



# Licence

## *Environmental Protection Act 1986, Part V*

**Licensee:** Cape Mentelle Vineyards Ltd

**Licence:** L7714/2001/7

**Registered office:** 331 Wallcliffe Road  
MARGARET RIVER WA 6285

**ACN:** 008 815 334

**Premises address:** Cape Mentelle Winery  
331 Wallcliffe Road  
MARGARET RIVER WA 6285  
Being Lots 945 & 946 on Plan 301733 and Lot 2 on Diagram 66956, as depicted in Schedule 1.

**Issue date:** Thursday, 1 May 2014

**Commencement date:** Saturday, 10 May 2014

**Expiry date:** Thursday, 9 May 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	1 750 kilolitres per annual period

### Conditions

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

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



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## Introduction

This Introduction is not part of the Licence conditions.

### DER's industry licensing role

The Department of Environment Regulation (DER) is a government department for the state of Western Australia in the portfolio of the Minister for Environment. DER's purpose is to protect and conserve the state's environment on behalf of the people of Western Australia.

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 monitor and audit compliance with works approvals and licence conditions, take enforcement action as appropriate and develop and implement 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

Cape Mentelle Vineyards Ltd (Cape Mentelle) has been operating an alcoholic beverage operation (winery) since 1975 with a maximum crush capacity of 2 500 tonnes/year of grapes. Grapes are sourced from on-site vines and contract-grown fruit sourced from within the South West region. The winery is located within a semi-rural landuse zone, with several residences and another winery (Xanadu) located within a 1 km radius of the wastewater ponds.

The main discharge from the Premises is treated wastewater discharged to land. Up to 7 000 kL/yr is biologically treated on-site in a lagoon system, prior to irrigation of on-site woodlot. Biomass generated in waste treatment is composted on-site and applied to the vineyard as soil conditioner.

This Licence is the successor to licence L7714/2001/6 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
L7714/1	04/06/2002	First licence issued following DEP notification to all wineries in the South West.
W3775/1	07/04/2003	Works approval for upgrade of wastewater treatment ponds.
L7714/2	03/06/2003	Licence renewal. Irrigation loading rates reduced.
L7714/3	31/05/2004	Licence renewal. Discharge criteria added based on wastewater system upgrade.
L7714/4	09/05/2005	Licence renewal. Discharge criteria removed. Issued for 3 yrs.
L7714/2001/5	08/05/2008	Licence renewal. Register for grease trap waste and AACR conditions added.
L7714/2001/6	28/04/2011	Licence renewal. Grease trap provisions removed.
L7714/2001/7	TBC	Licence renewal. Conversion to REFIRE.

#### Severance

It is the intent of these Licence conditions that they shall operate so that, if a condition or a part of a condition is beyond the power of this Licence to impose, or is otherwise *ultra vires* or invalid, that condition or part of a condition shall be severed and the remainder of these conditions shall nevertheless be valid to the extent that they are within the power of this Licence to impose and are not otherwise *ultra vires* or invalid.

END OF INTRODUCTION



## Licence conditions

### 1 General

#### 1.1 Interpretation

1.1.1 In the Licence, definitions from the *Environmental Protection Act 1986* apply unless the contrary intention appears.

1.1.2 For the purposes of this Licence, unless the contrary intention appears:

**'Act'** means the *Environmental Protection Act 1986*;

**'annual period'** means the inclusive period from 1 July until 30 June in the following year;

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

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

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

**'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*;

**'Director'** means Director, Environmental Regulation Division of the Department of Environment Regulation for and on behalf of the Chief Executive Officer as delegated under Section 20 of the Act;

**'Director'** for the purpose of correspondence means:

Regional Leader, Industry Regulation, South West Region  
Department of Environment Regulation  
PO Box 1693  
BUNBURY WA 6231  
Telephone: (08) 9725 4300  
Facsimile: (08) 9725 4351  
Email: SWIRAdmin@der.wa.gov.au;

**'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 identified in Section 2.5;



'**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 L7714/2001/7 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;

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

'**µS/cm**' means microsiemens per centimetre.

1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the standard in force from time to time during the term of this Licence.

1.1.4 Any reference to a guideline or code of practice in the Licence means the version of that guideline or code of practice in force from time to time, and shall include any amendments or replacements to that guideline or code of practice made during the term of this Licence.

## 1.2 General conditions

1.2.1 Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence, where the emission amounts to:

- (a) pollution;
- (b) unreasonable emission;
- (c) discharge of waste in circumstances likely to cause pollution; or
- (d) being contrary to any written law.

1.2.2 The Licensee shall operate and maintain all pollution control and monitoring equipment to the manufacturer's specification or any relevant and effective internal management system.

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





- 1.2.4 The Licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.
- 1.2.5 The Licensee shall:
- implement all practical measures to prevent stormwater run-off becoming contaminated by the activities on the Premises; and
  - 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.

Storage vessel or compound	Material	Infrastructure requirements
Winery effluent collection sump	Wastewater	Concrete lined
Anaerobic/ facultative ponds	Wastewater	Synthetic/non-synthetic lined to achieve permeability of $<1 \times 10^{-9}$ m/s.
Composting area	Marc, sludge, lees and other organic solid wastes	A bunded synthetic/non-synthetic lined/ hardstand to achieve permeability of $<1 \times 10^{-9}$ m/s and capable of preventing surface run-off 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.

Waste type	Disposal strategy	Operational requirements
Treated wastewater	Irrigation	The Licensee shall ensure irrigation meets the following requirements: <ul style="list-style-type: none"> <li>irrigation does not occur in areas where the water table rises to within 1 m of the surface during the irrigation period;</li> <li>no irrigation generated run-off, spray drift or discharge occurs beyond the boundary of the Premises;</li> <li>irrigation is applied to the designated locations identified in the map of emission points in Schedule 1, including the headland (blacks) and driveway olives;</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 irrigation area; and</li> <li>irrigation does not occur on land that is water logged.</li> </ul>
Marc, lees and other organic solid wastes	Composting	Compost prior to spreading on land for use as a soil conditioner and/or export the material offsite for reuse or disposal.
	On-site application to land	Composted waste shall not be applied to land within 50 m from of any defined watercourse, wetland or external property boundary.



- 1.3.4 The Licensee shall manage all wastewater treatment 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;
  - (d) trapped overflows are maintained on the outlet of ponds to prevent carry-over of surface floating matter; and
  - (e) vegetation and floating debris (emergent or otherwise) does not adversely affect the treatment system performance.

## 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 aerobic pond to on-site irrigation areas	Treated wastewater from wastewater pond/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	pH	≥ 5.5 and ≤ 8.5	Spot sample
	Total phosphorus	10 mg/L	
	Total nitrogen	20 mg/L	
	Total suspended solids	100 mg/L	
	Biochemical oxygen demand (BOD)	150 mg/L	
L1	Load of total nitrogen	250 kg/ha	Annual
	Load of total phosphorus	50 kg/ha	Daily
	Load of BOD	30 kg/ha	

### 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 Director 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 wastewater treatment system/aerobic pond to irrigation areas	Volumetric flow rate (cumulative)	L/s m <sup>3</sup> /day	Continuous	Monthly
		pH <sup>1</sup>	pH unit	Spot sample	Pre-vintage; Peak vintage; Late vintage; Post vintage; Non-vintage <sup>3</sup> .
		Electrical conductivity	dS/m		
		Total nitrogen	mg/L		
		Total phosphorus			
		Total dissolved solids			
		Total suspended solids			
		Oil and grease			
		BOD			

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: Samples shall be taken twice during this period at least 3 months apart.

#### 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

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 Director stating whether and how the Licensee is compliant with the improvement within one week of the completion date specified in Table 4.1.1.

Improvement reference	Improvement	Date of completion
IR1	The Licensee shall undertake an investigation into the construction of groundwater monitoring bores on the Premises, to monitor for impacts to shallow groundwater quality from the wastewater treatment ponds. The bores shall be drilled at least 10 – 15 m depth or to rock to test for permeable material close to fresh rock. The results of the investigation shall be submitted to the Director and include a proposal for the location(s), depth and timeframes of bores to be installed.	01/06/14



## 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 Director an Annual Environmental Report by 1 August 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
-	Summary of any failure or malfunction of any pollution control equipment and any environmental incidents that have occurred during the annual period and any action taken	None specified
Table 1.3.2	Quantity of composted marc applied to the premises, including the application rate (in m <sup>3</sup> /ha)	None specified
Table 3.5.1	Monitoring of emissions to land	LR1
	Contaminant loading to land of parameters (total annual loading kg/ha/yr for nitrogen and phosphorus, average daily loading kg/ha/day for BOD).	None specified
5.1.3	Compliance	Annual Audit Compliance Report (AACR)
5.1.4	Complaints summary	None specified

Note 1: Forms are in Schedule 2



- 5.2.2 The Licensee shall ensure that the Annual Environmental Report also contains:
- (a) any relevant process, production or operational data recorded under Condition 3.1.3;
  - (b) an assessment of the information contained within the report against previous monitoring results and Licence limits and/or targets; and
  - (c) a list of any original monitoring reports submitted to the Licensee from third parties for the annual period and make these reports available on request.

**5.3 Notification**

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

<b>Table 5.3.1: Notification requirements</b>			
<b>Condition or table</b>	<b>Parameter</b>	<b>Notification requirement<sup>1</sup></b>	<b>Format or form<sup>2</sup></b>
2.1.1	Breach of any limit specified in the Licence	Part A: As soon as practicable but no later than 5pm of the next working day	N1
	Any failure or malfunction of any pollution control equipment or any incident, which has caused, is causing or may cause pollution	Part B: As soon as practicable	

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

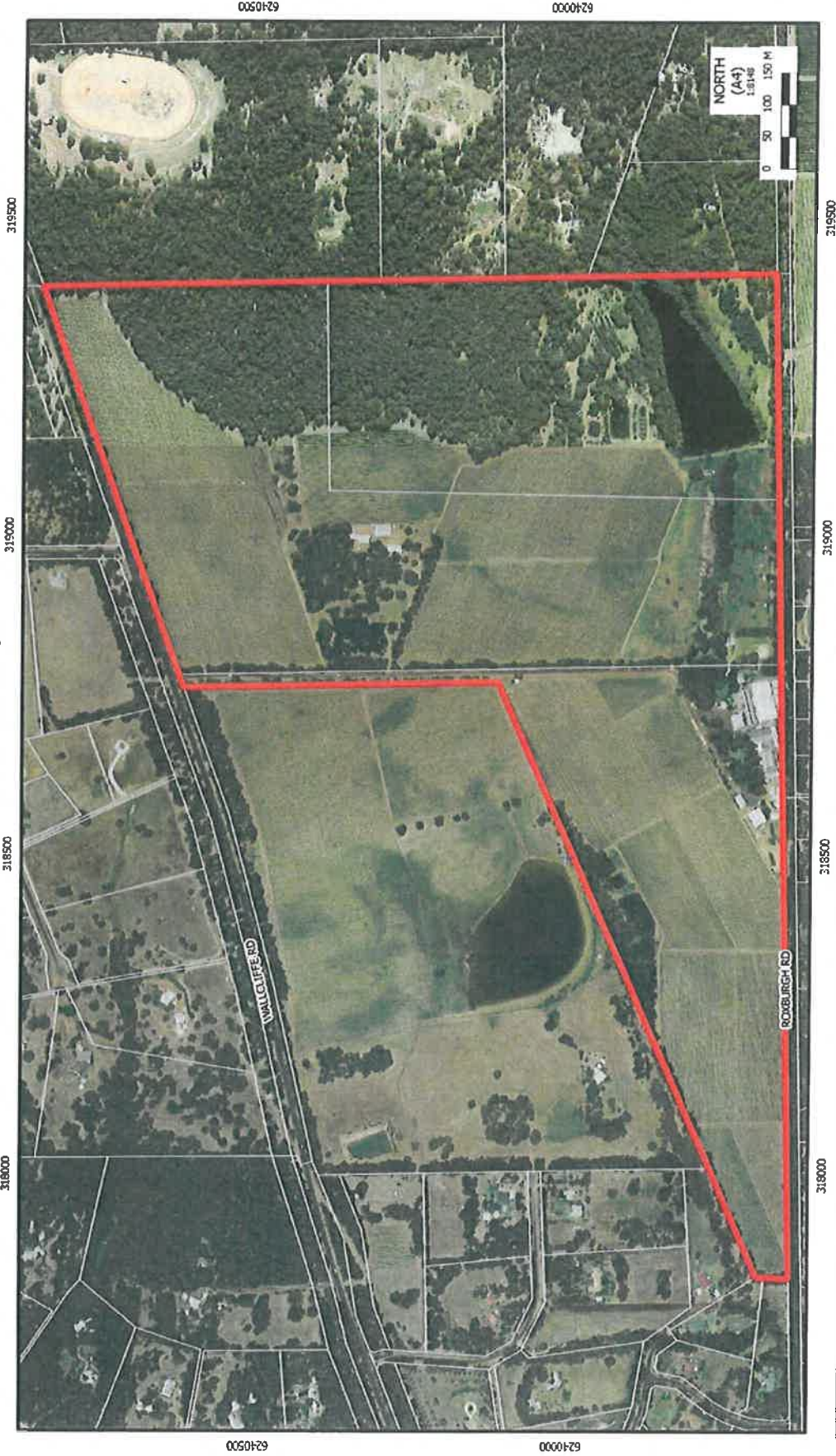
Note 2: Forms are in Schedule 2.



## Schedule 1: Maps

### Premises map

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

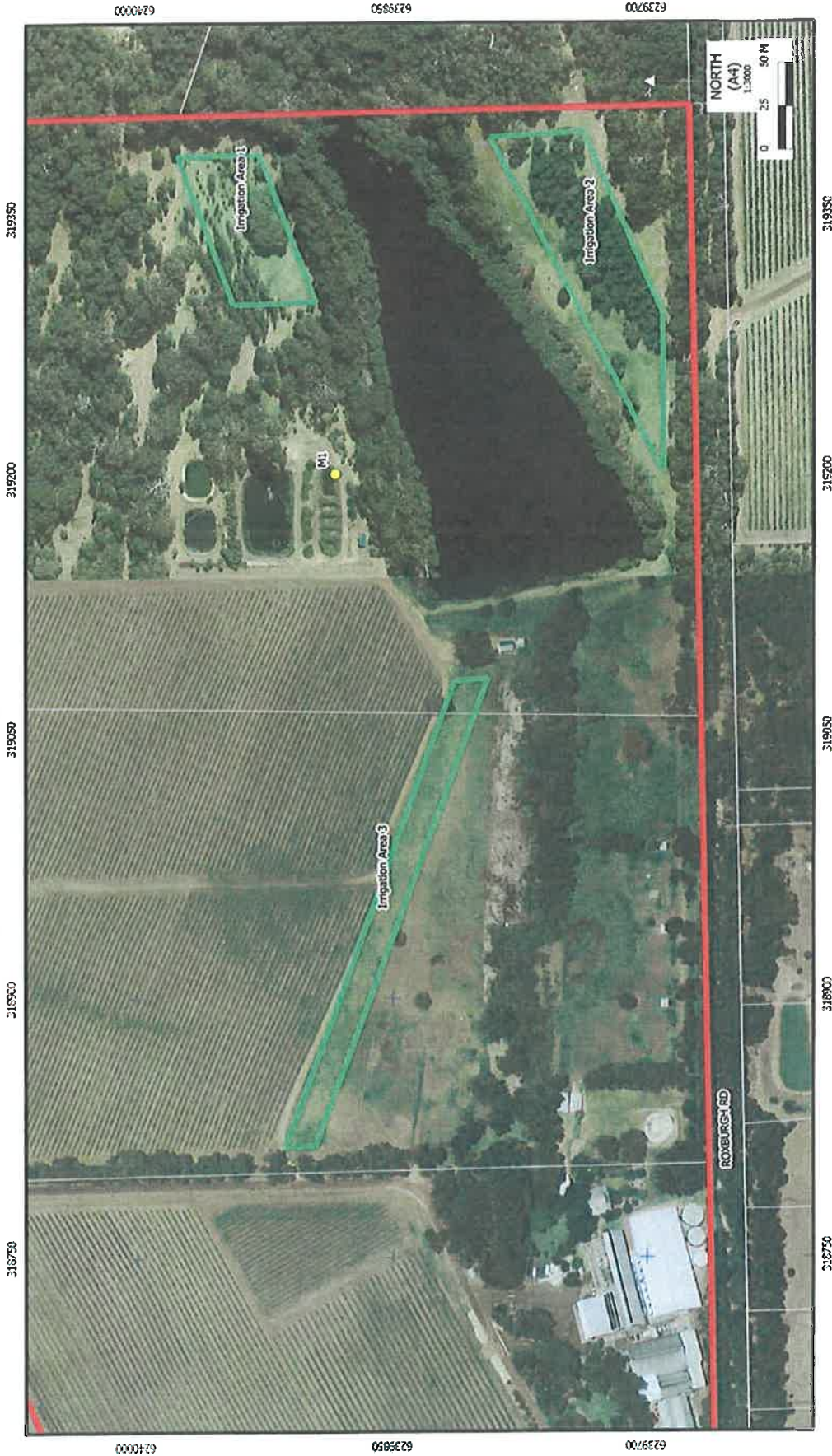






**Map of emission points and monitoring location**

The location of the emission points defined in Table 2.5.1 and the monitoring point defined in Table 3.5.1 are 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 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"/>	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: L7714/2001/7  
Form: LR1  
Name: Monitoring of emissions to land

Licence: Cape Mentelle Vineyards Ltd  
Period:

Form LR1: Monitoring of emissions to land						
Emission point	Parameter	Limit	Result	Averaging Period	Method	Sample date & times
L1	Volumetric flow rate	-	L/s	Spot sample		
	pH	≥ 5.5 ≤ 8.5				
	Electrical conductivity	-	dS/m			
	Total nitrogen	20	mg/L			
	Total phosphorus	10	mg/L			
	Total dissolved solids	-	mg/L			
	Total suspended solids	100	mg/L			
	Oil and grease	-	mg/L			
	BOD	150	mg/L			

Signed on behalf of Cape Mentelle Vineyards Ltd: ..... Date: .....



Licence: L7714/2001/7  
Form: N1

Licensee: Cape Mentelle Vineyards Ltd  
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 Cape Mentelle Vineyards Ltd	
Date	





# Decision Document

## *Environmental Protection Act 1986, Part V*

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**Licensee:** Cape Mentelle Vineyards Ltd

**Licence:** L7714/2001/7

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**Registered office:** 331 Wallcliffe Road  
MARGARET RIVER WA 6285

**ACN:** 008 815 334

**Premises address:** Cape Mentelle Winery  
331 Wallcliffe Road  
MARGARET RIVER WA 6285  
Being Lots 945 & 946 on Plan 301733 and Lot 2 on Diagram 66956, as depicted in Schedule 1.

**Issue date:** Thursday, 1 May 2014

**Commencement date:** Saturday, 10 May 2014

**Expiry date:** Thursday, 9 May 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.....  
Regional Environmental Officer

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### 1 Purpose of this Document

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

#### Works approval and licence conditions

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

##### Standard conditions (SC)

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

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

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

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

##### Optional standard conditions (OSC)

In the interests of regulatory consistency DER has a set of optional standard conditions that can be imposed on works approvals and licences. DER will include optional standard conditions as necessary, and are likely to constitute the majority of conditions in any licence. The inclusion of any optional standard conditions are 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	1 750 kL/yr
Application verified	Date: 13/02/2014	
Application fee paid	Date: 27/02/2014	
Works Approval has been complied with	Yes <input type="checkbox"/>	No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
Compliance Certificate received	Yes <input type="checkbox"/>	No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
Commercial-in-confidence claim	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Commercial-in-confidence claim outcome		
Is the proposal a Major Resource Project?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Was the proposal referred to the Environmental Protection Authority (EPA) under Part IV of the <i>Environmental Protection Act 1986</i> ?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
		Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the <i>Environmental Protection Act 1986</i> )?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Department of Water consulted Yes <input 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"/>
If Yes include details of which EPP(s) here.		
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If Yes, include details here, eg Site is subject to SO <sub>2</sub> requirements of Kwinana EPP.		





### 3 Executive summary of proposal

Cape Mentelle Vineyards Ltd (Cape Mentelle) operates a winery under Licence L7714/2001/6. The winery was established in 1975 and is one of the founding wineries of the Margaret River region. The winery has a current crushing capacity of 2 500 tonnes to produce 1 750 kL of wine per year.

The winery is located 3.5 km west of Margaret River, in a wide valley which is in the catchment of a tributary to the Margaret River and which joins the main river approximately 2 km from its mouth. There is no permanent shallow groundwater at the site; however there is known good quality seasonal groundwater within the ironstone gravel approximately 1.5 – 3 metres below ground level. The surrounding landuses are grazing, reserve (natural bushland), vineyards and special rural subdivision.

The winery was first licensed in 2002 after alcoholic beverage manufacturing became a prescribed activity under the *Environmental Protection Amendment Regulations (No 2) 1997*.

Operations at the Premises involve the production of wine, treatment and discharge of winery effluent, and composting and spreading of winery solids (marc, less, sludge, etc). Grapes are sourced from the vineyards on the winery site and Cape Mentelle's other wineries in the Chapman Valley and Witchcliffe.

The main discharge from the Premises is treated wastewater discharged to land. A maximum of 7 000 kL/yr is treated onsite by adjusting the pH and pumping under positive pressure to one of two clay-lined anaerobic digestion ponds. Suspended solids are allowed to settle and clarified surface water enters a HDPE-lined facultative pond and a constructed wetland with reed beds. The tertiary treated wastewater is then discharged through irrigation using automatic sensors onto one of 5 designated irrigation areas totalling 1.7 ha.

Sludge from the aerobic ponds is removed mechanically every 3-4 years and added to marc for composting, prior to being applied onto the vines as soil conditioner. Composting takes place on a bunded hardstand which is drained such that any leachate is captured. The wastewater treatment system is designed to reduce Biological Oxygen Demand (BOD) levels to 20 mg/L.



## 4 Decision table

All applications are assessed under the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987*, DEC's *Policy Statement - Limits and targets for prescribed premises (2006)* and the risk matrix attached to this Decision Document in Section 6. Where other references have been used in making the decision they are detailed in the decision table.

DECISION TABLE				
Works Approval/ Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
General conditions	L1.3.1 – L1.3.4	NSC	<p><b>Emission Significance – 2</b>  <b>Socio-political context – No concern or interest</b>  <b>Risk Assessment – D – Licence conditions</b>            NSC 1.3.1 has been added to the licence to ensure all wastewaters from the process (wash down water, by-products wastewater and contaminated runoff) is directed to the on-site treatment system.            NSC 1.3.2 has been added to specify the authorised infrastructure for containment of liquid and solid wastes from the process and the minimum infrastructure requirements.            NSC 1.3.3 has been added to specify the authorised operational requirements for management of wastes, to ensure there are no environmental impacts from these operations.            NSC 1.3.4 has been added to ensure the Licensee maintains the wastewater ponds to their designed operating criteria.</p>	Application supporting documentation
	L2.1.1	OSC	<p>Descriptive limits will be set through condition 2.5.2 of the licence and therefore OSC regarding recording and investigation of exceedances of limits or targets has been included.</p>	N/A
Point source emissions to air including monitoring	L2.2 and L3.2	N/A	<p><b>Emission Significance – 1</b>  <b>Socio-political context – No concern or interest</b>  <b>Risk Assessment – E – other management mechanisms</b>            There are no point source emissions to air during operation of the winery. No specified conditions relating to point source emissions to air or the monitoring of these emissions are required to be added to the licence.</p>	N/A



**DECISION TABLE**

Works Approval/ Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
Point source emissions to surface water including monitoring	L2.2 and L3.2	N/A	<b>Emission Significance – 1</b> <b>Socio-political context – No concern or interest</b> <b>Risk Assessment – E – other management mechanisms</b> There are no point source emissions to surface water expected or authorised through the Licence. No specified conditions relating to point source emissions to surface water or the monitoring of these emissions are required to be added to the licence.	N/A
Point source emissions to groundwater including monitoring	L2.2 and L3.2	N/A	<b>Emission Significance – 1</b> <b>Socio-political context – No concern or interest</b> <b>Risk Assessment – E – other management mechanisms</b> There are no point source emissions to groundwater expected or authorised through the Licence. No specified conditions relating to point source emissions to groundwater or the monitoring of these emissions are required to be added to the licence.	N/A
Emissions to land including monitoring	L2.5.1 – L2.5.2 L3.5.1	OSC	<b>Emission Significance – 4</b> <b>Socio-political context – Low</b> <b>Risk Assessment – B – Licence conditions, limits set</b> Up to 7 000 kL/yr of treated wastewater is discharged over 5 designated irrigation areas totalling 1.7 ha. OSC L2.5.1 has been added to specify the authorised emission point as discharge from the aerobic pond to the irrigation areas, and the emission source being treated wastewater. OSC L2.5.2 has been added to specify the discharge criteria, being emission limits to land. The limits include both treated wastewater quality criteria and annual nutrient loading limits. The wastewater quality criteria, which is new to this licence, has been based on the performance of the system over the previous 5 reporting periods, and has been added to ensure the Licensee operates the system to its potential. The loading limits are consistent with the previous version of the Licence. L3.5.1 has been added to require monitoring of outflow from the wastewater treatment system (i.e. aerobic pond) to the irrigation area, and is consistent with the previous monitoring requirements.	Cape Mentelle annual monitoring reports 2008-2013 – wastewater data  WQPN#22: Irrigation with nutrient rich wastewater (DoW, 2008)  Application supporting documentation



**DECISION TABLE**

Works Approval/ Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
Fugitive emissions	L2.6	N/A	<b>Emission Significance -- 1</b> <b>Socio-political context -- No interest or concern</b> <b>Risk Assessment -- E -- other management mechanisms</b> Fugitive emissions of dust and light are not expected to be significant due to the nature of the operation. All trafficable areas on the Premises are sealed and operations are conducted during daylight hours.	N/A
Odour	L2.7.1	OSC	<b>Emission Significance -- 2</b> <b>Socio-political context -- No concern or interest</b> <b>Risk Assessment -- D -- Licence conditions</b> Anaerobic digestion generates hydrogen sulfide and other mercaptan gases. To avoid continuous release to the environment an organic layer applied artificially encloses the cell but allows for the eventual sporadic discharge of gas. The application of such an enclosure limits the continuous discharge that could lead to community complaints. As such, OSC L2.7.1 has been added to ensure that any odour emissions do not unreasonably interfere with any persons not on the Premises, which DER expects as a minimum the anaerobic ponds maintained with an organic layer and desludging occurs prior to odour becoming an issue.	General provisions of the <i>Environmental Protection Act 1986</i>  Application supporting documentation
Noise	L2.8	N/A	<b>Emission Significance -- 1</b> <b>Socio-political context -- No interest or concern</b> <b>Risk Assessment -- E -- other management mechanisms</b> Noise is not expected to be an issue from operation of the winery due to the nature of operations and no history of noise-related issues. Noise emissions can therefore be adequately managed through the provisions of the Noise Regulations.	<i>Environmental Protection (Noise) Regulations 1997</i> (Noise Regulations)
Monitoring general	L3.1.1 - L3.1.5	OSC	Descriptive monitoring of discharges to land have been set through condition L3.5.1 of the licence, therefore OSC regarding the requirements of sampling, frequency, monitoring equipment and calibration have been included.	N/A



**DECISION TABLE**

Works Approval/ Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
Monitoring of inputs and outputs	L3.6	N/A	Monitoring of inputs is not required to ensure efficient operation of the winery.	N/A
Process monitoring	L3.7	N/A	Monitoring of process parameters (such as flow rate, temperature or pressure) is not relevant to category 25 activities.	N/A
Ambient quality monitoring	L3.8	N/A	Monitoring of ambient groundwater quality has been identified as being necessary to ensure the integrity of the wastewater ponds (see Improvements section).	
Meteorological monitoring	L3.9	N/A	No meteorological monitoring required.	
Improvements	L4.1.1 - L4.1.2	OSC	Given the lack of separation distance to the water storage dam, the relatively shallow seasonal water table and clay-lining of the anaerobic ponds, DER considers it appropriate for monitoring shallow groundwater conditions in the vicinity of the wastewater ponds. This is also consistent with recommendations in the treatment system upgrade proposal of 2003. IR1 has therefore been added to the licence to require an proposal for the installation of new bores on the Premises, for submission to the Director. The proposed locations will be reviewed by the Department of Water.	
Information	L5	OSC	Standard reporting and notification conditions have been added to the licence.	





## 5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
31/03/2014	Application advertised in West Australian (or other relevant newspaper)	Nil.	N/A
22/04/2014	Proponent sent a copy of draft instrument	Minor corrections noted.	Comments considered and corrections made where necessary.



## 6 Emissions and discharges risk assessment framework

Note: These matrix are taken from the DEC Officer's Guide to Emissions and Discharges Risk Assessment (2006).

**Table 3: Measures of Significance of Emissions**

Emissions as a percentage of the relevant emission or ambient standard		Worst Case Operating Conditions (95 <sup>th</sup> Percentile)			
		>100%	50 – 100%	20 – 50%	<20%*
Normal Operating Conditions (50 <sup>th</sup> Percentile)	>100%	5	N/A	N/A	N/A
	50 – 100%	4	3	N/A	N/A
	20 – 50%	4	3	2	N/A
	<20%*	3	3	2	1

\*For reliable technology, this figure could increase to 30%

**Table 4: Socio-Political Context of Each Regulated Emission**

		Relative proximity of the interested party with regards to the emission				
		Immediately Adjacent	Adjacent	Nearby	Distant	Isolated
Level of Community Interest or Concern*	5	High	High	Medium High	Medium	Low
	4	High	High	Medium High	Medium	Low
	3	Medium High	Medium High	Medium	Low	No
	2	Low	Low	Low	Low	No
	1	No	No	No	No	No

Note: These examples are not exclusive and professional judgement is needed to evaluate each specific case

\*This is determined by DER using the *Officer's Guide to Emissions and Discharges Risk Assessment* (2006).

**Table 5: Emissions Risk Reduction Matrix**

		Significance of Emissions				
		5	4	3	2	1
Socio-Political Context	High	A	A	B	C	D
	Medium High	A	A	B	C	D
	Medium	A	B	B	D	E
	Low	A	B	C	D	E
	No	B	C	D	E	E

### PRIORITY MATRIX ACTION DESCRIPTORS

A = Do not allow (fix)

B = licence condition (setting limits + EMPs - short timeframes)(setting targets optional)

C = licence condition (setting targets + EMPs - longer timeframes)

D = EIPs, other management mechanisms/licence conditions (monitoring/reporting)/other regulatory tools

E = No regulation, other management mechanisms