specification or any relevant and effective internal management system.

1.2.3 The Licensee shall:

- (a) implement all practical measures to prevent stormwater run-off becoming contaminated by the activities on the Premises; and
- (b) treat contaminated or potentially contaminated stormwater as necessary prior to being discharged from the Premises.¹

Note1: *The Environmental Protection (Unauthorised Discharges) Regulations 2004* make it an offence to discharge certain materials into the environment.

1.3 Premises operation

1.3.1 The Licensee shall ensure that all wastewaters from alcoholic beverage manufacturing operations including wash down water, by-products wastewater and contaminated run-off are directed to a wastewater treatment system.



- 1.3.2 The Licensee shall ensure that waste material is only stored and/or treated within vessels or compounds provided with the infrastructure detailed in Table 1.3.1.

Table 1.3.1: Containment infrastructure		
Storage vessel or compound	Material	Infrastructure requirements
Settling tank	Wastewater	Five concrete lined tanks
Storage pond	Treated wastewater	Synthetic/non-synthetic lined to achieve permeability of $<1 \times 10^{-9}$ m/s
Composting area	Marc, lees, screening solids, wastewater treatment sludge, waste compost material and other organic solid wastes	A bunded hardstand area with drainage system that discharges to the wastewater treatment system; or in sealed bins

- 1.3.3 The Licensee shall ensure that where wastes produced on the Premises are not taken off-site for lawful use or disposal, they are managed in accordance with the requirements in Table 1.3.2.

Table 1.3.2: Management of Waste		
Waste type	Disposal strategy	Operational requirements
Treated wastewater	Irrigation	The Licensee shall ensure that irrigation meets the following requirements: <ul style="list-style-type: none">• irrigation does not occur in areas where the water table rises to within 1m of the surface during the irrigation period;• irrigation does not occur within 100m of a surface water body excluding dams within premises boundary;• no irrigation generated run-off, spray drift or discharge occurs beyond the boundary of the Premises;• treated wastewater is evenly distributed over the irrigation area;• no soil erosion occurs;• vegetation cover is maintained over the wastewater irrigation areas; and• irrigation does not occur on land that is water logged.
Marc, lees, screening solids, wastewater treatment sludge and other organic solid wastes	Composting	Compost prior to spreading on land for use as a soil conditioner and/or export the material offsite for reuse or disposal
	On-site application to land	Composted waste shall be disposed of evenly on the vineyards and shall not be applied to land within 50 m from of any defined watercourse, wetland or external property boundary

- 1.3.4 The Licensee shall manage the wastewater treatment system such that:
- (a) overtopping of the wastewater treatment system does not occur;
 - (b) stormwater runoff is prevented from entering the wastewater treatment system;
 - (c) there is no discernible leakage loss from the wastewater treatment system; and
 - (d) vegetation and floating debris (emergent or otherwise) is prevented from growing or accumulating in the wastewater treatment system.



- 1.3.5 The Licensee shall manage the storage pond such that:
- (a) overtopping of the pond does not occur;
 - (b) a freeboard at or greater than 300mm is maintained;
 - (c) the integrity of the containment infrastructure is maintained; and
 - (d) vegetation and floating debris (emergent or otherwise) is prevented from encroaching onto the pond surface or inner pond embankments.

2 Emissions

2.1 General

- 2.1.1 The Licensee shall record and investigate the exceedance of any descriptive or numerical limit specified in any part of section 2 of this Licence.

2.2 Emissions to land

- 2.2.1 The Licensee shall ensure that where waste is emitted to land from the emission points in Table 2.5.1 and identified on the Map of emission points in Schedule 1 it is done so in accordance with the conditions of this Licence.

Table 2.2.1: Emissions to land

Emission point reference	Emission point reference on Map of emission points	Description	Source including abatement
L1	Irrigation area	Pipe feeding 1.8ha irrigation area	Winery wastewater treated via wastewater treatment system and discharged via sand filters

- 2.2.2 The Licensee shall not cause or allow emissions to land greater than the limits listed in Table 2.5.2.

Table 2.2.2: Emission limits to land

Emission point reference	Parameter	Limit (including units)	Averaging period
L1	pH	5.5 – 8.5	Spot sample
	Total nitrogen	250 kg/ha	Annual
	Total phosphorous	50 kg/ha	
	Biological oxygen demand (BOD)	30 kg/ha	Daily

3 Monitoring

3.1 General monitoring

- 3.1.1 The licensee shall ensure that:
- (a) all water samples are collected and preserved in accordance with AS/NZS 5667.1;
 - (b) all wastewater sampling is conducted in accordance with AS/NZS 5667.10; and
 - (c) all laboratory samples are submitted to and tested by a laboratory with current NATA accreditation for the parameters being measured.
- 3.1.2 The Licensee shall ensure that monthly monitoring is undertaken at least 15 days apart.



- 3.1.3 The Licensee shall record production or throughput data and any other process parameters relevant to any monitoring undertaken.
- 3.1.4 The Licensee shall ensure that all monitoring equipment used on the Premises to comply with the conditions of this Licence is calibrated in accordance with the manufacturer's specifications.
- 3.1.5 The Licensee shall, where the requirements for calibration cannot be practicably met, or a discrepancy exists in the interpretation of the requirements, bring these issues to the attention of the CEO accompanied with a report comprising details of any modifications to the methods.

3.2 Monitoring of emissions to land

- 3.2.1 The Licensee shall undertake the monitoring in Table 3.5.1 according to the specifications in that table.

Table 3.2.1: Monitoring of emissions to land					
Emission point reference	Monitoring point reference and location on Map of monitoring locations	Parameter	Units	Averaging period	Frequency
L1	M1 – valve installed after sand filters	Volumetric flow rate (cumulative)	m ³ /day	Monthly	Continuous
		pH	-	Spot sample	Monthly whilst irrigating
		Biological oxygen demand (BOD)	mg/L		
		Total dissolved solids (TDS)			
		Total suspended solids (TSS)			
		Total nitrogen			
		Total phosphorous			

4 Improvements

4.1 Improvement program

- 4.1.1 The Licensee shall complete the improvements in Table 4.1.1 by the date of completion in Table 4.1.1.



Table 4.1.1: Improvement program		
Improvement reference	Improvement	Date of completion
IR1	<p>The Licensee shall submit to the CEO a Nutrient Irrigation Management Plan (NIMP) prepared in accordance with <i>Water Quality Protection Note 33 Nutrient and Irrigation Management Plans</i>, Department of Water (June 2010). The NIMP shall include, but not be limited to:</p> <ul style="list-style-type: none">(i) An assessment of the adequacy of the irrigation area based on:<ul style="list-style-type: none">(a) Hydraulic loading rates;(b) Nutrient loading rates; and(c) Biochemical Oxygen Demand loading rates;(ii) A monthly water balance assessing the adequacy of the storage capacity of the wastewater treatment system;(iii) A nutrient balance which clearly identifies the availability of nutrients from each source, vegetation uptake rates, soil storage capacity, and environmental loss during the assessment year and accounts for any nutrient credits for following years;(iv) An assessment of the total nutrient application rate to the irrigation (kg/ha/year) based on (i);(v) A contingency plan for storage of wastewater during wet weather periods when irrigation may not occur or irrigation volumes may be lower;(vi) A qualitative and quantitative risk assessment to determine acceptable nutrient application rates to minimise the potential of soil, surface water or groundwater contamination;(vii) Identification of any improvements required; and(viii) Details of any proposed management measures, including timelines that can be implemented to reduce the risk of potential environmental impacts that may occur as a result of maximum recommended nutrient loading rates being exceeded.	01/01/2016

5 Information

5.1 Records

5.1.1 All information and records required by the Licence shall:

- (a) be legible;
- (b) if amended, be amended in such a way that the original and subsequent amendments remain legible or are capable of retrieval;
- (c) except for records listed in 5.1.1(d) be retained for at least 6 years from the date the records were made or until the expiry of the Licence or any subsequent licence; and
- (d) for those following records, be retained until the expiry of the Licence and any subsequent licence:
 - (i) off-site environmental effects; or
 - (ii) matters which affect the condition of the land or waters.

5.1.2 The Licensee shall ensure that:

- (a) any person left in charge of the Premises is aware of the conditions of the Licence and has access at all times to the Licence or copies thereof; and
- (b) any person who performs tasks on the Premises is informed of all of the conditions of the Licence that relate to the tasks which that person is performing.



- 5.1.3 The Licensee shall complete an Annual Audit Compliance Report indicating the extent to which the Licensee has complied with the conditions of the Licence, and any previous licence issued under Part V of the Act for the Premises for the previous annual period.
- 5.1.4 The Licensee shall implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the Premises and any action taken in response to the complaint.

5.2 Reporting

- 5.2.1 The Licensee shall submit to the CEO an Annual Environmental Report by the 1 August each year. The report shall contain the information listed in Table 5.2.1 in the format or form specified in that table.

Table 5.2.1: Annual Environmental Report		
Condition or table (if relevant)	Parameter	Format or form ¹
-	Summary of any failure or malfunction of any pollution control equipment and any environmental incidents that have occurred during the annual period and any action taken	None specified
-	Tonnes of grapes crushed and kL of wine produced during the annual period	None specified
Table 1.3.2	Quantity of composted marc applied to the premises, including the application rate (in m ³ /ha)	None specified
Table 3.2.1	Monthly and annual average contaminant loading to land of parameters	None specified
	Volume of wastewater discharged to land	
	Monitoring of emissions to land	LR1
5.1.3	Compliance	Annual Audit Compliance Report (AACR)
5.1.4	Complaints summary	None specified

Note 1: Forms are in Schedule 2

- 5.2.2 The Licensee shall ensure that the Annual Environmental Report also contains:
- (a) any relevant process, production or operational data recorded under Condition 3.1.3; and
 - (b) an assessment of the information contained within the report against previous monitoring results and Licence limits.

5.3 Notification

- 5.3.1 The Licensee shall ensure that the parameters listed in Table 5.3.1 are notified to the CEO in accordance with the notification requirements of the table.

Table 5.3.1: Notification requirements			
Condition or table (if relevant)	Parameter	Notification requirement ¹	Format or form ²
2.1.1	Notification of detection of the breach of a limit	As soon as practicable	N1

Note 1: Notification requirements in the Licence shall not negate the requirement to comply with s72 of the Act

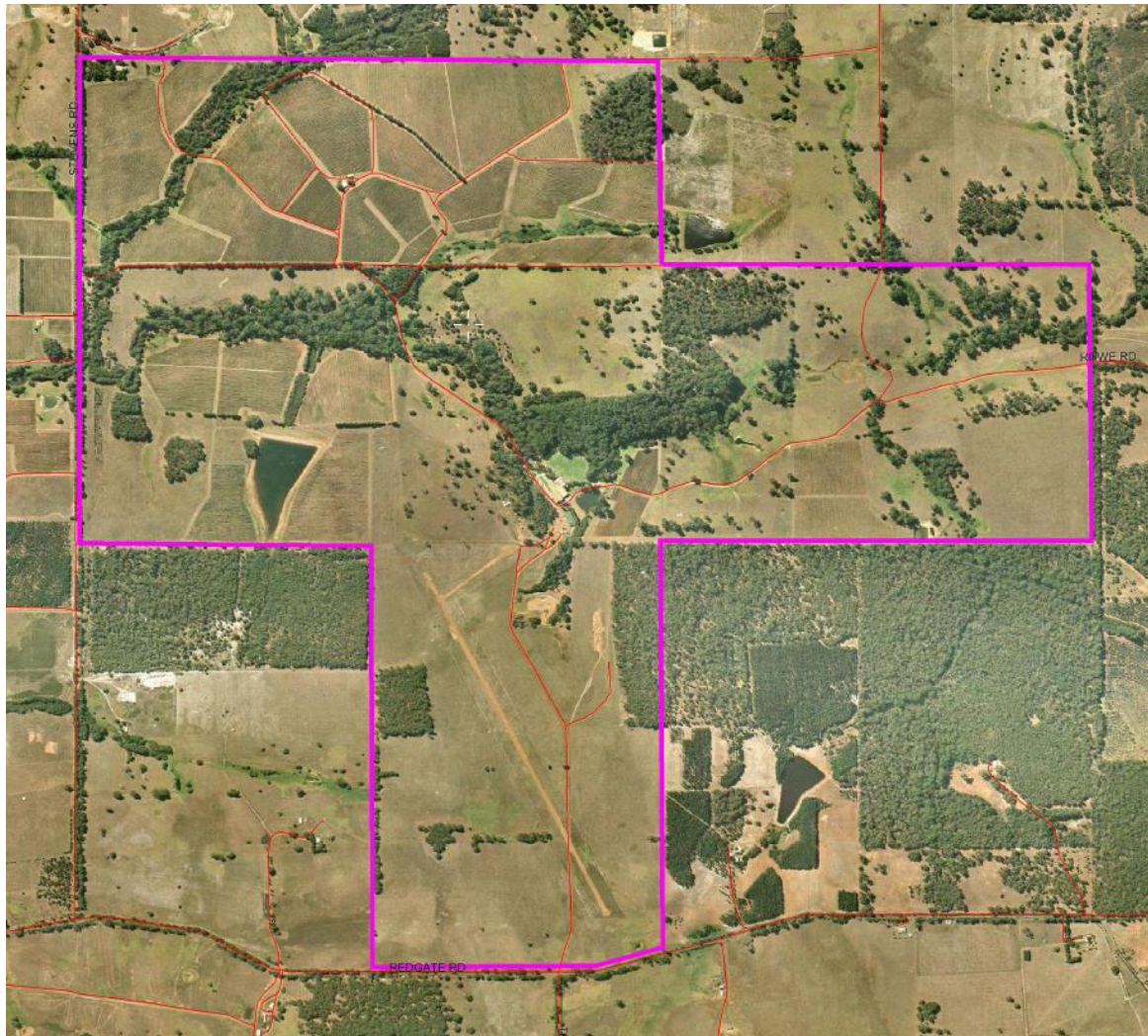
Note 2: Forms are in Schedule 2




Schedule 1: Maps

Premises map

The Premises is shown in the map below. The pink line depicts the Premises boundary.

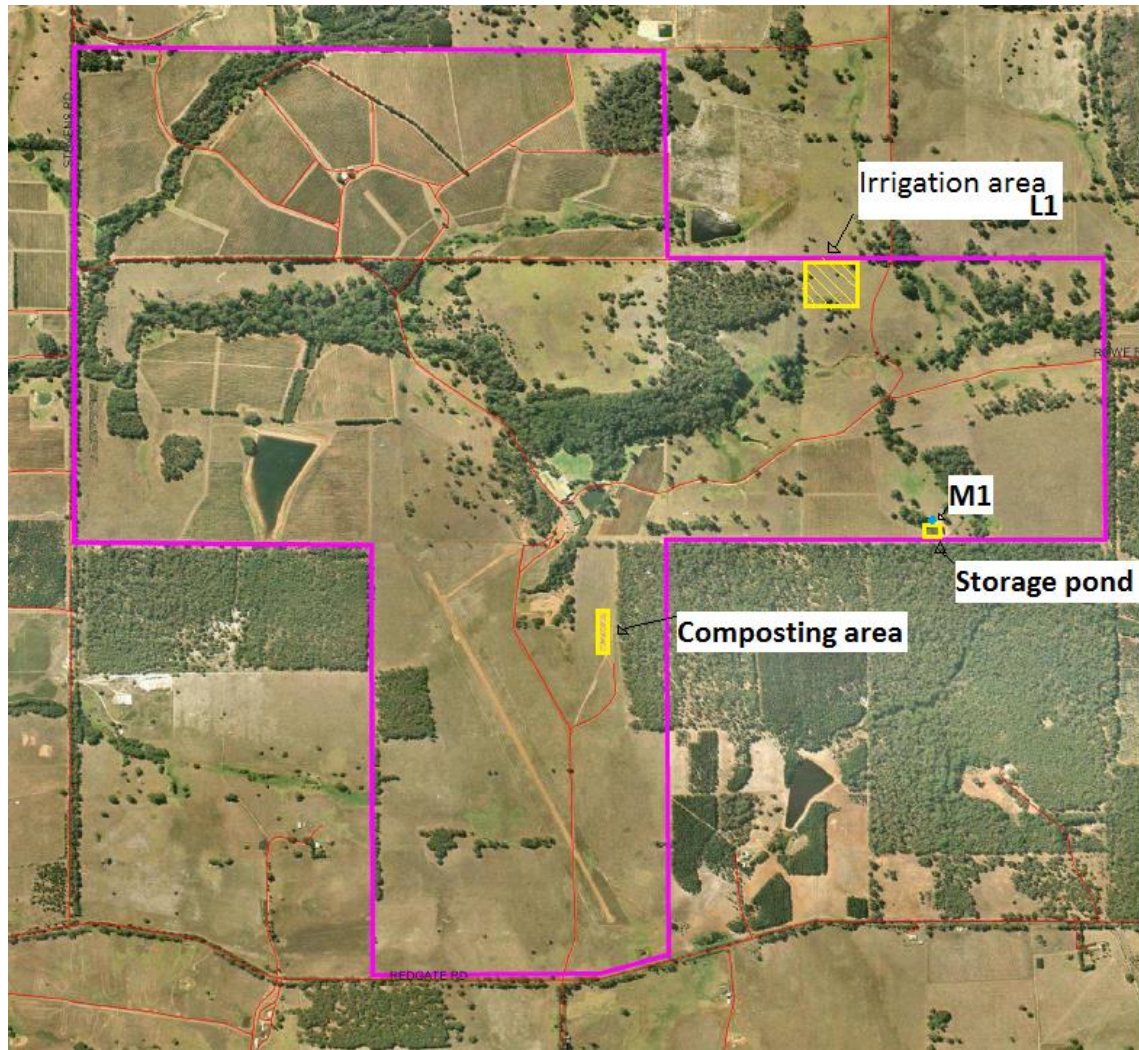



0 500 m
Scale 1:19064
(Approximate when reproduced at A4)
Geocentric Datum Australia 1994
Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.



Map of emission points and monitoring locations

The locations of the emission and monitoring point defined in Tables 2.2.1 and 3.2.1 are shown below.



Scale 1:19064
(Approximate when reproduced at A4)
Geocentric Datum Australia 1994
Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.



Schedule 2: Reporting & notification forms

These forms are provided for the proponent to report monitoring and other data required by the Licence. They can be requested in an electronic format.

ANNUAL AUDIT COMPLIANCE REPORT PROFORMA

SECTION A LICENCE DETAILS

Licence Number:	Licence File Number:
Company Name: Trading as:	ABN:
Reporting period: _____ to _____	

STATEMENT OF COMPLIANCE WITH LICENCE CONDITIONS

1. Were all conditions of the Licence complied with within the reporting period? (please tick the appropriate box)

Yes ☐ Please proceed to Section C

No ☐ Please proceed to Section B

Each page must be initialled by the person(s) who signs Section C of this Annual Audit Compliance Report (AACR).

Initial:



SECTION B

DETAILS OF NON-COMPLIANCE WITH LICENCE CONDITION.

Please use a separate page for each Licence condition that was not complied with.

a) Licence condition not complied with:	
b) Date(s) when the non compliance occurred, if applicable:	
c) Was this non compliance reported to DER?:	
<input type="checkbox"/> Yes <input type="checkbox"/> Reported to DER verbally Date _____ <input type="checkbox"/> Reported to DER in writing Date _____	<input type="checkbox"/> No
d) Has DER taken, or finalised any action in relation to the non compliance?:	
e) Summary of particulars of the non compliance, and what was the environmental impact:	
f) If relevant, the precise location where the non compliance occurred (attach map or diagram):	
g) Cause of non compliance:	
h) Action taken, or that will be taken to mitigate any adverse effects of the non compliance:	
i) Action taken or that will be taken to prevent recurrence of the non compliance:	

Each page must be initialled by the person(s) who signs Section C of this AACR

Initial:



SECTION C

SIGNATURE AND CERTIFICATION

This Annual Audit Compliance Report (AACR) may only be signed by a person(s) with legal authority to sign it. The ways in which the AACR must be signed and certified, and the people who may sign the statement, are set out below.

Please tick the box next to the category that describes how this AACR is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the licence holder is		The Annual Audit Compliance Report must be signed and certified:
An individual	<input type="checkbox"/> <input type="checkbox"/>	by the individual licence holder, or by a person approved in writing by the Chief Executive Officer of the Department of Environment Regulation to sign on the licensee's behalf.
A firm or other unincorporated company	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A corporation	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	by affixing the common seal of the licensee in accordance with the <i>Corporations Act 2001</i> ; or by two directors of the licensee; or by a director and a company secretary of the licensee, or if the licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A public authority (other than a local government)	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
a local government	<input type="checkbox"/> <input type="checkbox"/>	by the chief executive officer of the licensee; or by affixing the seal of the local government.

It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this annual audit compliance report is correct and not false or misleading in a material particular.

SIGNATURE: _____

NAME:
(printed) _____

POSITION: _____

DATE: ____/____/____

SEAL (if signing under seal)

SIGNATURE: _____

NAME:
(printed) _____

POSITION: _____

DATE: ____/____/____



Licence: L7725/2001/7
Form: LR1
Name: Monitoring of emissions to land

Licensee: Rural Developments Pty Ltd
Period :

Emission point	Parameter	Limit	Result	Averaging period	Method	Sample date & times
L1	Volumetric flow rate (cumulative)		m ³ /day	Monthly		
	pH			Spot sample		
	Biological oxygen demand (BOD		mg/L			
	Total dissolved solids (TDS)		mg/L			
	Total suspended solids (TSS)		mg/L			
	Total Nitrogen		mg/L			
	Total Phosphorus		mg/L			

Signed on behalf of Rural Developments Pty Ltd: Date:



Licence: L7725/2001/7
Form: N1

Licensee: Rural Developments Pty Ltd
Date of breach:

Notification of detection of the breach of a limit

These pages outline the information that the operator must provide. Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

Part A

Licence Number	
Name of operator	
Location of Premises	
Time and date of the detection	

Notification requirements for the breach of a limit

Emission point reference/ source	
Parameter(s)	
Limit	
Measured value	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

Part B

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident.	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission.	
The dates of any previous N1 notifications for the Premises in the preceding 24 months.	

Name	
Post	
Signature on behalf of Rural Developments Pty Ltd	
Date	



Decision Document

Environmental Protection Act 1986, Part V

Proponent: Rural Developments Pty Ltd

Licence: L7725/2001/7

Registered office: 18 High St
FREMANTLE WA 6160

ACN: 008 689 110

Premises address: Leeuwin Estate
Stevens Road
WITCHCLIFFE WA 6286
Being Lot 668 on plan 131667, Lot 661 on plan 131668 and Lot 1016 on plan 231030

Issue date: Thursday, 29 May 2014

Commencement date: Thursday, 5 June 2014

Expiry date: Saturday, 4 June 2016

Decision

Based on the assessment detailed in this document the Department of Environment Regulation (DER) has decided to issue an amended licence. DER considers that in reaching this decision it has taken into account all relevant considerations and legal requirements and that the Licence and its conditions will ensure that an appropriate level of environmental protection is provided.

Decision Document prepared by: Terrel MacGregor
Licensing Officer

Decision Document authorised by: Jonathan Bailes
Delegated Officer



Contents

Decision Document	1
Contents	2
1 Purpose of this Document	2
2 Administrative summary	3
3 Executive summary of proposal and assessment	4
4 Decision table	5
5 Advertisement and consultation table	6
6 Risk Assessment	6
Appendix A	7

1 Purpose of this Document

This decision document explains how DER has assessed and determined the application and provides a record of DER's decision-making process and how relevant factors have been taken into account. Stakeholders should note that this document is limited to DER's assessment and decision making under Part V of the *Environmental Protection Act 1986*. Other approvals may be required for the proposal, and it is the proponent's responsibility to ensure they have all relevant approvals for their Premises.



2 Administrative summary

Administrative details		
Application type	Works Approval <input type="checkbox"/> New Licence <input type="checkbox"/> Licence amendment <input checked="" type="checkbox"/> Works Approval amendment <input type="checkbox"/>	
Activities that cause the premises to become prescribed premises	Category number(s)	Assessed design capacity
	25	850 kilolitres per year
Application verified	Date: N/A	
Application fee paid	Date: N/A	
Works Approval has been complied with	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Compliance Certificate received	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Commercial-in-confidence claim	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Commercial-in-confidence claim outcome		
Is the proposal a Major Resource Project?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Was the proposal referred to the Environmental Protection Authority (EPA) under Part IV of the <i>Environmental Protection Act 1986</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No: EPA Report No:
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the <i>Environmental Protection Act 1986</i>)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Department of Water consulted Yes <input type="checkbox"/> No <input type="checkbox"/>	
Is the Premises within an Environmental Protection Policy (EPP) Area Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Is the Premises subject to any EPP requirements? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		



3 Executive summary of proposal and assessment

Rural Developments Pty Ltd operate the Leeuwin Estate winery approximately 5 km south-east of Margaret River. The annual winery throughput is currently around 850 kilolitres (kL) of wine (1 250 tonne of grape crush).

The premises is located in a priority agricultural area which includes other vineyards, woodland and grazing land. The Boodjidup Brook and several tributaries run through the premises, which also include two earth dams.

All production areas are designed to divert stormwater away from drains; whilst all production areas containing contaminated stormwater drain to collection sumps that are pumped to the wastewater treatment system. Wastewater from the production areas is directed via screened floor drains to two settling tanks. Treated wastewater is then directed from the settling tanks through a series of 3 additional settling tanks to an evaporation storage pond. Correction of pH occurs in-line between the settling tanks. Treated wastewater from the evaporation storage pond is passed through sand filters prior to the onsite irrigation area. The irrigation paddock is approximately 1.8 ha in size and is planted with annual ryegrass. Irrigation occurs through small drippers located on the ground surface.

Approximately 120 tonne of grape marc is produced on an annual basis, primarily during the vintage period (February to May). Marc is removed from the press, prior to transfer to a handstand pad along with screening solids and other organic solid wastes. The stored material is composted and spread on to the vineyards.

This Licence is the result of an amendment sought by the Licensee to alter the location of the irrigation area for the disposal of winery wastewater. The current irrigation area has been in operation for 14 years and is now proposed to be planted to vineyard. The new irrigation area is located approximately 750 metres north west of the existing irrigation area.

Minor administrative changes have also been made to the licence to implement the current template.



4 Decision table

All applications are assessed in line with the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987* and DER's Operational Procedure on Assessing Emissions and Discharges from Prescribed Premises. Where other references have been used in making the decision they are detailed in the decision document.

DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
Emissions to land including monitoring	L1.3.3, L2.2.1, L2.2.2, L3.1.1 –L3.1.5 and L3.2.1	DER's assessment and decision making for emissions to land including monitoring are detailed in Appendix A.	<i>Water Quality Protection Note – Irrigation with Nutrient-rich Wastewater</i> Department of Water (DoW), 2008. <i>Environmental Protection (Unauthorised Discharges) Regulations, 2004</i>
Process monitoring	L3.7.1	Licence condition L3.7.1 has been removed from the licence. This condition required that the volume of water used at the premises was monitored and reported. This data is not relevant to emissions and discharges from the premises and therefore has been removed.	
Licence Duration	N/A	The licence duration has not been reassessed during this amendment. The current licence expires in June 2016. A review of the licence, in particular wastewater management will be carried out as a part of the licence reissue.	N/A



5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
15/09/2015	Proponent sent a copy of draft instrument	Proponent accepted the draft document with no comments	N/A

6 Risk Assessment

Note: This matrix is taken from the DER Corporate Policy Statement No. 07 - Operational Risk Management

Table 1: Emissions Risk Matrix

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Moderate	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	Extreme
Unlikely	Low	Moderate	Moderate	Moderate	High
Rare	Low	Low	Moderate	Moderate	High



Appendix A - Point source emissions to land including monitoring

Operation

Emission Description

Emission: Wastewater discharged to land through irrigation. The composition of winery wastewater varies throughout the year based on the production stage. Wastewater produced during vintage has higher concentrations of Biological Oxygen Demand (BOD), nutrients and electrical conductivity, and a more acidic pH. Cleaning of equipment pre and post vintage can lead to wastewater being highly alkaline and saline.

Impact: Potential for soil degradation, damage to vegetation, odours and pollution of ground and surface water. The irrigation area is located on a hill top with gentle slopes to the south and east. The site is approximately 20m above the level of the creek and the groundwater table is expected to be more than 2m to the irrigated surface. The soils are of the Wilyabrup Sandy Slope landform and are uniform deep grey coarse quartz sand. A watercourse is located 150m south of the irrigation area. A significant stream, Boodjidup Brook is located 170m south of the irrigation area. Under abnormal situations there may be a leakage or pooling of the irrigation system. This may give rise to enhanced mosquito breeding and the transmission of disease. The Premises undertakes irrigation of treated wastewater throughout the year. There is potential for irrigating in excess of the site hydraulic loading rate and irrigating during periods where rainfall meets the need of the vegetation. Hydraulic loading can transfer pollutants to groundwater and cause surface water runoff, potentially contaminating the environment.

Controls: Winery wastewater is screened prior to being directed to settling tanks. Organic matter (wine, lees, solids etc.) is able to settle out from the wastewater. pH correction occurs in-line between the settling tanks. From the settling tanks, the treated wastewater is directed to an evaporation pond where it is passed through sand filters prior to being disposed of to a 1.8 hectares irrigation area through drippers. A woodlot of trees and shrubs (sheoak, peppermint, bull banksia and golden wreath wattle) will be planted between the drippers across the irrigation site.

Risk Assessment

Consequence: Moderate

Likelihood: Possible

Risk Rating: Moderate

Regulatory Controls

Conditions L1.3.1 – L1.3.5 have been carried over from the previous licence. L1.3.3 specifies how treated wastewater is to be managed onsite and specifies requirements for the irrigation of wastewater. The conditions specify that there is to be no run-off, spray drift, ponding or discharge which crosses the Premises boundary. The conditions also require that no soil erosion occurs, that vegetation cover is maintained and setback distances from watercourses are maintained. Table 2.2.1 (previously Table 2.5.1) has been updated and specifies the irrigation area. The loading limits for total nitrogen, total phosphorus and biological oxygen demand (BOD) specified on the previous licence are higher than nutrient application criteria specified in Department of Water's *Water Quality Protection Note 22: Irrigation with nutrient rich wastewater (DoW 2008)*. In accordance with the eutrophication risk based on the soil characteristics within the irrigation area, it can be described as 'Significant' (Category A). This determination is based on a conservative approach given the absence of any analytical soil data. Recent monitoring reports submitted by the licensee indicates that the nutrient application rates and BOD loading are in line with the Category A limits based on the soil type and location of the premises. The current licence limits on nutrient loading rates have been retained to allow the licensee to carry out an assessment of wastewater management at the premises and submit a Nutrient Irrigation Management Plan (NIMP) (condition 4.1.1). DER will review the loading limits on the licence with the submission of the NIMP and licence reissue in June 2016. Monitoring conditions have been carried over from the previous licence with the addition of L3.1.2 that requires that the monthly monitoring is undertaken at least 15 days apart. This is to ensure that the results are representative of the wastewater to be irrigated.

Residual Risk

Consequence: Minor; *Likelihood:* Possible; *Residual Risk Rating:* Moderate