



# Decision Report

## Application to renew a licence

### Part V Division 3 of the *Environmental Protection Act 1986*

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<b>Licence Number</b>	L7725/2001/8
<b>Licence Holder</b>	Rural Developments Pty Ltd
<b>ACN</b>	008 689 110
<b>File Number</b>	DER2015/002879-1
<b>Premises</b>	Leeuwin Estate Stevens Road WITCHCLIFFE WA 6286  Legal description Lot 661 on Plan 131668; Lot 688 on Plan 131667; and Lot 1016 on Plan 231030 Stevens Road WITCHCLIFFE WA 6286 As defined by the Premises map
<b>Date of Report</b>	02/06/2023
<b>Decision</b>	To grant a licence

Neville Welsh  
SENIOR INDUSTRY REGULATION OFFICER  
INDUSTRY REGULATION  
An officer delegated by the CEO under section 20 of the *Environmental Protection Act 1986*

## 1. Decision summary

Under the regulatory framework the Delegated Officer decided to process the application to renew licence L7725/2001/7 without completing an additional risk assessment.

The licence can be issued for 20 years, which is consistent with the *Guidance Statement on Licence Duration 2016*. In renewing the licence the Delegated Officer has determined to:

- update the format and appearance of the licence;
- remove redundant conditions;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- revise licence conditions and consolidate existing pollution control conditions;
- correct clerical mistakes and unintentional errors; and
- transfer all existing regulatory controls and conditions to the new licence.

As a result of the above, the Delegated Officer decided to grant Licence L7725/2001/8, subject to conditions set out in the attached licence.

## 2. Scope of assessment

### 2.1 Application summary

On 18 January 2023, Rural Developments Pty Ltd (licence holder) applied to renew licence L7725/2001/7, as the licence is due to expire on 4 June 2023. The licence was granted to the licence holder for the premises located at Lot 661, Lot 668 and Lot 1016 Stevens Road, Witchcliffe (Premises).

The licence relates to prescribed premises categories as described in Table 1.

**Table 1: Premises category description and production design capacity**

<b>Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)</b>	<b>Production / design capacity</b>
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.	850 kilolitres per year

Rural Developments Pty Ltd operate the Leeuwin Estate winery approximately 5 km south-east of Margaret River. The annual winery throughput is currently around 850 kL of wine (1,250 tonnes of crushed grapes).

Wastewater generated from the production areas is directed via screened floor drains to two settling tanks. Treated wastewater is then directed from the settling tanks through a series of 3 additional settling tanks to an evaporation storage pond. Correction of pH occurs in-line between the settling tanks. Treated wastewater from the evaporation storage pond is passed through sand filters prior to the onsite irrigation area. The irrigation paddock is approximately 1.8 ha in size and is planted with annual ryegrass. Irrigation occurs through small drippers located on the ground surface.

Approximately 120 tonne of grape marc is produced on an annual basis, primarily during the vintage period (February to May). Marc is removed from the press, prior to transfer to a handstand pad along with screening solids and other organic solid wastes. The stored material is spread back on to the vineyard.

### 3. Regulatory framework

The Delegated Officer has not conducted a full review and risk assessment of emissions and discharges from the Premises in line with the Department of Water and Environmental Regulation’s (department) *Work Instruction: Industry Regulation, Licensing position - COVID-19 response*, October 2022.

In granting the licence, the Delegated Officer has considered and given due regard to the department’s regulatory framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

### 4. Considerations for issuing a new licence

#### 4.1 Compliance and enforcement actions

There have been no incidents or complaints identified at the Premises by the department in the last five years. There have been no enforcement actions taken against the occupier in the last 5 years regarding the licence.

#### 4.2 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises.

#### 4.3 Categories of the licence

The requested category and the corresponding maximum production capacity for the renewal of the licence are consistent with the categories for which the licence holder currently holds a licence and which was previously assessed.

#### 4.4 Planning approval

The licence holder has informed the department that it has planning approval for the activities on the Premises.

### 5. Summary of changes to the licence conditions

Section 62 of the *Environmental Protection Act 1986* (EP Act) provides the legal power to attach conditions to licences. Licenses are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) to prevent, control, abate or mitigate pollution or environmental harm resulting from emissions and/or discharges from the premises in question.

Table 1 summarises the changes from the expiring licence into the new licence including changes made to licence conditions where required and the rationale for changes made.

**Table 1: Licence conditions changes, description and rationale**

Current condition / table	New condition / table (if relevant)	New condition / table (if relevant)	Description and rationale
1.1.1 - 1.1.5	Interpretation & Definitions	N/A	Redundant conditions removed as no longer relevant. Definitions revised to current licensing format.

Current condition / table	New condition / table (if relevant)	New condition / table (if relevant)	Description and rationale
1.2.1 – 1.2.3	General conditions	N/A	Redundant conditions removed as no longer relevant. Adequately covered by EP (Unauthorised Discharges) Regulations 2004.
1.3.1	Wastewater directed to treatment system	1	Transfer of existing condition.
1.3.2	Containment infrastructure	2	Transfer of existing condition.
1.3.3	Management of waste	3	Transfer of existing condition.
1.3.4	Management of wastewater treatment system	4	Transfer of existing condition except 1.3.4(c) which has been removed as it is a redundant condition.
1.3.5	Management of storage ponds	5	Transfer of existing condition.
2.1.1	Limit exceedance	N/A	Redundant condition.
2.2.1	Emissions to land	6	Transfer of existing condition.
2.2.2	Emission limits to land	7	Transfer of existing condition.
3.1.1 - 3.1.5	General monitoring	8 - 11	Transfer of existing conditions.
3.2.1	Monitoring of emissions to land	12	Transfer of existing condition.
4.1.1	Improvements	N/A	Improvement condition was completed on 18/02/2016 therefore, this condition has been removed.
5.1.1	Records	15 & 16	Revised to current licensing format.
5.1.2	Personnel aware of Licence	N/A	Redundant condition.
5.1.3	Annual audit compliance report (AACR)	14	Revised to current licensing format including the Notice of Amendment of Licence Reporting Requirements.
5.1.4	Complaints	13	Transfer of existing condition.
5.2.1	Annual environmental report (AER)	17	Revised to current licensing format including the Notice of Amendment of Licence Reporting Requirements.
5.2.2	AER – Additional information required	18	Transfer of existing condition.
5.3.1	Notification of breach of limit	19	Revised to current licensing format.
Schedule 1: Maps	Map of premises boundary &	Schedule 1: Maps	Updated maps included location of infrastructure.

Current condition / table	New condition / table (if relevant)	New condition / table (if relevant)	Description and rationale
	Map of emission and monitoring location		
Schedule 2: Reporting & notification forms	AACR proforma LR1 N1	N/A	Removed AACR form and Notification Forms LR1 & N1, to be consistent with current licence format.

## 6. Consultation

The Delegated Officer undertook the consultation for the application to renew the licence as per Table 2.

**Table 2: Consultation**

Consultation method	Comments received	Delegated Officer's response
Application advertised on the department's website on 6 February 2023 closing 27 February 2023.	No submissions were received	N/A
Local Government Authority advised of application on 16 February 2023.	The Shire of Augusta-Margaret River replied on 23/03/2023 confirming they had no comment to provide.	N/A
Applicant was provided with draft documents on 5 April 2023.	On 9 May 2023, the licence holder advised they were satisfied with the draft licence and draft decision report and requested the licence be issued.	N/A