



Licence

Environmental Protection Act 1986, Part V

Licensee: **West Cape Howe Wines Pty Ltd**

Licence: **L7720/2001/8**

Registered office: 49 Bennet Street
 EAST PERTH WA 6004

ACN: 096 205 113

Premises address: West Cape Howe Wines
 Lot 3 on Diagram 20076, Muirs Highway
 MOUNT BARKER WA 6324
 Being Lot 105 on Plan 65505 as depicted in Schedule 1

Issue date: Thursday, 11 February 2016

Commencement date: Saturday, 14 February 2016

Expiry date: Saturday, 13 February 2021

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 waters	350 kilolitres or more per year	5600 kilolitres per year

Conditions

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

Date signed: 11 February 2016

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



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Introduction

This Introduction is not part of the Licence conditions.

DER's industry licensing role

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

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

Licence requirements

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

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

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

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

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

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

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



Licence fees

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

Ministerial conditions

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

Premises description and Licence summary

A vineyard was first planted at the premises in the 1970s. The current occupier, West Cape Howe Wines (WCHW), took over the premises in 2009. Located approximately ten kilometres west of Mount Barker the surrounding land use is primarily agricultural. WCHW is located in the Hay River catchment among gently undulating hills ranging 175 – 210 m AHD in the irrigation area. The Hay River runs through the Premises, north of the irrigation area and discharges into the Wilson Inlet approximately 35 kilometres south. The closest private residences are approximately 650 metres from the winery to the south-west and south-east.

Annual alcoholic beverage (wine) production capacity is 5600 kilolitres (kL), equivalent to the receipt of approximately 8,500 tonnes of grapes annually. Average production has been 2853 kilolitres in the last 5 years. Approximately 1100 tonnes of grape are produced on the Licensee’s vineyards while additional grapes are sourced from external suppliers.

The main emissions are liquid waste and solid marc waste. Approximately 1.2kL of wastewater is produced per tonne of grape crushed and approximately 0.2 tonne of marc is produced per tonne of grape crushed. Marc waste is stored within a marc waste storage area with all leachate directed to the wastewater treatment system. Liquid waste is processed through the wastewater treatment system which comprises of rotary screens, aeration tanks, flocculation tanks, polishing tanks, a holding dam and irrigation dam.

Treated wastewater flows west to east through a trench from the holding dam to the irrigation dam. From the irrigation dam, treated wastewater is irrigated to a 34.4-hectare vineyard irrigation area.

This Licence is a successor to Licence L7720/2001/7 and includes updates to the current licence template.

Instrument log		
Instrument	Issued	Description
L7720/2001/1	26/11/2001	New licence for prescribed premises
L7720/2001/2	18/11/2002	Licence reissue
L7720/2001/3	24/11/2003	Licence reissue
L7720/2001/4	03/08/2004	Licence shore term reissue
L7720/2001/5	12/01/2005	Licence reissue
L7720/2001/6	14/02/2008	Licence reissue
L7720/2001/7	10/02/2011	Licence reissue and licensee transfer
L7720/2001/8	11/02/2016	Licence reissue

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*;

'AHD' means the Australian height datum;

'annual period' means the inclusive period from 1 January until 31 December in that year;

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

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

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

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

'CEO' for the purpose of correspondence means:

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

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

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

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

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

'Licence' means this Licence numbered L7720/2001/8 and issued under the Act;

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

'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;

'treated wastewater' means wastewater that has been treated by the 'wastewater treatment system';

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

'wastewater treatment system' means the system for treating wastewater at the Premises which comprises of rotary screens, aeration tanks, flocculation tanks, polishing tanks, holding dam and irrigation dam.

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.

1.3 Premises operation

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

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



Table 1.3.1: Containment infrastructure		
Storage vessel or compound	Material	Infrastructure requirements
Solids separator	Wastewater, marc and other organic solid wastes	Rotary screen contained within concrete hardstand bund and impervious temporary storage container.
Facultative ponds	Wastewater	Concrete lined
Anaerobic tanks	Wastewater	Plastic tank
Wastewater treatment dam	Treated wastewater	Clay lined to achieve permeability of $<1 \times 10^{-9}$ m/s
Irrigation dam	Treated wastewater	Clay lined to achieve permeability of $<1 \times 10^{-9}$ m/s
Solid waste storage area	Marc, lees and other organic solid wastes	A bunded hardstand area capable of preventing surface run-off of leachate and marc, lees and other organic solid wastes and which returns leachate to the start of the wastewater treatment system.

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

Table 1.3.2: Management of Waste		
Waste type	Disposal strategy	Operational requirements
Treated wastewater	Irrigation	The Licensee shall ensure irrigation meets the following requirements: <ul style="list-style-type: none"> (i) irrigation does not occur within 50 metres of any defined watercourse, drain or residential premises; (ii) the irrigation area is at least one metre above the highest known groundwater level; (iii) irrigation shall not occur during periods of rainfall or onto flooded areas; (iv) no soil erosion or ponding of wastewater occurs; (v) wastewater is evenly distributed over the individual irrigation paddocks, to prevent localised concentration of nutrients; (vi) wastewater is only applied to areas with a healthy vegetation cover; and (vii) no direct runoff, spray drift or discharge shall gain access to the Hay River.
	Evaporation	None specified

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 premises map 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	Description	Source including abatement
L1	Irrigation area	Treated wastewater discharge point from irrigation dam (pump station outlet pipe)

2.2.2 The Licensee shall not cause or allow point source 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	Total nitrogen (TN)	480 kg/ ha	Annual
	Total phosphorus (TP)	120 kg/ ha	Annual
	Total biochemical oxygen demand (5-day BOD)	30 kg/ ha	Daily

3 Monitoring

3.1 General monitoring

3.1.1 The licensee shall ensure that:

- all water samples are collected and preserved in accordance with AS/NZS 5667.1;
- all wastewater sampling is conducted in accordance with AS/NZS 5667.10; and
- 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 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: Monitoring of emissions to land				
Emission point reference	Parameter	Units	Averaging period	Frequency
L1 (pump station outlet)	Volumetric flow rate (cumulative) ¹	m ³ /day	Daily	Continuous
	pH ¹	-	Monthly when irrigating	Spot sample
	Total biochemical oxygen demand (5-day BOD)	mg/l		
	Total dissolved solids (TDS)			
	Total nitrogen (TN)			
	Total phosphorus (TP)			

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

4 Information

4.1 Records

4.1.1 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 4.1.1(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.

4.1.2 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.

4.1.3 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.

4.1.4 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.

4.2 Reporting

4.2.1 The Licensee shall submit to the CEO an Annual Environmental Report within 30 calendar days after the end of the annual period. The report shall contain the information listed in Table 4.2.1 in the format or form specified in that table.



Table 4.2.1: Annual Environmental Report		
Condition or table (if relevant)	Parameter	Format or form¹
-	Summary of any failure or malfunction of any pollution control equipment and any environmental incidents that have occurred during the annual period and any action taken	None specified
Table 3.2.1	Results of monitoring of emissions to land	Table and graph
4.1.3	Compliance	Annual Audit Compliance Report (AACR)
4.1.4	Complaints summary	None specified

Note 1: Forms are in Schedule 2

- 4.2.2 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;
 - (b) an assessment of the information contained within the report against previous monitoring results and Licence limits; and
 - (c) copies of original monitoring reports submitted to the Licensee from third parties.

4.3 Notification

- 4.3.1 The Licensee shall ensure that the parameters listed in Table 4.3.1 are notified to the CEO in accordance with the notification requirements of the table.

Table 4.3.1: Notification requirements			
Condition or table (if relevant)	Parameter	Notification requirement¹	Format or form²
2.2.2	Limit exceedance where management action taken	Part A: As soon as practicable but no later than 5pm of the next usual working day. Part B: As soon as practicable	N1
-	Desludging the wastewater treatment system	At least 14 days prior to desludging	None specified

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

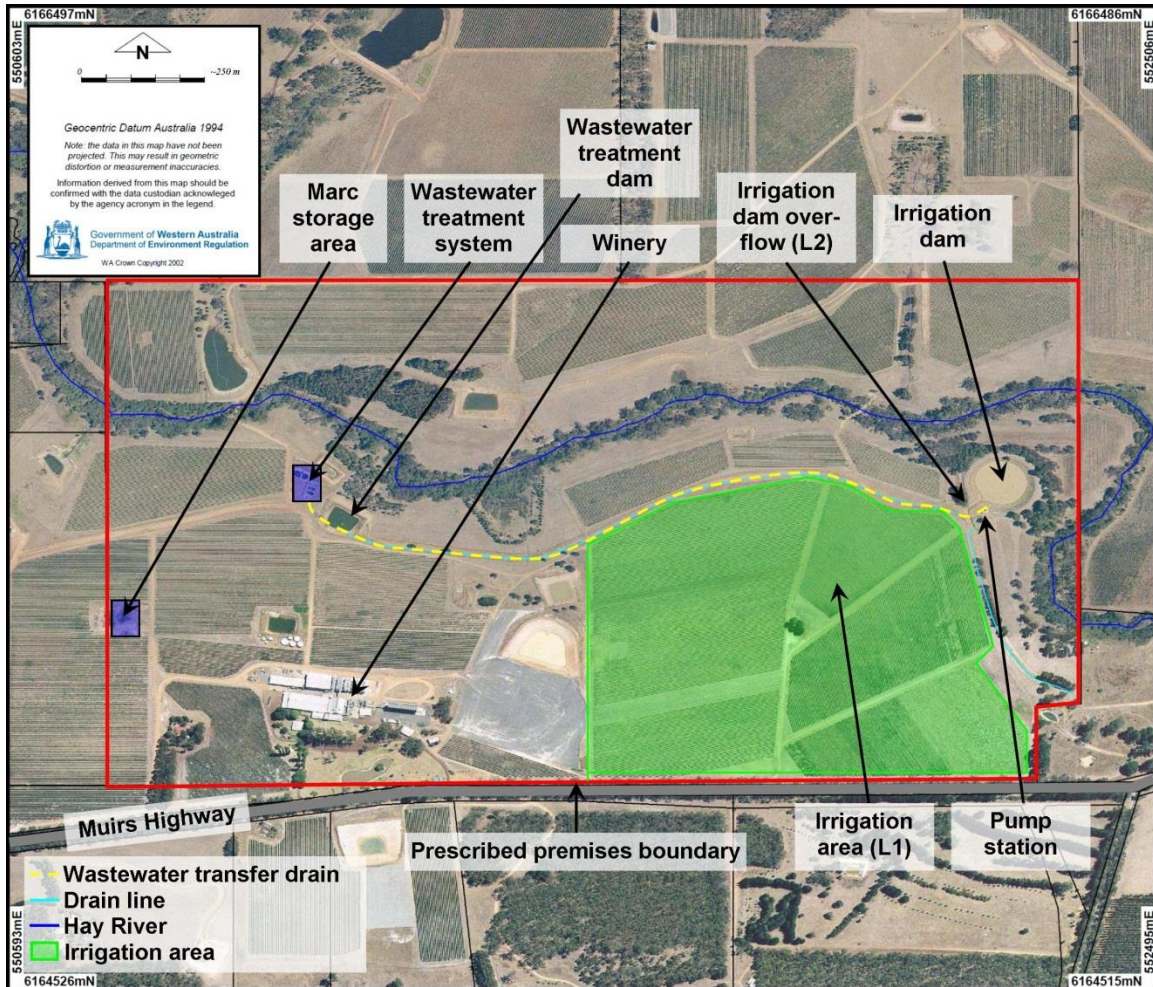
Note 2: Forms are in Schedule 2



Schedule 1: Maps

Premises map

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





Schedule 2: Reporting & notification forms

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

ANNUAL AUDIT COMPLIANCE REPORT PROFORMA

SECTION A LICENCE DETAILS

Licence Number: L7720/2001/8	Licence File Number:
Company Name: West Cape Howe Wines Pty Ltd Trading as:	ABN:
Reporting period: _____ to _____	

STATEMENT OF COMPLIANCE WITH LICENCE CONDITIONS

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

Yes Please proceed to Section C

No Please proceed to Section B

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

Initial:



SECTION B

DETAILS OF NON-COMPLIANCE WITH LICENCE CONDITION.

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

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

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

Initial:



SECTION C

SIGNATURE AND CERTIFICATION

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

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

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

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

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

SIGNATURE: _____

SIGNATURE: _____

NAME:
(printed) _____

NAME:
(printed) _____

POSITION: _____

POSITION: _____

DATE: ____ / ____ / ____

DATE: ____ / ____ / ____



Licence: L7720/2001/8
Form: N1

Licensee: West Cape Howe Wines Pty Ltd
Date of breach:

Notification of detection of the breach of a limit

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

Part A

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

Notification requirements for the breach of a limit

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

Part B

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

Name	
Post	
Signature on behalf of West Cape Howe Wines Pty Ltd	
Date	



Decision Document

Environmental Protection Act 1986, Part V

Proponent: **West Cape Howe Wines Pty Ltd**

Licence: **L7720/2001/8**

Registered office: 49 Bennet Street
EAST PERTH WA 6004

ACN: 096 205 113

Premises address: West Cape Howe Wines
Lot 3 on Diagram 20076, Muirs Highway
MOUNT BARKER WA 6324
Being Lot 105 on Plan 65505

Issue date: Thursday, 11 February 2016

Commencement date: Saturday, 14 February 2016

Expiry date: Saturday, 13 February 2021

Decision

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

Decision Document prepared by: **Clint Joseph**
Licensing Officer

Decision Document authorised by: **Jonathan Bailes**
Delegated Officer



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1 Purpose of this Document

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

2 Administrative summary

Administrative details		
Application type	Works Approval <input type="checkbox"/> New Licence <input 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	5600 kilolitres per year
Application verified	Date: 29/12/2015	
Application fee paid	Date: 20/01/2016	
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	No	
Is the proposal a Major Resource Project?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Was the proposal referred to the Environmental Protection Authority (EPA) under Part IV of the <i>Environmental Protection Act 1986</i> ?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
		Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
		Ministerial statement No: EPA Report No:
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the <i>Environmental Protection Act 1986</i>)?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	Department of Water consulted Yes <input type="checkbox"/> No <input checked="" 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

A vineyard was first planted at the premises in the 1970s. The current occupier, West Cape Howe Wines (WCHW), took over the premises in 2009. Located approximately ten kilometres west of Mount Barker, the surrounding land use is primarily agricultural. WCHW is located in the Hay River catchment among gently undulating hills ranging 175 – 210 m AHD in the irrigation area. The Hay River runs through the Premises, north of the irrigation area and discharges into the Wilson Inlet approximately 35 kilometres south. The closest private residences are approximately 650 metres from the winery to the south-west and south-east.

Annual alcoholic beverage (wine) production capacity is 5600 kilolitres (kL), equivalent to the receipt of approximately 8,500 tonnes of grapes annually. Average production has been 2853 kilolitres in the last 5 years. Approximately 1100 tonnes of grape are produced on the Licensee's vineyards while additional grapes are sourced from external suppliers.

The main emissions are liquid waste and solid marc waste. Approximately 1.2kL of wastewater is produced per tonne of grape crushed and approximately 0.2 tonne of marc is produced per tonne of grape crushed. Marc waste is stored within a marc waste storage area with all leachate directed to the wastewater treatment system. Liquid waste is processed through the wastewater treatment system which comprises of rotary screens, aeration tanks, flocculation tanks, polishing tanks, a holding dam and irrigation dam.

Treated wastewater flows west to east through a trench from the holding dam to the irrigation dam. From the irrigation dam, treated wastewater is irrigated to a 34.4-hectare vineyard irrigation area.

This Licence is the successor to licence L7720/2001/7 and includes and update to the current licence template.

In reissuing this licence, DER has considered whether the risk profile of emissions and discharges from the premises has changed. Based on DER's review, no significant changes have occurred. Therefore, DER has only updated conditions to take account of administrative changes implemented within DER and DER published guidance.



4 Decision table

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

DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
General conditions	L1.3.1	<p>Operation</p> <p><u>Emission Description</u> <i>Emission:</i> Stormwater contaminated with waste material (organic wastes). <i>Impact:</i> Contamination of surrounding land and surface water drainage lines, which lead to the Hay River system. <i>Controls:</i> Stormwater collected in non-production areas is diverted to dam storage for use in irrigation of a portion of the vineyard. Stormwater collected in production areas of the winery is processed along with winery effluent in the wastewater treatment system.</p> <p><u>Risk Assessment</u> <i>Consequence:</i> Minor <i>Likelihood:</i> Unlikely <i>Risk Rating:</i> Moderate</p> <p><u>Regulatory Controls</u> Condition L1.3.1 has been added to the licence to ensure that all wastewaters generated from alcoholic beverage manufacturing operations including wash down water, by-products wastewater and contaminated run-off are directed to a wastewater treatment system. The general provisions of the <i>Environmental Protection Act 1986</i> and the <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i> also provide regulatory controls.</p>	<p><i>Environmental Protection Act 1986.</i></p> <p><i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i></p>



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
		<u>Residual Risk</u> <i>Consequence:</i> Minor <i>Likelihood:</i> Unlikely <i>Risk Rating:</i> Moderate	
Premises operation	L1.3.1 – L1.3.3	Conditions 1.3.1 – 1.3.3 replace conditions W2, W3, W4 and S1(a) of the previous licence.	
Emissions general	L2.1.1	Descriptive limits will be set by condition 2.2.1 of the licence and, therefore, condition 2.1.1 regarding recording and investigation of exceedances of limits has been included.	
Emissions to land including monitoring	L2.2.1, L2.2.2 and L3.2.1	Conditions 2.2.1, 2.2.2 and 3.2.1 replace conditions W1, W5(a) and W6(a) and W6(c) of the previous licence. The frequency of monitoring for treated wastewater used for irrigation has been changed from vintage-based to monthly (when irrigating) to make the condition clearer. Previous condition W6(d) has been removed from the licence as the data collected to date has provided no evidence that irrigation of treated wastewater has impacted on water quality of the Hay River. Monitoring of irrigation nutrient loading rates at the irrigation will continue. If nutrient loading rates increase above licence limits, ambient river monitoring can be reinstated if deemed necessary.	
Fugitive emissions	N/A	Operation <u>Emission Description</u> <i>Emission:</i> Dust from vineyard and winery operations. <i>Impact:</i> Reduction in local air quality; nuisance impact on local residents. <i>Controls:</i> Separation distance (the nearest residences are over 600m from the winery). All open areas are vegetated. Winery operations are not expected to generate dust. Risk Assessment <i>Consequence:</i> Insignificant <i>Likelihood:</i> Unlikely <i>Risk Rating:</i> Low	<i>Environmental Protection Act 1986.</i> <i>Environmental Protection (Unauthorised Discharges) Regulations 2004.</i>



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
		<p><u>Regulatory Controls</u> The risk of fugitive dust impacting the environment has been assessed as low. Generic fugitive dust condition A1 of the previous licence has been removed. The general provisions of the <i>Environmental Protection Act 1986</i> and the <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i> provide regulatory controls.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Insignificant <i>Likelihood:</i> Unlikely <i>Risk Rating:</i> Low</p>	
Monitoring general	L3.1.1 – L3.1.5	Conditions 3.1.1, 3.1.4 - 3.1.5 replace conditions W6(b), W6(e) and W6(f). Condition 3.1.2 has been added to ensure there is a sufficient gap between sample events. Condition 3.1.3 has been added so that production data is recorded to allow monitoring data to be compared and benchmarked.	N/A
Information	L4.1.1 – L4.3.1	Conditions 4.1.1 – 4.3.1 replace conditions G1(a), G1(b), G2(a), G2(b), W5(b) and S1(b) on the previous licence. Recording, reporting and notification requirements have been updated to the current licence template. Conditions that duplicate the requirements of section 72 of the <i>Environmental Protection Act 1986</i> have been removed.	N/A
Licence Duration	N/A	The site is considered low risk. DER has issued the licence for a five-year period.	N/A



5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
01/02/2016	Application advertised in West Australian (or other relevant newspaper)	No comments were received.	None applicable
05/02/2016	Proponent sent a copy of draft instrument	One general comment received regarding the dates of establishment of the vineyard in the premises description and licence summary.	Introductory text updated

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