



# Licence

## *Environmental Protection Act 1986, Part V*

**Licensee:** Primax Pty Ltd

**Licence:** L7719/2001/7

**Registered office:** 118 Mallokup Road  
CAPEL WA 6271

**ACN:** 009 245 452

**Premises address:** Capel Vale Wines Winery  
118 Mallokup Road  
CAPEL WA 6271  
Being Lots 5, 12, 13 and 14 on Plan 232930, as depicted in Schedule 1.

**Issue date:** Thursday, 18 December 2014

**Commencement date:** Friday, 19 December 2014

**Expiry date:** Thursday, 18 December 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	1,500 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*



## Contents

Licence	1
Contents	2
Introduction	2
Licence conditions	4
1 General	4
2 Emissions	7
3 Monitoring	8
4 Improvements	9
5 Information	9
Schedule 1: Maps	11
Schedule 2: Reporting & notification forms	12

## 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

Primax Pty Ltd has been operating an alcoholic beverage operation (winery) since 1975 with a maximum crush capacity of 2,125 tonnes/year of grapes, sourced from 22 ha of on-site vines. The winery is located within a rural landuse zone on the outskirts of Capel, with several residences located within a 1 km radius.

The main discharge from the premises is treated wastewater, discharged to land during the spring/summer/autumn growth period. Up to 10,000 kL/yr is biologically treated on-site through a series of aeration tanks, prior to transfer to an aeration/irrigation dam where it is used to supplement vineyard irrigation requirements. Occasionally this water requires dilution with groundwater to achieve BOD discharge criteria. Biomass generated in waste treatment is removed off-site for composting.

This licence is the successor to Licence L7719/2001/6 and has been converted into REFIRE format.

The licences and works approvals issued for the Premises since first licensed in 2002 are:

Instrument log		
Instrument	Issued	Description
L7719/1	30/12/2002	Original licence issue.
L7719/1	11/03/2003	Licence amendment to include additional irrigation areas.
L7719/2	22/12/2003	Licence reissue.
L7719/3	17/12/2004	Licence reissue. Issued for 3 years.
L7719/2001/4	14/12/2007	Licence reissue. Conditions added to require submission of a NIMP and install a flow meter on irrigation.
L7719/2001/5	18/12/2008	Licence reissue.
L7719/2001/6	15/12/2011	Licence reissue.
L7719/2001/6	10/01/2013	Licence amendment to distinguish the partitioning of the storage pond into a HDPE-lined aeration pond and a final treated storage pond.
L7719/2001/7	18/12/2014	Licence reissue. Converted to REFIRE format. Issued for 5 years.

### 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;

**'Approved Irrigation Management Plan'** means the document titled "Nutrient and Irrigation Management Plan – Stirling Vineyard" prepared by Agribusiness Research and Management and dated April 2008;

**'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@der.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 L7719/2001/7 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; and

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

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.





1.2.5 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.

Note 1: 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 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
Solids separator	Wastewater	Concrete lined
Wastewater treatment tanks	Wastewater	None specified
Aeration/irrigation dam	Treated wastewater	Synthetic/non-synthetic lined to achieve permeability of $<1 \times 10^{-9}$ m/s
Sludge storage area	Sludge	Sealed bins or a bunded hardstand area capable of preventing surface run-off of leachate and sludge and which returns sludge leachate to the start of the treatment process
Solid waste storage area	Marc, lees and other organic solid wastes	Synthetic/non-synthetic lined/ hardstand to achieve permeability of $<1 \times 10^{-9}$ m/ and located within the controlled drainage area

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	In accordance with the Approved Irrigation Management Plan.

1.3.4 The Licensee shall manage all wastewater treatment and storage ponds such that:

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



## 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 or 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	Description	Source including abatement
L1 - treated wastewater discharge point	Discharge from irrigation pump station to irrigation area	Treated wastewater from wastewater treatment vessel

- 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	Total suspended solids	100 mg/L	Spot sample
	BOD <sup>1</sup>	150 mg/L	
	pH	Within the range 6.5 – 9 pH units	
	Load of total nitrogen	250 kg/ha	Annual
	Load of total phosphorus	30 kg/ha	
	Load of BOD <sup>1</sup>	30 kg/ha/day	Monthly

Note 1: 5-day Biochemical Oxygen Demand.

### 2.6 Fugitive emissions

There are no specified conditions relating to fugitive emissions in this section.

### 2.7 Odour

- 2.7.1 The Licensee shall ensure that odour emitted from the Premises does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person who is not on the Premises.

### 2.8 Noise

There are no specified conditions relating to 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 unless indicated otherwise in the relevant table.
- 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 non-continuous or CEMS 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.

#### 3.2.3.4 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 or 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.

Emission point reference	Monitoring point reference	Parameter	Units	Averaging Period <sup>2</sup>	Frequency
L1	M1 – outflow from irrigation dam to irrigation area	Volumetric flow rate (cumulative)	L/s m <sup>3</sup> /day	Continuous	Monthly
		pH <sup>1</sup>	pH unit	Spot sample	Monthly whilst irrigating
		Total nitrogen	mg/L		
		Total phosphorus			
		Total dissolved solids			
		Total suspended solids			
		BOD <sup>3</sup>			

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

Note 2: Samples shall not be collected during periods of low flow or if excessively diluted by stormwater.

Note 3: 5-day Biochemical Oxygen Demand.

#### 3.6-3.7 Monitoring of inputs and outputs and process monitoring

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

#### 3.8-3.9 Ambient environmental quality monitoring and meteorological monitoring

There are no specified conditions relating to ambient environmental quality monitoring or 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 by 1 September in 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 <sup>1</sup>
-	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 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.
- 5.2.3 The Licensee shall submit the information in Table 5.2.2 to the CEO according to the specifications in that table.

Table 5.2.2: Non-annual reporting requirements				
Condition or table (if relevant)	Parameter	Reporting period	Reporting date (after end of the reporting period)	Format or form
-	Copies of original monitoring reports submitted to the Licensee by third parties	Not Applicable	Within 14 days of the CEO's request	As received by the Licensee from third parties

### 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 <sup>1</sup>	Format or form <sup>2</sup>
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 usual 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: 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 and Map of monitoring points

The Premises is shown in the map below. The red line depicts the Premises boundary (the two locations are connected via an underground pipeline for transfer of wastewater from the treatment system to the irrigation dam). The location of the monitoring point defined in Table 3.5.1 is shown below.





## 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 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 noncompliance occurred (attach map or diagram):	
g) Cause of noncompliance:	
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 initialised 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 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: \_\_\_\_\_

NAME:  
(printed) \_\_\_\_\_

POSITION: \_\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

Seal (if signing under seal)

SIGNATURE: \_\_\_\_\_

NAME:  
(printed) \_\_\_\_\_

POSITION: \_\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

ds	100	mg/L		
	150	mg/L		

: ..... Date: .....



Licence: L7719/2001/7  
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 Primax Pty Ltd	
Date	



# Decision Document

## *Environmental Protection Act 1986, Part V*

---

**Licensee:** Primax Pty Ltd

**Licence:** L7719/2001/7

---

**Registered office:** 118 Mallokup Road  
CAPEL WA 6271

**ACN:** 009 245 452

**Premises address:** Capel Vale Wines Winery  
118 Mallokup Road  
CAPEL WA 6271  
Being Lots 5, 12, 13 and 14 on Plan 232930

**Issue date:** Thursday, 18 December 2014

**Commencement date:** Friday, 19 December 2014

**Expiry date:** Thursday, 18 December 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 that the Licence and its conditions will ensure that an appropriate level of environmental protection is provided.

Decision Document prepared by: Daniel Hartnup.....  
Licensing Officer

Decision Document authorised by: Neville Welsh.....  
Regional Leader





## 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	9
6 Risk Assessment	10

## 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.

### 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: Alcoholic beverage manufacturing	1,500 kL/yr
Application verified	Date: 24/09/2014	
Application fee paid	Date: 07/10/2014	
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"/>	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 checked="" type="checkbox"/> No <input type="checkbox"/> Department of Water consulted Yes <input checked="" 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**

Primax Pty Ltd trading as Capel Vale Wines operates a winery under Licence L7719/2001/6. The winery was established in 1975 and has a current crushing capacity of 2,125 tonnes to produce 1,500 kL of wine per year.

The winery produces up to 10,000 kL/yr of wastewater, which is biologically treated on-site through a series of aeration tanks, prior to transfer to an aeration/irrigation dam where it is used to supplement vineyard irrigation requirements. Winery solids (sludge, marc and lees) are removed off-site for composting. Other environmental considerations include odour and noise emissions.

This Licence is the successor to licence L7719/2001/6 and continues to authorise winery operations. As part of this re-issue, DER has not reassessed the acceptability or impacts of emissions and discharges from the Premises or re-visited any existing emission control levels. Conditions on the previous licence have been mapped across to the REFIRE format. No significant changes to conditions on the previous licence have been made.

	<p>Stormwater contaminated from winery and wastewater treatment activities has not been reassessed as part of this new licence.</p> <p>L1.2.5 is an OSC that replaces previous condition W2 of L7719/2001/6. The provisions of condition 1.2.1 also apply.</p>	<p>the <i>Environmental Protection Act 1986</i></p> <p><i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i></p>
OSC	<p><b>Operation</b></p> <p>Management of the wastewater treatment system, containment of wastewater and winery wastes, and on-site irrigation practices of treated wastewater has not been reassessed as part of this new licence.</p> <p>L1.3.1 is an OSC on the category 25 daughter licence that replaces previous condition W1 of L7719/2001/6. L1.3.2 is a new condition, being an OSC on the category 25 daughter licence that qualifies the existing treatment infrastructure requirements. L1.3.3 is an OSC on the category 25 daughter licence that replaces previous condition W6 of L7719/2001/6. L1.3.4 is a new condition, being an OSC on the category 25 daughter licence that specifies the minimum management requirements for wastewater storage ponds, to ensure no uncontrolled discharges. The provisions of condition 1.2.1 also apply.</p>	<p>General provisions of the <i>Environmental Protection Act 1986</i></p> <p><i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i></p>
OSC	<p>Descriptive limits have been set through condition 2.5.2 of the licence and therefore OSC regarding recording and investigation of exceedances of the limits has been included.</p>	N/A

	new licence. L7719/2001/6 did not authorise point source emissions to surface water from the winery; therefore no specified conditions relating to point source emissions to surface water or the monitoring of these emissions have been added to the new licence (the provisions of condition 1.2.1 still apply).	
N/A	<b>Operation</b> Point source emissions to groundwater has not been reassessed as part of this new licence. L7719/2001/6 did not authorise point source emissions to groundwater from the winery; therefore no specified conditions relating to point source emissions to groundwater or the monitoring of these emissions have been added to the new licence (the provisions of condition 1.2.1 still apply).	
OSC	<b>Operation</b> Emissions to land has not been reassessed as part of this new licence. L2.5.1, L2.5.2 and L3.5.1 are OSC's on the category 25 daughter licence that replace previous conditions W3(iii), W4 and W7(a), respectively, of L7719/2001/6. The provisions of condition 1.2.1 also apply.	
OSC	<b>Operation</b> Fugitive emissions have not been reassessed as part of this new licence. L7719/2001/6 did not contain conditions regarding fugitive emissions from the winery; therefore no specified conditions relating to fugitive emissions have been added to the new licence (the provisions of condition 1.2.1 still apply).	



	Monitoring requirements have not been reassessed as part of this new licence. Customary OSC's from the category 25 daughter licence regarding sampling location, monitoring equipment and calibration have been added, and replace previous conditions W7(b) - (d) of L7719/2001/6.	
N/A	<b>Operation</b> Monitoring of inputs and outputs has not been reassessed as part of this new licence. L7719/2001/6 did not contain conditions regarding the monitoring of inputs and outputs from the winery; therefore no specified conditions relating to this have been added to the new licence.	
N/A	<b>Operation</b> Process monitoring has not been reassessed as part of this new licence. L7719/2001/6 did not contain conditions regarding process monitoring; therefore no specified conditions relating to this have been added to the new licence.	
N/A	<b>Operation</b> Ambient quality monitoring has not been reassessed as part of this new licence. L7719/2001/6 did not contain conditions regarding ambient quality monitoring; therefore no specified conditions relating to this have been added to the new licence.	
N/A	Meteorological monitoring has not been reassessed as part of this new licence. L7719/2001/6 did not contain conditions regarding meteorological monitoring; therefore no specified conditions relating to this have been added to the new licence.	







## 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