



The Manager
Flying Fish Cove Pty Ltd
PO Box 692
DUNSBOROUGH WA 6281

Dear Sir/Madam,

ENVIRONMENTAL PROTECTION ACT 1986: LICENCE GRANTED

Premises

Flying Fish Cove Winery
Lot 125 on Plan 21450, Caves Road
WILYABRUP, WA, 6280
Licence Number: L7643/1999/8

A licence under the *Environmental Protection Act 1986* (the Act) has been granted for the above premises. The Department of Environmental Regulation will advertise the issuing of this licence in the public notices section of *The West Australian* newspaper.

The licence includes attached conditions. Under Section 58(1) of the Act, it is an offence to contravene a condition of a licence. This offence carries a penalty of up to \$125,000 and a daily penalty of up to \$25,000.

In accordance with section 102(1)(c) of the Act, you have 21 days to appeal the conditions of the licence. Under section 102(3)(a) of the Act, any other person may also appeal the conditions of the licence. To lodge an appeal contact the Office of the Appeals Convenor on 6467 5190 or by email at admin@appealsconvenor.wa.gov.au.

Where a licence is issued for more than one year it requires payment of an annual fee and will cease to have effect if the fee is unpaid. It is the occupier's responsibility to lodge a fee application and pay the annual fee in sufficient time to avoid incurring a late payment fee and for processing to be completed before the licence anniversary date. If you have any queries regarding the above information, please contact Brad Cox on 9725 4300.

Yours sincerely

Ed Schuller
Officer delegated under Section 20
of the *Environmental Protection Act 1986*

Thursday, 17 July 2014

enc: *Environmental Protection Act 1986* Licence L7643/1999/8
cc: City of Busselton



Licence

Environmental Protection Act 1986, Part V

Licensee: Flying Fish Cove Pty Ltd

Licence: L7643/1999/8

Registered office: Level 11, 216 St Georges Terrace
PERTH WA 6000

ACN: 009 163 544

Premises address: Flying Fish Cove Winery
Caves Road
WILYABRUP WA 6280
Being Lot 125 on Plan 21450 as depicted in Schedule 1.

Issue date: Thursday, 17 July 2014

Commencement date: Monday, 28 July 2014

Expiry date: Saturday, 27 July 2019

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	1 400 kilolitres per annual period

Conditions

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

.....
Officer delegated under section 20
of the *Environmental Protection Act 1986*



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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 works with the business owners, community, consultants, industry and other representatives 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

Flying Fish Winery operate an alcoholic beverage operation (winery) with a maximum crush capacity of 2000 tonnes/year of grapes. Grapes are sourced from on-site vines and other family owned vines in the South West. The winery is located within a semi rural landuse zone. The nearest sensitive receiver is a residence located at least 1km from the Premises. The surrounding land for at least 2 km is primarily cleared. The groundwater at the Premises is located at a depth of approximately 5 metres below ground level.

The main discharge from the Premises is treated wastewater discharged to land. Approximately 2 469 kL/yr of wastewater is treated onsite by adjusting the pH. It is then directed to the treatment pond where it is aerated. The treated wastewater is then discharged to an irrigation area of 2.1 ha, consisting of a mixed species plantation. Sludge from the wastewater treatment process is gravity fed from the reactor to a sludge tank where it thickens from approximately 0.6% to 1.4% solids content.

The supernatant overflows to a sump where it is pumped back to the plant for treatment. Sludge solid is added to marc for composting prior to being applied onto the surrounding pasture as soil conditioner. Composting takes place on a bunded hardstand which is drained such that any leachate is captured and returned through the wastewater treatment plant.

The wastewater treatment plant is designed to ensure irrigation to land does not exceed Nitrogen 180 kg/ha per year, phosphorus 20 kg/ha per year and BOD 30 kg/ha per day. Subsequently odour emissions from operations are not expected to be significant.

This Licence is the successor to licence L7643/1999/7 and has been converted to a new format REFIRE licence.

The licences and works approvals issued for the Premises since 28/07/2014 are:

Instrument log		
Instrument	Issued	Description
L7643/1999/8	17/07/2014	Licence re-issue and conversion to REFIRE format

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 or target 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:

Manager Licensing (Greater Swan)
Department of Environment Regulation
PO Box 1693
BUNBURY WA 6231
Telephone: (08) 9725 4300
Facsimile: (08) 9725 4351
Email: grswanbunbury@dec.wa.gov.au;

'code of practice for the storage and handling of dangerous goods' means document titled "Storage and handling of dangerous goods: Code of Practice" published by the Department of Mines and Petroleum, as amended from time to time;

'dangerous goods' has the meaning defined in the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*;

'environmentally hazardous material' means material (either solid or liquid raw materials, materials in the process of manufacture, manufactured products, products used in the manufacturing process, by-products and waste) which if discharged into the environment from or within the premises may cause pollution or environmental harm. Note: Environmentally hazardous materials include dangerous goods where they are stored in quantities below placard quantities. The storage of dangerous goods above placard quantities is regulated by the Department of Mines and Petroleum;

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

'fugitive emissions' means all emissions not arising from point sources;

'hardstand' means a surface with a permeability of 10⁻⁹ metres/second or less;



'leachate' means liquid released by or water that has percolated through waste and which contains some of its constituents.

'lees' means the material which accumulates in the bottom of grape juice or wine fermentation tanks;

'Licence' means this Licence numbered L7643/1999/8 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;

'usual working day' means 0800 – 1700 hours, Monday to Friday excluding public holidays in Western Australia;

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

'mS/cm' means millisiemens per centimetre.

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.

1.2 General conditions

1.2.1 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.

1.2.2 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, except where storage is prescribed in section 1.3, shall ensure that environmentally hazardous substances are stored in accordance with the code of practice for the storage and handling of dangerous goods.

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



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 areas 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
Aerobic Pond	Wastewater	Clay lined.
Solid waste storage area	Marc, lees, wastewater treatment sludge and other organic solid wastes	An area which is bunded and drained such that any leachate is directed back to the wastewater treatment system.

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 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; • 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, 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 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 all wastewater treatment, and storage ponds such that:

- overtopping of the ponds does not occur;
- a freeboard at or greater than 300mm is targeted;
- the integrity of the containment infrastructure is maintained;
- trapped overflows are maintained on the outlet of ponds to prevent carry-over of surface floating matter; and



- (e) vegetation and floating debris (emergent or otherwise) is prevented from encroaching onto pond surfaces or inner pond embankments.

1.3.5 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 seepage 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.



2 Emissions

2.1 General

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

2.2-2.4 Point source emissions to air, surface water and groundwater

There are no specified conditions relating to point source emissions to air, surface water and groundwater in this section.

2.5 Emissions to land

2.5.1 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 2.5.1: Emissions to land

Emission point reference	Emission point reference on Map of emission points	Description	Source including abatement
L1	Irrigation area	Discharge from wastewater treatment system aerobic pond to on-site irrigation field.	Treated wastewater from wastewater treatment system

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

Table 2.5.2: Emission limits to land

Emission point reference	Parameter	Limit (including units)	Averaging period
L1	Load of total nitrogen	180 kg/ha	Annual
	Load of total phosphorus	20 kg/ha	Annual
	Load of BOD	30 kg/ha	Daily
	pH	5.5-8.5	-

2.6-2.8 Fugitive emissions, odour and noise

There are no specified conditions relating to fugitive emissions, odour and noise in this section.



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 :

- (a) 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 and the requirements of the Licence.

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.

3.2-3.4 Monitoring of point source emissions to air, surface water and groundwater

There are no specified conditions relating to monitoring of point source emissions to air, surface water and groundwater in this section.

3.5 Monitoring of emissions to land

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

Table 3.5.1: Monitoring of emissions to land					
Emission point reference	Monitoring point reference and location	Parameter	Units	Averaging Period	Frequency
L1	M1 – Outflow from wastewater treatment system to irrigation area	Volumetric flow rate (cumulative)	m ³ /day	Monthly	Continuous
		pH ¹	-	Spot sample	Monthly while irrigating
		Electrical conductivity	mS/cm		
		Total nitrogen	mg/L		
		Total phosphorus			
		Total dissolved solids			
		Total suspended solids			
BOD					

Note 1: In-field non-NATA accredited analysis permitted.



3.6-3.7 Monitoring of inputs and outputs and process monitoring

There are no specified conditions relating to monitoring of inputs and outputs and process monitoring in this section.

3.8-3.9 Ambient environmental quality and meteorological monitoring

There are no specified conditions relating to ambient environmental quality and meteorological monitoring in this section.

4 Improvements

There are no specified improvement conditions in this section.

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 within 28 calendar days after the end of the annual period. 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 form¹
-	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
Table 1.3.2	Quantity of composted marc applied to the premises, including the application rate (in m ³ /ha)	None specified
Table 3.5.1	Monitoring of emissions to land	LR1
	Contaminant loading to land of parameters (total annual loading kg/ha/yr for nitrogen and phosphorus, average daily loading kg/ha/day for BOD).	None specified
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 and/or targets.

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 requirement¹	Format or form²
2.1.1	Breach of any limit specified in the Licence	Part A: As soon as practicable but no later than 5pm of the next working day Part B: As soon as practicable	N1
	Any failure or malfunction of any pollution control equipment or any incident, which has caused, is causing or may cause pollution		
3.1.5	Calibration report	As soon as practicable.	None specified

Note 1: No notification requirement in the Licence shall negate the requirement to comply with s72 of the Act.

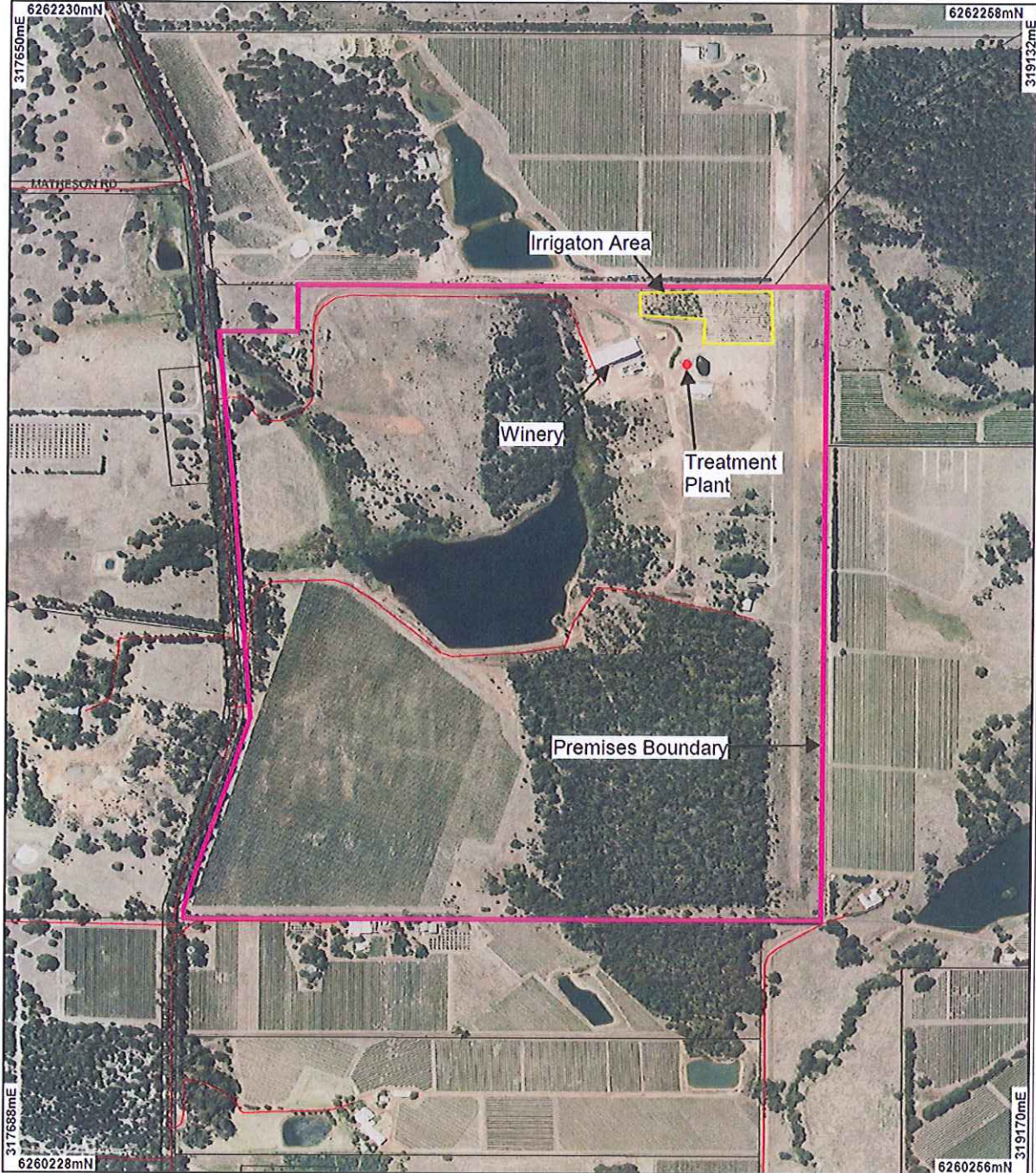
Note 2: Forms are in Schedule 2



Schedule 1: Maps

Premises map

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





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:	ABN:
Trading as:	
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 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 Corporations Act 2001; 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: _____

SIGNATURE: _____

NAME:
(printed) _____

NAME:
(printed) _____

POSITION: _____

POSITION: _____

DATE: ____ / ____ / ____

DATE: ____ / ____ / ____

Seal (if signing under seal)

30	kg/ha	Daily		
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ve Pty Ltd: Date:



Licence: L7643/1999/8
Form: N1

Licensee:
Date of breach:

Notification of detection of the breach of a limit or any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution.

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	

Notification requirements for any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution	
Date and time of event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances potentially released	
Best estimate of the quantity or rate of release of substances	
Measures taken , or intended to be taken, to stop any emission	
Description of the failure or accident	



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 Flying Fish Cove Pty Ltd	
Date	



Decision Document

Environmental Protection Act 1986, Part V

Proponent: Flying Fish Cove Pty Ltd

Licence: L7643/1999/8

Registered office: Level 11, 216 St Georges Terrace
PERTH WA 6000

ACN: 009 163 544

Premises address: Flying Fish Cove Winery
Caves Road
WILYABRUP WA 6280
Being Lot 125 on Plan 21450

Issue date: Thursday, 17 July 2014

Commencement date: Monday, 28 July 2014

Expiry date: Saturday, 27 July 2019

Decision

Based on the assessment detailed in this document the Department of Environment Regulation (DER), has decided to issue a 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:

Bradley Cox
Licensing Officer

Decision Document authorised by:

Neville Welsh
Manager Licensing



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1 Purpose of this Document

This decision document explains how DER has assessed and determined the application for a works approval or licence, 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.

Works approval and licence conditions

DER has three types of conditions that may be imposed on works approvals and licences. They are as follows;

Standard conditions (SC)

DER has standard conditions that are imposed on all works approvals and licences regardless of the activities undertaken on the Premises and the information provided in the application. These are included as the following conditions on works approvals and licences:

Works approval conditions: 1.1.1-1.1.4, 1.2.1, 1.2.2, 5.1.1 and 5.1.2.

Licence conditions: 1.1.1-1.1.4, 1.2.1-1.2.4, 5.1.1-5.1.4 and 5.2.1.

For such conditions, justification within the Decision Document is not provided.

Optional standard conditions (OSC)

In the interests of regulatory consistency DER has a set of optional standard conditions that can be imposed on works approvals and licences. DER will include optional standard conditions as necessary, and are likely to constitute the majority of conditions in any licence. The inclusion of any optional standard conditions is justified in Section 4 of this document.

Non standard conditions (NSC)

Where the proposed activities require conditions outside the standard conditions suite DER will impose one or more non-standard conditions. These include both premises and sector specific conditions, and are likely to occur within few licences. Where used, justification for the application of these conditions will be included in Section 4.



2 Administrative summary

Administrative details		
Application type	Works Approval <input type="checkbox"/>	New Licence <input checked="" type="checkbox"/>
	Licence amendment <input type="checkbox"/>	Works Approval amendment <input type="checkbox"/>
Activities that cause the premises to become prescribed premises	Category number(s)	Assessed design capacity
	25	1 400 kilolitres per annual period
Application verified	Date: 22/04/2014	
Application fee paid	Date: 10/06/2014	
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"/>
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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"/>
Is the Premises within an Environmental Protection Policy (EPP) Area	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If Yes include details of which EPP(s) here.		
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If Yes, include details here, eg Site is subject to SO ₂ requirements of Kwinana EPP.		



3 Executive summary of proposal and assessment

Flying Fish Winery operate an alcoholic beverage operation (winery) with a maximum crush capacity of 2000 tonnes/year of grapes. Grapes are sourced from on-site vines and other family owned vines in the South West. The winery is located within a semi rural landuse zone. The nearest sensitive receiver is a residence located at least 1km from the Premises. The surrounding land for at least 2 km is primarily cleared. The groundwater at the Premises is located at a depth of approximately 5 metres below ground level.

The main discharge from the Premises is treated wastewater discharged to land. Approximately 2 469 kL/yr of wastewater is treated onsite by adjusting the pH. It is then directed to the treatment pond where it is aerated. The treated wastewater is then discharged to an irrigation area of 2.1 ha, consisting of a mixed species plantation. Sludge from the wastewater treatment process is gravity fed from the reactor to a sludge tank where it thickens from approximately 0.6% to 1.4% solids content.

The supernatant overflows to a sump where it is pumped back to the plant for treatment. Sludge solid is added to marc for composting prior to being applied onto the surrounding pasture as soil conditioner. Composting takes place on a bunded hardstand which is drained such that any leachate is captured and returned through the wastewater treatment plant.

The wastewater treatment plant is designed to ensure irrigation to land does not exceed Nitrogen 180 kg/ha per year, phosphorus 20 kg/ha per year and BOD 30 kg/ha per day. Subsequently odour emissions from operations are not expected to be significant.

The winery is considered low risk, the main risks being impact on groundwater from discharge to land. As such, there are conditions on the licence about limits for discharges to land, but there is no ambient monitoring required. OSC about the management of the wastewater treatment system and management of waste (including irrigation, composting and land application of solid waste), have been included in the licence.



4 Decision table

All applications are assessed in line with the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987*, DEC's Policy Statement - Limits and targets for prescribed premises (2006), 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	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
General conditions	L1.3.1 – L1.3.5	OSC	<p>Operation</p> <p><u>Emission Description</u> <i>Emission:</i> Waste products escaping containment infrastructure <i>Impact:</i> Potential contamination of groundwater <i>Controls:</i> wastewater stored in clay-lined pond; Solid waste stored in bunded, hardstand area.</p> <p><u>Risk Assessment</u> <i>Consequence:</i> Moderate <i>Likelihood:</i> Unlikely <i>Risk Rating:</i> Moderate</p> <p><u>Regulatory Controls</u> Appropriate containment infrastructure are specified in condition L1.3.2, L1.3.4 and L1.3.5 relating to management of storage ponds and the wastewater treatment system have been included to ensure that the integrity and operation of the pond and wastewater treatment system prevent unauthorised discharges of waste to the environment.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Insignificant <i>Likelihood:</i> Unlikely <i>Risk rating:</i> Low</p>	Licence L7643/1999/7 Annual Monitoring Report Operations 2012/2013 – Flying Fish Cove Pty Ltd – August 2013 Compliance Inspection Checklist and Report – December 2013 – Department of Environment Regulation.



DECISION TABLE				
Works Approval / Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
			<p>Condition 1.3.1 ensures that all wastewater is treated, prior to irrigation to prevent high level contamination of irrigated areas. It has been assessed under discharges to land below.</p> <p>Condition 1.3.3 relating to discharges to land by irrigation has been assessed under discharges to land below.</p>	
Emissions general	L2.1.1	OSC	Descriptive limits will be set through condition 2.5.2 of the licence and therefore OSC regarding recording and investigation of exceedances of limits or targets has been included.	N/A
Point source emissions to air including monitoring	L2.2 and L3.2	N/A	Operation No significant point source air emissions are expected from the winery. No specified conditions relating to point source emissions to air or the monitoring of these emissions are required to be added to the licence.	<i>Environmental Protection (Unauthorised Discharges) Regulations, 2004.</i>
Point source emissions to surface water including monitoring	L2.3	N/A	Operation There will be no point source emissions to water during operation of the winery. No specified conditions relating to point source emissions to water or the monitoring of such emissions are required to be added to the licence.	N/A
Point source emissions to groundwater including monitoring	L2.4	N/A	Operation There will be no point source emissions to water during operation of the winery. No specified conditions relating to point source emissions to water or the monitoring of such emissions are required to be added to the licence.	N/A



DECISION TABLE				
Works Approval / Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
Emissions to land including monitoring	L2.5 and L3.5	OSC	<p>Operation</p> <p><u>Emission Description</u> <i>Emission:</i> discharge of wastewater to and compost to land <i>Impact:</i> Potential impact to soil and groundwater if loading rates are exceeded, the water table is high, vegetation for uptake is lacking or runoff/drift issues occur. <i>Controls:</i> wastewater treated prior to discharge at a rate and to a sufficiently large surface area to prevent overloading.</p> <p><u>Risk assessment</u> <i>Consequence:</i> Minor <i>Likelihood:</i> Possible <i>Risk rating:</i> Moderate</p> <p><u>Regulatory controls</u> All wastewater required to be treated in accordance with Condition 1.3.1, prior to irrigation to prevent high level contamination of irrigated areas. Irrigation and solid waste spreading are controlled by condition 1.3.3 to ensure that the practice is managed in a manner consistent with protecting groundwater resources from pollution.</p> <p>Treated wastewater from the winery is discharged to land in a defined irrigation area (L2.5.1) in accordance with limits (L2.5.2) on the quality of the water irrigated to land to ensure there is no environmental impact to the soil or groundwater.</p> <p>Condition 1.3.5 has been assessed under general emissions, however also ensures that the wastewater treatment system is required to ensure the treatment process operates efficiently.</p>	Licence L7643/1999/7 Annual Monitoring Report Operations 2012/2013 – Flying Fish Cove Pty Ltd – August 2013 Compliance Inspection Checklist and Report – December 2013 – Department of Environment Regulation

	monitoring of such emissions are required to be added to the licence.	
N/A	There will be no odour emissions during operation of the winery. No specified conditions relating to odour emissions or the monitoring of such emissions are required to be added to the licence.	N/A
N/A	There will be no noise emissions during operation of the winery. No specified conditions relating to noise emissions or the monitoring of such emissions are required to be added to the licence.	N/A
OSC	Monitoring of emissions to land is included in the licence so general monitoring conditions relating to collection of samples (L3.1.1), monitoring intervals (L3.1.2), recording of data (L3.1.3), and calibration requirements of equipment (L3.1.4 and L3.1.5).	N/A
N/A	No monitoring of inputs and outputs is required.	N/A
N/A	No process monitoring is required.	N/A
N/A	No monitoring of ambient quality such as groundwater is required. Conditions in the licence related to limits on irrigation and proper	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