# Licence

**Licence number** L7359/1995/10

Licence holder Oakover Vineyards Pty Ltd

**ACN** 009 359 835

Registered business address 14 Yukich Close

MIDDLE SWAN WA 6056

**DWER file number** DEC35/1

**Duration** 14/09/2015 to 13/09/2034

**Date of issue** 10/01/2020

Premises details Oakover Vineyards Pty Ltd

148 Dale Road

MIDDLE SWAN WA 6056

Legal description -

Lot 103 on Plan 77141

As depicted in Schedule 1

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i> )	Assessed production capacity
Category 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.	7000 kilolitres per annual period

This licence is granted to the licence holder, subject to the attached conditions, on 10 January 2020, by:

# **Amine Callegari**

### A/Manager, Process Industries

an officer delegated under section 20 of the Environmental Protection Act 1986 (WA)

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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 regulates to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DER also monitors and audits compliance with works approvals and licence conditions, takes enforcement action as appropriate and develops and implements licensing and industry regulation policy.

#### Licence requirements

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

Where other statutory instruments impose obligations on the Premises/Licensee the intention is not to replicate them in the licence conditions. You should therefore ensure that you are aware of all your statutory obligations under the Act and any other statutory instrument. Legislation can be accessed through the State Law Publisher website using the following link: <a href="http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html">http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html</a>

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**

In 2020, Oakover Vineyards Pty Ltd took over ownership and operations from Accolades Wines Australia, which had taken over the operation of the Houghton Wines from Constellation Australia Limited in 2012. The Premises has been operating as an alcoholic beverage operation (winery) since 1995 with a current nominated crush capacity of 10,000 tonnes per year.

The winery is located within the Swan Valley rural land use zone. The nearest sensitive receptor is the Swan Christian Education Association located on the southern boundary and the nearest residential premises is approximately 100 m to the north of the Premises. The surrounding land for at least 3 km is primarily cleared. The western boundary of the Premises adjoins the Swan River and irrigation woodlots are located approximately 200 m east of the river. A small water course (Jane Brook) flows through the Premises. The groundwater resource at the Premises is the Eastern Superficial unconfined aquifer with flows from the south-east. Infiltration of treated wastewater from the premises flows towards the Swan River which is the main environmental receptor. Depth to groundwater is approximately 11 metres below ground level (mbgl), with seasonal fluctuations from 9.7 to 12.4 mbgl

Core winemaking activities are mainly undertaken during February when the bulk of wastewater is produced. Wastewater from the plant is directed to a concrete lined sump which also receives stormwater from hardstand areas and excess stormwater collected from the roof of the processing shed. Treatment of the wastewater consists of settlement and filtration after dilution with stormwater. From the sump the wastewater is directed to two 45,000 litre above-ground closed tanks in which solids settle prior to filtration through a disc filter. From the second tank wastewater is pumped for irrigation onto a 4.02 ha area of date palms and blue gums. Approximately 8.5 ML of wastewater is irrigated each year. The treated wastewater is analysed monthly. The soil and underlying groundwater is also monitored.

Sludge is removed from the wastewater tanks by a licenced operator and is removed from the premises. Lees from the fermentation process is also removed by a licenced operator. Sludge and lees are not stored onsite.

This Licence is the successor to licence L7359/1995/9. DER re-assessed emissions and discharges from the premises. Improvement requirements requiring the licensee to develop a Nutrient Irrigation Management Plan have been included.

The licences and works approvals issued for the Premises since 13/09/2010 are:

Instrument log		
Instrument	Issued	Description
L7359/1995/9	13/09/2010	Licence re-issue
L7359/1995/9	13/09/2013	Licence amendment – transfer of licence
L7359/1995/9	18/12/2014	Licence amendment to REFIRE format
L7359/1995/10	10/09/2015	Licence re-issue.
L7359/1995/10	10/01/2020	Licence amendment – transfer of licence

#### 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:
- 'Annual Audit Compliance Report (AACR)' means a report in a format approved by the CEO (relevant guidelines and templates may be available on the Department's website);
- 'Act' means the Environmental Protection Act 1986;
- 'AHD' means the Australian height datum;
- 'annual period' means the inclusive period from 1 August until 31 July in the following year;
- **'AS 4482.1-2005'** means the Australian Standard AS 4482.1-2006 Guide to the investigation and sampling of sites with potentially contaminated soil Non-volatile and semi-volatile compounds;
- 'AS 4482.2-1999' means the Australian Standard AS 4482.2-1999 Guide to the sampling and investigation of potentially contaminated soil Volatile substances;
- '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;*
- 'AS/NZS 5667.11' means the Australian Standard AS/NZS 5667.11 Water Quality Sampling Guidance on sampling of groundwaters;
- 'averaging period' means the time over which a limit is measured or a monitoring result is obtained;
- 'BOD 5-day' means the biochemical oxygen demand over a testing period of 5 days;
- 'CEO' means Chief Executive Officer of the Department of Water and Environmental Regulation;
- 'CEO' for the purpose of correspondence means;

Chief Executive Officer
Department Administering the Environmental Protection Act 1986
Locked Bag 10
JOONDALUP DC WA 6027
Email: info@dwer.wa.gov.au;

- 'dS/cm' means deci-Seimens per metre and is a unit of measurement of electrical conductivity;
- **'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 L7359/1995/10 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;

'mBGL' means metres below ground level;

'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;

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

'six monthly' means the 2 inclusive periods from 1 August to 31 January and 1 February to 31 July;

**'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; and

"%w/w" means percentage weight by weight.

- 1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the standard in force from time to time during the term of this Licence.
- 1.1.4 Any reference to a guideline or code of practice in the Licence means the version of that guideline or code of practice in force from time to time, and shall include any amendments or replacements to that guideline or code of practice made during the term of this Licence.
- 1.1.5 Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence, where the emission amounts to:
  - (a) pollution;
  - (b) unreasonable emission;
  - (c) discharge of waste in circumstances likely to cause pollution; or
  - (d) being contrary to any written law.

#### 1.2 General conditions

- 1.2.1 The Licensee shall operate and maintain all pollution control and monitoring equipment to the manufacturer's specification or any relevant and effective internal management system.
- 1.2.2 The Licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.
- 1.2.3 The Licensee shall implement all practical measures to prevent stormwater run-off becoming contaminated by the activities on the Premises.

#### 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	Material	Infrastructure requirements		
compound				
Solid waste storage area	Marc	Compacted gravel area that is capable of preventing surface runoff of leachate		

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: M	Table 1.3.2: Management of Waste				
Waste type	Disposal strategy	Operational requirements			
Treated wastewater	Irrigation	<ul> <li>The Licensee shall ensure irrigation meets the following requirements: <ul> <li>irrigation does not occur in areas where the water table rises to within 2m of the surface during the irrigation period;</li> <li>irrigation does not occur within 50 m of a surface water body excluding dams within premises boundary;</li> <li>bunding is maintained adjacent to wastewater irrigation areas to divert uncontaminated stormwater away from the irrigation area;</li> <li>no irrigation generated run-off, spray drift or discharge occurs beyond the boundary of the Premises;</li> <li>treated wastewater is evenly distributed over the irrigation area;</li> <li>no soil erosion occurs;</li> <li>vegetation cover is maintained over the wastewater irrigation areas; and</li> <li>irrigation does not occur on land that is water logged.</li> </ul> </li> </ul>			
Marc	Storage	Marc is stored onsite for no longer than two weeks.			
Sludge	De-sludging of tanks	Sludge to be removed in post vintage period and at other times as required to allow for effective settling and filtration of wastewater			

1.3.4 The Licensee shall manage the wastewater treatment system such that there is no discernible seepage loss from 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 specified in any part of section 2 of this Licence.

#### 2.2 Emissions to land

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

Table 2.2.1: Emissions to land					
Emission point reference and location on Map of emission points	Emission point reference on Map of emission points	Description	Source including abatement		
L1	Irrigation field	Discharge from irrigation pump station to on-site irrigation field	Treated wastewater from wastewater treatment system		

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

Table 2.2.2: Emission limits to land					
Emission point reference	Parameter	Limit (including units)	Averaging period		
L1	Load of total nitrogen	200 kg/ha/yr			
	Load of total phosphorus	80 kg/ha/yr	Annually		
	Load of Biochemical	50 kg/ha/day	Monthly		
	Oxygen Demand				
	(BOD 5-day)				

# 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:
  - (c) all groundwater sampling is conducted in accordance with AS/NZS 5667.11
  - (d) all soil sampling is conducted in accordance with AS 4482.1 and AS 4482.2 as relevant; and
  - (e) 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 six monthly monitoring is undertaken at least 5 months 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 Monitoring of emissions to land

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

Table 3.2.1:	Table 3.2.1: Monitoring of emissions to land					
Emission point reference	Monitoring point reference and location on Map of monitoring points	Parameter	Units	Averaging Period	Frequency	
L1	M1 - Outflow from wastewater treatment system to irrigation area	Volumetric flow rate pH¹ Total nitrogen Total phosphorus  Total dissolved solids  BOD 5-day	m³/day - mg/L	Weekly Spot sample	Continuous  Monthly while irrigating	

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

#### 3.3 Ambient environmental quality monitoring

3.3.1 The Licensee shall undertake the monitoring in Tables 3.3.1 and 3.3.2 according to the specifications in those tables and record and investigate results that do not meet any limit specified.

Table 3.3.1: Monitoring of ambient soil quality					
Monitoring point reference and location	Parameter	Units	Averaging period	Frequency	
S1 - S3	pH <sup>1</sup>	-	Spot sample <sup>2</sup>	Six monthly	
	Sodium				
	Magnesium				
	Calcium				
	Total Kjeidahl				
	Nitrogen				
	Total Available				
	Phosphorus				
	Total Organic	%w/w			
	Carbon				

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

Note 2: Samples to be taken from topsoil 1 (0-200 mm), topsoil 2 (200-600mm) and subsoil (600mm to bottom of root zone) at each monitoring point.

Table 3.3.2: Monitoring of ambient groundwater quality					
Monitoring point reference and location	Parameter	Units	Averaging period	Frequency	
GQ1 – GQ3	Standing water level	m(AHD)	Spot sample	February, May, August and	
	pH <sup>1</sup>	-		November	
	Total nitrogen (TN)	mg/L			
	Total				
	phosphorus (TP)				
	Total dissolved				
	solids				
	BOD 5-day				

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

# 4 Improvements

# 4.1 Improvement program

- 4.1.1 The Licensee shall complete the improvements in Table 4.1.1 by the date of completion in Table 4.1.1.
- 4.1.2 The Licensee, for improvements not specifically requiring a written submission, shall write to the CEO stating whether and how the Licensee is compliant with the improvement within one week of the completion date specified in Table 4.1.1.

Table 4.1.1: Im	provement program	
Improvement	<u> </u>	Date of
reference		completion
IR1	The Licensee shall submit to the CEO a Nutrient Irrigation Management Plan (NIMP) in accordance with Department of Water's Water Quality Protection Note 33 Nutrient and Irrigation Management Plans, June 2010 and accounts for cumulative nutrient loading to the approved irrigation area identified in the Licence. The NIMP must include but not be limited to:	31 October 2016
	<ul> <li>(i) Assessment of adequacy of existing irrigation area based on: <ul> <li>(a) Hydraulic loading rates;</li> <li>(b) Nutrient loading rates; and</li> <li>(c) Biochemical Oxygen Demand loading rates;</li> </ul> </li> <li>(ii) Monthly water balance assessing adequacy of storage capacity of existing wastewater treatment/ storage system;</li> <li>(iii) Nutrient balance which clearly identifies availability of nutrients from each source, vegetation uptake rates, soil storage capacity and environmental loss during the assessment year and accounts for any nutrient credits for following years;</li> <li>(iv) Detailed assessment of total nutrient application rate to the existing irrigation area on the premises (t/ha/year) based on (i);</li> <li>(v) Contingency plan for storage of wastewater during wet weather periods when irrigation may not occur or irrigation volumes may be lower;</li> <li>(vi) Qualitative and quantitative risk assessment to determine acceptable nutrient application rate to minimise potential of soil, surface water and groundwater contamination;</li> <li>(vii) Identification of improvements required;and</li> <li>(viii) Details of proposed management measures (if applicable) including timelines, to be implemented to reduce the risk of potential environmental impacts that may occur as a result of exceeding the recommended nutrient loading rates.</li> </ul>	

# 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 45 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: Annua	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			
	Monitoring of emissions to land				
	Volume of treated wastewater discharged to land	Report to include			
Table 3.2.1	Contaminant loading to land of parameters (total annual loading kg/ha/yr for nitrogen and phosphorus, average daily loading kg/ha/day for BOD).	chronological graphs of parameters			
Table 3.3.1	Monitoring of ambient soil quality				
Table 3.3.2	Monitoring of ambient groundwater quality				
5.1.3	Compliance	Annual Audit Compliance Report (AACR)			
5.1.4	Complaints summary	None specified			

Note 1: Refer to Schedule 2 and Annual Audit Compliance Report for the format of reporting.

5.2.1 The Licensee shall ensure that the Annual Environmental Report also contains an assessment of the information contained within the report against previous monitoring results and Licence limits.

#### 5.3 Notification

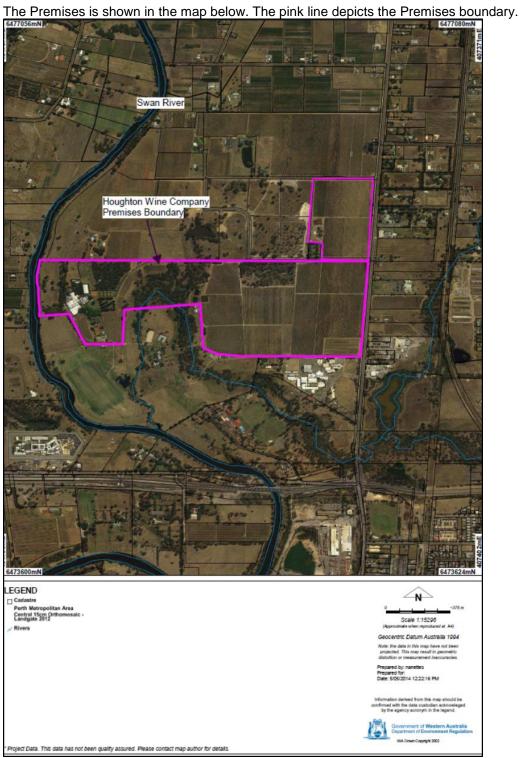
5.3.1 The Licensee shall ensure that the parameters listed in Table 5.3.1 are notified to the CEO in accordance with the notification requirements of the table.

Table 5.3.1: Notification requirements			
Condition or table (if relevant)	Parameter	Notification requirement <sup>1</sup>	Format or form <sup>2</sup>
2.1.1	Breach of any limit specified in the Licence	As soon as practicable but no later than 5pm of the next usual working day.	N1

Note 1: Notification requirements in the Licence shall not negate the requirement to comply with s72 of the Act Note 2: Refer to Schedule 2 and Annual Audit Compliance Report for the format of reporting.

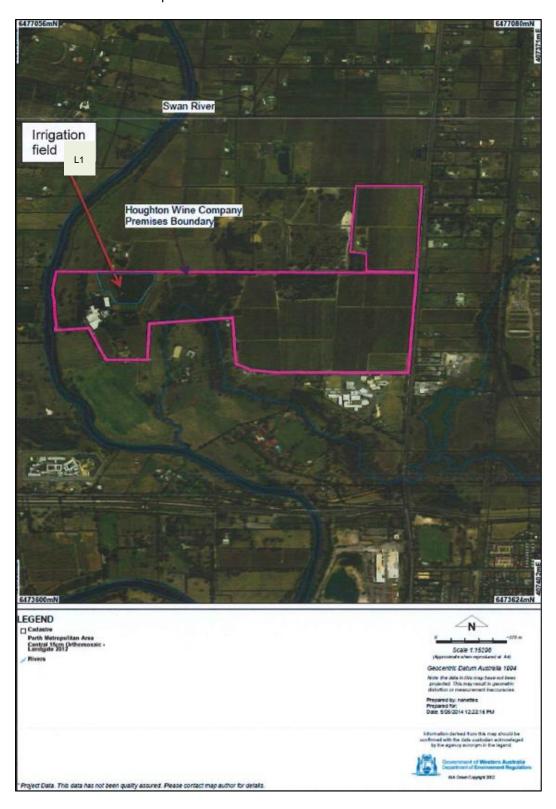
# Schedule 1: Maps

# Premises map



# Map of emission points

The location of emission point defined in Table 2.2.1 is shown below.



# Map of monitoring locations

The locations of the monitoring points defined in Tables 3.3.1 and Table 3.3.2 are shown below.



# Schedule 2: Reporting & notification forms

Licence: L7539/1995/10 Licensee: Oakover Vineyards Pty Ltd Form: N1 Date of breach:

#### Notification of detection of the breach of a limit.

These pages outline the information that the operator must provide.

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

## Part A

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

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

# Part B

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident.	
provent a recurrence of the modern.	
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	
Oakover Vineyards Pty Ltd	
Date	