



# Decision Document

## *Environmental Protection Act 1986, Part V*

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**Proponent:** Flying Fish Cove Pty Ltd

**Licence:** L7643/1999/8

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**Registered office:** Level 11, 216 St Georges Terrace  
PERTH WA 6000

**ACN:** 009 163 544

**Premises address:** Flying Fish Cove Winery  
Caves Road  
WILYABRUP WA 6280  
Being Lot 125 on Plan 21450

**Issue date:** Thursday, 17 July 2014

**Commencement date:** Monday, 28 July 2014

**Expiry date:** Saturday, 27 July 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 legal requirements and that the Licence and its conditions will ensure that an appropriate level of environmental protection is provided.

Decision Document prepared by:

Bradley Cox  
Licensing Officer

Decision Document authorised by:

Neville Welsh  
Manager Licensing



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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 is 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	1 400 kilolitres per annual period
Application verified	Date: 22/04/2014	
Application fee paid	Date: 10/06/2014	
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"/>
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"/>
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 and assessment

Flying Fish Winery operate an alcoholic beverage operation (winery) with a maximum crush capacity of 2000 tonnes/year of grapes. Grapes are sourced from on-site vines and other family owned vines in the South West. The winery is located within a semi rural landuse zone. The nearest sensitive receiver is a residence located at least 1km from the Premises. The surrounding land for at least 2 km is primarily cleared. The groundwater at the Premises is located at a depth of approximately 5 metres below ground level.

The main discharge from the Premises is treated wastewater discharged to land. Approximately 2 469 kL/yr of wastewater is treated onsite by adjusting the pH. It is then directed to the treatment pond where it is aerated. The treated wastewater is then discharged to an irrigation area of 2.1 ha, consisting of a mixed species plantation. Sludge from the wastewater treatment process is gravity fed from the reactor to a sludge tank where it thickens from approximately 0.6% to 1.4% solids content.

The supernatant overflows to a sump where it is pumped back to the plant for treatment. Sludge solid is added to marc for composting prior to being applied onto the surrounding pasture as soil conditioner. Composting takes place on a bunded hardstand which is drained such that any leachate is captured and returned through the wastewater treatment plant.

The wastewater treatment plant is designed to ensure irrigation to land does not exceed Nitrogen 180 kg/ha per year, phosphorus 20 kg/ha per year and BOD 30 kg/ha per day. Subsequently odour emissions from operations are not expected to be significant.

The winery is considered low risk, the main risks being impact on groundwater from discharge to land. As such, there are conditions on the licence about limits for discharges to land, but there is no ambient monitoring required. OSC about the management of the wastewater treatment system and management of waste (including irrigation, composting and land application of solid waste), have been included in the licence.



## 4 Decision table

All applications are assessed in line with the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987*, DEC's Policy Statement - Limits and targets for prescribed premises (2006), 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	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
General conditions	L1.3.1 – L1.3.5	OSC	<p><b>Operation</b></p> <p><u>Emission Description</u>  <i>Emission:</i> Waste products escaping containment infrastructure  <i>Impact:</i> Potential contamination of groundwater  <i>Controls:</i> wastewater stored in clay-lined pond; Solid waste stored in bunded, hardstand area.</p> <p><u>Risk Assessment</u>  <i>Consequence:</i> Moderate  <i>Likelihood:</i> Unlikely  <i>Risk Rating:</i> Moderate</p> <p><u>Regulatory Controls</u>            Appropriate containment infrastructure are specified in condition L1.3.2, L1.3.4 and L1.3.5 relating to management of storage ponds and the wastewater treatment system have been included to ensure that the integrity and operation of the pond and wastewater treatment system prevent unauthorised discharges of waste to the environment.</p> <p><u>Residual Risk</u>  <i>Consequence:</i> Insignificant  <i>Likelihood:</i> Unlikely  <i>Risk rating:</i> Low</p>	Licence L7643/1999/7  Annual Monitoring Report Operations 2012/2013 – Flying Fish Cove Pty Ltd – August 2013  Compliance Inspection Checklist and Report – December 2013 – Department of Environment Regulation.



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			<p>Condition 1.3.1 ensures that all wastewater is treated, prior to irrigation to prevent high level contamination of irrigated areas. It has been assessed under discharges to land below.</p> <p>Condition 1.3.3 relating to discharges to land by irrigation has been assessed under discharges to land below.</p>	
Emissions general	L2.1.1	OSC	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.	N/A
Point source emissions to air including monitoring	L2.2 and L3.2	N/A	<b>Operation</b> No significant point source air emissions are expected from 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.	<i>Environmental Protection (Unauthorised Discharges) Regulations, 2004.</i>
Point source emissions to surface water including monitoring	L2.3	N/A	<b>Operation</b> There will be no point source emissions to water during operation of the winery. No specified conditions relating to point source emissions to water or the monitoring of such emissions are required to be added to the licence.	N/A
Point source emissions to groundwater including monitoring	L2.4	N/A	<b>Operation</b> There will be no point source emissions to water during operation of the winery. No specified conditions relating to point source emissions to water or the monitoring of such emissions are required to be added to the licence.	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
Emissions to land including monitoring	L2.5 and L3.5	OSC	<p><b>Operation</b></p> <p><u>Emission Description</u>  <i>Emission:</i> discharge of wastewater to and compost to land  <i>Impact:</i> Potential impact to soil and groundwater if loading rates are exceeded, the water table is high, vegetation for uptake is lacking or runoff/drift issues occur.  <i>Controls:</i> wastewater treated prior to discharge at a rate and to a sufficiently large surface area to prevent overloading.</p> <p><u>Risk assessment</u>  <i>Consequence:</i> Minor  <i>Likelihood:</i> Possible  <i>Risk rating:</i> Moderate</p> <p><u>Regulatory controls</u>            All wastewater required to be treated in accordance with Condition 1.3.1, prior to irrigation to prevent high level contamination of irrigated areas. Irrigation and solid waste spreading are controlled by condition 1.3.3 to ensure that the practice is managed in a manner consistent with protecting groundwater resources from pollution.</p> <p>Treated wastewater from the winery is discharged to land in a defined irrigation area (L2.5.1) in accordance with limits (L2.5.2) on the quality of the water irrigated to land to ensure there is no environmental impact to the soil or groundwater.</p> <p>Condition 1.3.5 has been assessed under general emissions, however also ensures that the wastewater treatment system is required to ensure the treatment process operates efficiently.</p>	Licence L7643/1999/7  Annual Monitoring Report Operations  2012/2013 – Flying Fish Cove Pty Ltd – August 2013  Compliance Inspection Checklist and Report – December 2013 – Department of Environment Regulation

	monitoring of such emissions are required to be added to the licence.	
N/A	There will be no odour emissions during operation of the winery. No specified conditions relating to odour emissions or the monitoring of such emissions are required to be added to the licence.	N/A
N/A	There will be no noise emissions during operation of the winery. No specified conditions relating to noise emissions or the monitoring of such emissions are required to be added to the licence.	N/A
OSC	Monitoring of emissions to land is included in the licence so general monitoring conditions relating to collection of samples (L3.1.1), monitoring intervals (L3.1.2), recording of data (L3.1.3), and calibration requirements of equipment (L3.1.4 and L3.1.5).	N/A
N/A	No monitoring of inputs and outputs is required.	N/A
N/A	No process monitoring is required.	N/A
N/A	No monitoring of ambient quality such as groundwater is required. Conditions in the licence related to limits on irrigation and proper	N/A









## 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