Government of Western Australia
Department of Water and Environmental Regulation

Amendment Report

Application for a licence amendment

Division 3, Part V *Environmental Protection Act 1986*

Licence number	L9215/2019/1
Licence holder	Rocky Ridge brewing Co Pty Ltd
ACN	605381520
File number	DER2019/000251
Premises	Rocky Ridge Brewing Co 665 Boallia Road, JINDONG, WA, 6280 Legal description - Lot 2370 on Deposited Plan 203036
Date of report	21/07/2025
Decision	Grant

1. Purpose and scope of Amendment

Licence L9215/2019/1 is held by Rocky Ridge Brewing Co Pty Ltd (the licence holder) for Rocky Ridge Brewing Co (the premises), located at 665 Boallia Road, Jindong, approximately 12 km south-west of Busselton in Western Australia's Southwest region. The premises falls under Category 25: Alcohol Beverage Manufacturing, with a current assessed production capacity of no more than 860 kL of beer per year.

The brewery is located on an active cattle farm and was granted Licence L9215/2019/1 in June 2020, following a site inspection by the Department of Water and Environmental Regulation (the department/DWER). This inspection confirmed that the company had constructed and was operating a prescribed premises and discharging waste into the environment without the required works approval or licence, in contravention of the Environmental Protection Act 1986.

Following another site inspection in 2023, the Department determined that that the licence holder was non-compliant with multiple licence conditions. The licence holder had expanded production (and wastewater generated) over their assessed 860kL capacity and had undertaken works and changes not authorised through a works approval or amended licence. As a result, the licence holder submitted a licence amendment application on 18 March 2024 seeking retrospective approval for the works and changes already undertaken, to increase their beer production to 2500kL per annual period and update their wastewater irrigation plan.

Since the original application was accepted, there have been multiple changes to the scope of the amendment and following additional consultation and the collection of further monitoring data, the WWMP has been revised multiple times, with the final version submitted in June 2025. The final amendments sought are summarised in Table 1.

The licence amendment application was accompanied by a site evaluation report titled "*Site and Soil Evaluation for Onsite Wastewater Management and Wastewater Management Plan*" (WWMP). The site evaluation concluded that, with appropriate control measures in place, the volume of wastewater generated from producing 2,500 kL of beer annually could be effectively managed and irrigated to land.

This decision report documents the delegated officer's assessment of the risks to the environment and public health arising from the management, treatment and disposal to land (irrigation and solids) of up to 9,295kL of wastewater (tradewaste) generated from increasing beverage production at the premises.

In completing the assessment documented in this report, the department has considered and given due regard to its regulatory framework and relevant policy documents which are available at https://dwer.wa.gov.au/regulatory-documents

Table 1. Licence amendments sought

Amendment	Existing Licence condition	Description of proposed amendment
1	Assessed Capacity	Increased production throughput of alcoholic beverages from no more than 860kL to 2500kL per annual period;
2	Condition 1, Table 1 - Infrastructure and equipment	Addition of the new wastewater treatment system (WWTS) infrastructure, and existing infrastructure relating to brewing that has been installed at the premises.

3	Condition 2, Table 2 - Authorised disposal of treated wastewater.	Allowance of Winter irrigation, with groundwater monitoring controls in place to cease irrigation when groundwater is within 1m of the surface.
		Allowance of stock into the LAA's on a monitored grazing regime.
		The addition of 5 Land Application Areas (LAA) for the spreading of brewery organic waste solids.
4	Condition 3, Table 3 Emissions to land loading limits	Increasing nutrient loading limits to the current approved LAA

2. Compliance history

Table 2 outlines the compliance history of the premises and licence L9215/2019/1.

Table 2: Compliance history

Instrument	Event/Date	Findings
NA – An Application for a licence had not yet been received.	Site visit 20 February 2019	A site visit was conducted by DWER's licensing branch to discuss approval requirements for operating a prescribed premises. The result being the brewery was considered prescribed, and a licence needs to be obtained as the brewery had a design capacity or capability to produce 350 kL or more beverage per year and were discharging liquid waste (brewery wastewater) onto land. The brewery was constructed without a works approval.
L9215/2019/1	AER/AACR for reporting period 1 May 2021-30 April 2022	Potential non-compliances that were not reported in the AACR • Condition 3– irrigation emission limits. The licence holder exceeded irrigation emission limits for irrigation areas A1 and A2 for total nitrogen and total phosphorus. • Condition 12 and potentially Condition 4, Table 4 - volumetric flow rates (m3/day). Daily flow rates were not provided in the AER. Only monthly accumulated flow rates with an average daily flow rate provided. Verifying meter readings were also not provided.
L9215/2019/1	AER/AACR for reporting period 1 May 2022-30 April 2023	Potential non-compliances that were not reported in the AACR: • Condition 2 - The licence holder reported irrigating in June, July and August. • Condition 3 - The licence holder exceeded irrigation annual loading limits for total nitrogen and total phosphorus. • Condition 12 and potentially Condition 4 - volumetric flow rates (m3/day). Daily flow rates were not provided in the AER. Only monthly accumulated flow rates with an average daily flow rate provided. Verifying meter readings were also not provided.
L9215/2019/1	Site Inspection	Significant changes to the brewery and the brewery

	16 August 2023	wastewater treatment system had been made, which had not been assessed or approved. • Condition 1 - Wastewater treatment plant has changed, is not on a hardstand area. • Condition 1 & 4– Flow meter capable of accurately monitoring the volume of wastewater discharged from the irrigation tank was only installed a couple of days prior to 16 August 2023 (verbally confirmed be a team member) indicating that wastewater being irrigated has not passed through a flow meter during the 2022 and 2023 annual periods and discharge volumes provided in reports have been based on estimates calculated from water usage.
L9215/2019/1	Site Inspection – Environmental Compliance Audit 25 October 2023	Condition 1- • Additional tanks have been installed both inside and outside the existing brewery shed. • The Wastewater Treatment Plant (WWTP) is not located in the area indicated in Figure 2 of the Licence and does not follow the process outlined in Figure 3 of the Licence. • The WWTP is not located on a hardstand area. Condition 2 – • Wastewater irrigation occurred in the months of June, July, and August. • Bunding/cut-off drains were not installed adjacent to the irrigation areas. • Cattle were observed in the irrigation area. Condition 3 – Total Nitrogen and Total Phosphorus were exceeded for the 2022 and 2023 annual reporting period. Condition 12 - Volumetric flow was not provided per day, instead averaged each day over the month. A Letter of Warning was issued to the licence holder in regard to the non-compliances that arose from the inspection.
L9215/2019/1	AER/AACR for reporting period 1 May 2023 to 30 April 2024	Non compliances reported were: Condition 1 – Infrastructure and equipment installed not approved as per site inspection Condition 2 – • Irrigation occurred in June, July and August • Livestock allowed into irrigation area to graze • Healthy vegetation was not maintained Condition 3 – Nitrogen and phosphorus limits exceeded

Summary: The compliance history of the licence holder indicates multiple and continual breaches of licence conditions, including exceedances of nutrient loading limits, irrigation during non-permitted winter periods, inaccurate meter readings, and unauthorised livestock grazing in restricted areas. Additionally, the licence holder made unapproved infrastructure changes and carried out works without a valid works approval or licence.

These non-compliances have been considered in the development of the revised licence conditions and associated reporting requirements.

3. Risk assessment

The department assesses the risks of emissions from prescribed premises and identifies the potential source, pathway and impact to receptors in accordance with the *Guideline: Risk assessments* (DWER 2020).

To establish a Risk Event there must be an emission, a receptor which may be exposed to that emission through an identified actual or likely pathway, and a potential adverse effect to the receptor from exposure to that emission.

Receptors

In accordance with the *Guideline: Risk assessments* (DWER 2020a), the Delegated Officer has excluded employees, visitors and contractors of the licence holder from its assessment. Protection of these parties often involves different exposure risks and prevention strategies and is provided for under other state legislation.

Table 3 below provides a summary of potential human and environmental receptors that may be impacted because of activities upon or emission and discharges from the prescribed premises *(Guideline: Environmental siting* (DWER 2020b)).

Table 3: Sensitive human and environmental receptors and distance from prescribed activity

Human receptors	**Distance from prescribed activity**
Farmsteads	Five farmsteads are located 1 to 1.6 km from the edge of the proposed irrigation areas, in all directions. The closest is 650 metres south-west from the boundary of premises
Dust sensitive commercial and industrial premises	Immediately adjacent to the premises
Environmental receptors	**Distance from prescribed activity**
Banksia Woodland	Approximately 400m east (priority 3 banksia dominated woodland of the swan coastal plain buffer). Potential groundwater dependent Banksia Woodlands of the Swan coastal plain ecological community are located within the premises on the eastern portion, along the Buayanup River waterways and western boundary.
Threatened/Priority Flora	Declared rare flora located 290 m south of the premises boundary on Boallia Road. Declared rare flora located 600 m north of the premises boundary on Doyle Road
Major watercourses/waterbodies tributaries of Buayanup River	Three seasonal tributaries of Buayanup River run south to north through the Premises. Irrigation areas are 80 metres east and west of two watercourses. The property lies within the Buayanup Catchment and the Vasse-Wonnerup Wetlands and Geographe Bay Water Quality Improvement Program (Geographe WQIP) 2010.

3.1 Risk Assessment table

The key emissions and associated actual or likely pathway during premises operation which have been considered in this Amendment Report are detailed in Table 3. This table also details the control measures the Licence Holder currently implements to assist in controlling these emissions, where necessary.

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) and take into account potential source-pathway and receptor linkages as identified in Table 3. Where linkages are in-complete they have not been considered further in the risk assessment.

Where the licence holder has proposed mitigation measures/controls (as detailed in Table 4), these have been considered when determining the final risk rating. Where the Delegated Officer considers the licence holder's controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the licence as regulatory cohtrols.

Additional regulatory controls may be imposed where the licence holder's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 4. The conditions in the Revised Licence have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

Table 4: Risk assessment of potential wastewater emissions and discharges from the Premises operation (increased throughput)

Risk Event				Consequence rating[1]	Likelihood rating[1]	Risk[1]	Reasoning	Additional regulatory controls derived by DWER
Source/ Activities	**Potential emission**	**Potential receptors, pathway and impact**	**Licence holder controls**					
PROPOSED AMENDMENT								
An increase to 9250kL of nutrient rich wastewater to Land Applicant Area via irrigation	Nutrient and salt rich wastewater	Infiltration through soil and overland runoff causing ground and surface water contamination, Palusplain wetland eutrophication and damage to soil structure	1. Annual monitoring of wastewater quality for: TSS pH1 Total Nitrogen Total Phosphorus TDS TSS BOD Electrical conductivity1 Total Nitrogen Total Phosphorus Available phosphorus (Colwell) Available potassium (Colwell) Available nitrogen (nitrate and ammonium) BOD SAR 2. Annual monitoring of soil quality for: pH (CaCl2) Electrical conductivity (1:5)3 Cation exchange capacity Exchangeable sodium percentage Exchangeable potassium percentage Available N4 Total N Available P (Colwell) Total P Available K (Colwell) 3. Annual monitoring of groundwater quality for: pH1 Electrical conductivity1 Total Dissolved Solids (TDS) Na+ K+ Ca2+ Mg2+ Cl- SO42- HCO3- Total N Ammonium nitrogen Nitrate N Total P (filtered and unfiltered) Sodium Adsorption Ratio (SAR) 4. Not irrigating application of solids when groundwater is within 1 meter of the surface. This is controlled by monitoring wells with	***Moderate***	***Likely***	***High Risk*** *May be acceptable subject to multiple regulatory controls*	A detailed site investigation and wastewater management plan was completed by Enviro Consulting Australia, outlining the characteristics of the LAA and the soils capacity to soak and hold the nutrients from the wastewater until a crop utilises the nutrients for growing during April-November. Given the demonstrated failure to adhere to existing licence conditions, the likelihood rating has been increased from possible to likely which consequently gives a High Risk rating. The reliance on the licence holder's self-audit and stopping production alone is not considered adequate. Therefore log book records and CEO reporting will be required on the Licence. If the all the licence holder and regulatory controls placed on the licence are adhered to, the delegated officer see's the risk from the disposal of the increased volumes of wastewater is acceptable and manageable.	1. **Conditioning of annual beverage production limit of 2500kL and 9295kL of wastewater to be irrigated per reporting period.** The delegated officer has placed production limits on the wastewater allowed to be irrigated and the total amount of alcoholic beverage to be produced. These limits have been imposed because that is what the WWMP is based upon and what the environmental impacts have been assessed on. Any production above the limits has not been assessed adequately and may have a negative impact on the environment. The licence holder has exceeded the current assessed production capacity for the past 3 years. 2. **Daily reads of FM2 must be recorded.** The delegated officer required daily reads of FM2 to be recorded to ensure that the licence holder is compliant with their controls (controls 4, 5, 15). Without daily reads, the delegated officer cannot establish when irrigation took place and how much irrigation took place. 3. **End of month photographs of FM2.** The delegated officer requires photographic evidence of flowmeter (FM2) reads to be taken at the end of each month, as a way of verifying the meter reads and amount the amount of wastewater irrigated. 4. **A logbook (LB1) record must be kept of an inspection to determine wastewater storage capacity at the start of each month.** This condition has been imposed to ensure compliance with storage conditions surrounding the minimum amount of available wastewater storage needed to continue brewing during winter. The delegated officer needs a way to verify how much storage is available and when it was available. 5. **A logbook (LB3) record must be kept determining which LAA is irrigated and when.** This condition has been imposed to verify the licence holder is keeping in line with the WWMP and stated controls. This ensure an auditable record of compliance. 6. **The licence holder must notify the CEO within 48 hours when irrigation needs to cease and if production needs to cease.** This condition has been imposed and acts as a compliance safety net, as the licence holder has a poor compliance record. It will help the Department track compliance and enforce

			groundwater depth sensors installed. 5. Not irrigating directly before, during or after a rainfall event of 3mm or more. 6. Limiting fertiliser application - Nitrogen (<50 n kg/ha) and potassium fertiliser can be applied to the Land Application Areas at a level that optimises pasture growth but does not exceed licence loading limits for these plant nutrients. 7. Installing 8 50kL wastewater storage tanks for when irrigation cannot occur and ceasing production if irrigation can not occur. If the amount of available wastewater storage is less the following volumes for the respective months: June (5 x 50,000 litre tanks) July (4 x 50,000 litre tanks) August (3 x 50,000 litre tanks) September (1 x 50,000 litre tanks), then all wastewater generating activities must cease until at least the above volume of wastewater storage is available for the respective months. 8. Solids removed from the wastewater is to be applied evenly across the LAA's. 9. All wastewaters directed to the LAA's must flow through the flow meter (FM2) 10. Harvested pasture must be removed from LAA's within a week of it being harvested. 11. No irrigation or solids generated runoff, spray drift or discharge occurs beyond the boundary of the LAAs; 12. Ensuring no soil erosion occurs. 13. Ensuring pH is maintained between 6 and 8.5 14. Gypsum must be applied to soils if the Exchangeable Sodium Percentage (ESP %) rises above 6%. 15. Daily irrigation limits to each LAA.					accountability to ensure site operations are being closely monitored.
	Odour	Airbourne smells impacting on	1. Raising of pH of stored wastewater to pH=8	***Slight***	***Possible***	***Low*** *Acceptable,*	Wastewater is at risk of becoming odorous when it has been stored. The	

		neighboring farmsteads (650m away).	2. If required, blending of the odorous wastewater with fresh wastewater 3. If odour is not manageable, onsite treatment can occur by installing a small biofilm reactor. 4. Stored in sealed tanks			*generally not controlled*	risk is seen as slight due to the location of the property and the controls in place.	
Increase of nutrients to LAA's via cattle grazing	Extra nutrients added to LAA's via cattle waste	Excess nutrient infiltration through soil and overland runoff causing ground and surface water contamination.	1. If waste (solid or liquid) has been applied to a LAA during any time from 1 November and 30 October the following year, grazing will be managed by the following protocols: i) Land Application Areas 1 to 4: Grazing animals will be excluded from the LAA from 01 July until 31 October; and ii) Land Application Area 5: Grazing animals will be excluded from the LAA from 01 August until 31 October. 2. When pasture is not being grown out for harvest, and no solid or liquid waste has been applied, stock to be permitted to graze an area for a maximum of 2 weeks at a time.	***Minor***	***Possible***	***Medium Risk*** *Acceptable, generally subject to regulatory controls*	Grazing cattle add nutrients to each LAA through their waste, which has not been accounted for. Ensuring that grazing cattle are not grazing the paddocks when nutrient uptake is at it's highest is crucial in managing the overall nutrients of each LAA.	1. **A logbook (LB2) record must be kept to track the harvesting and cattle grazing within each LAA.** To ensure compliance with grazing conditions, the delegated officer needs to be able to verify cattle movements with each LAA.

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the Guideline: Risk assessments (DWER 2020a).

4. Consultation and other approvals

On 16 May 2023, the amendment application was referred to the City of Busselton and the Department of Local Government, Sport and Cultural Industries as direct interest stakeholders, for comment.

City of Busselton - Planning approvals

Development approval DA24/0299 for the constructed buildings and 5 land application areas was granted by the City of Busselton under the Local Planning Schemes, subject to conditions, on 11 July 2025.

Department of Health

The licence holder has submitted an 'Application to Construct or Install an apparatus for the treatment of Sewage' for the new brewery wastewater treatment and disposal system to the City of Busselton for approval by the DoH.

Department of Local Government, Sport and Cultural Industries (DLGSC)

The applicant has provided a map demonstrating that the constructed premises buildings are located within a licensed area, defined under the Liquor Control Act 1988.

Rights in Water and Irrigation Act 1914 (RIWI Act)

The licence holder has obtained a Licence to take Water, GWL211611(1), that gives an entitlement of 10,000kL per water year from the Leederville Aquifer. This licence expires 18 March 2035.

5. Decision

Based on this assessment, the Delegated Officer has determined to amend the licence by **approving** requested amendments 1 to 4 as outlined in Table 1.

The reasons for this approval are:

1. The WWMP provided by the licence holder demonstrated that the irrigation of wastewater could be managed.
2. The risk-based conditions and reporting requirements included in the amended licence are considered adequate to manage the risk of increased nutrients that enter the environment via irrigated wastewater.

The Delegated Officer notes that the licence holder has a history of non-compliance with licence conditions. Accordingly, stringent reporting and monitoring requirements have been incorporated into the amended licence to improve compliance and facilitate effective auditing. In addition to these extra reporting conditions, the Delegated Officer has also conditioned the licence holder controls outlined in Table 4. These measures have been included to further support ongoing compliance and enable auditing of the licence holder's activities.

Current compliance issues surrounding Winter irrigation, nutrient limit exceedances, and the grazing of cattle within the Land Application Areas (LAAs), are expected to be addressed through the following actions:

- Revised nutrient limits aligned with site capability.
- Installation of monitoring bores with groundwater depth sensors in each LAA.
- Provision of adequate winter wastewater storage; and

- Restricting stock grazing to periods outside of the crop growing season.

If the licence holder upholds the management strategies documented in the WWMP and complies with the amended licence conditions, the Delegated Officer considers that the wastewater discharges can be effectively managed.

References

1. Department of Environment Regulation (DER) 2017, *Guidance Statement: Risk Assessments*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2019, *Guideline: Decision Making*, Perth, Western Australia.
3. Department of Water and Environmental Regulation (DWER) 2024, AACR 2021/2022 review letter, DWER to Rocky Ridge Brewing Co Pty Ltd, July 2023
4. Department of Water and Environmental Regulation (DWER) 2024, AACR 2022/2023 review letter, DWER to Rocky Ridge Brewing Co Pty Ltd, July 2023
5. Department of Water and Environmental Regulation (DWER) 2024, Letter of Warning, DWER to Rocky Ridge Brewing Co Pty Ltd, April 2024.
6. Department of Water and Environmental Regulation (DWER) 2024, AACR 2021/2022 review letter, DWER to Rocky Ridge Brewing Co Pty Ltd, July 2023
7. Department of Water and Environmental Regulation (DWER) 2024, AACR 2022/2023 review letter, DWER to Rocky Ridge Brewing Co Pty Ltd, July 2023
8. Enviro Consulting Australia, 2024, Site and Soil Evaluation for Onsite Wastewater Management and Wastewater Management Plan, Report prepared by Enviro Consulting Australia, November 2024.
9. Rocky Ridge Brewing Co Pty Ltd, 2024, 2023 Annual Audit Compliance Report. June 2024
10. Rocky Ridge Brewing Co Pty Ltd, 2023, 2022 Annual Audit Compliance Report. June 2023
11. Rocky Ridge Brewing Co Pty Ltd, 2022, 2021 Annual Audit Compliance Report. June 2022