



## Application for Works Approval Amendment

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

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<b>Works Approval Number</b>	W6679/2022/1
<b>Works Approval Holder</b>	FBROS Pty Ltd
<b>ACN</b>	634 416 078
<b>File Number</b>	DER2022/000183~2
<b>Premises</b>	Funk Cider 38 Swan Street HENLEY BROOK, WA 6055  Legal description – Lot 123 on Plan 3820 Certificate of Title Volume 2761 Folio 567 As defined by the premises map attached to the revised Works Approval
<b>Date of Report</b>	24/07/2023
<b>Decision</b>	Revised works approval granted

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## 1. Decision summary

Works approval W6679/2022/1 is held by FBROS Pty Ltd (works approval holder) for Funk Cider (the premises), located at 38 Swan Street, Henley Brook, WA.

This Amendment Report documents the assessment of potential risks to the environment and public health from proposed changes to the emissions and discharges during the construction and operation of the premises. As a result of this assessment, revised works approval W6679/2022/1 has been granted in part. The delegated officer has determined to grant the proposed amendment for the wastewater treatment plan upgrades, the inclusion of environmental commissioning, and the extension of the duration of time limited operations.

The works approval was appealed by a third party on the 28 December 2022 and the appeal is still being determined. The appeal was based on six categories, they were: calculations of the production assessment capacity, gas and dust emissions from the cidery, odour emissions from fermentation processes and solid waste storage, noise emissions from operations, treated wastewater biological oxygen demand impacts on the ground, and local government zoning issues. The works approval holder's amendment requests do not impact on the context of the appeal grounds and thus the proposed amendment will not impact on the decision of the appeal.

In revising the works approval, the delegated officer has also corrected clerical and unintentional errors.

The revised works approval issued because of this amendment, supersedes the existing works approval previously granted in relation to the premises. The revised works approval has been partially granted with existing conditions being transferred, renumbered, but not reassessed.

## 2. Scope of assessment

### 2.1 Regulatory framework

In completing the assessment documented in this Amendment Report, the department has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

### 2.2 Application summary

Funk Cider manufacturers alcoholic apple cider (approximately 75% of the production capacity), beer (15%) and cold pressed juice (10%), with a maximum total alcoholic beverage production of 350 kL/year and non-alcoholic beverage production of < 50 kL/year.

Works approval W6679/2022/1 was issued on the 1 December 2022 for the construction, and time limited operations of Funk Cider including the construction of a beverage manufacturing facility including a trade wastewater treatment plant and disposal system (on-site irrigation).

On 9 June 2023 the works approval holder submitted an application to the department to amend works approval W6679/2022/1 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The following amendments are being sought:

- re-configuration of the wastewater treatment plant (WWTP) including new balance tanks, filters, pumps, and updated sequencing of wastewater flow through the WWTP to achieve the wastewater treatment design criteria as outlined in the initial works approval application and conditioned in W6679/2022/1.
- a nine-month WWTP environmental commissioning period (starting from January 2023);

- extension of time-limited operations, and
- amendment of the WWTP wastewater design criteria for pH and total dissolved solids (TDS).

This amendment is limited only to changes to the wastewater treatment plant design and construction and extending the duration of time limited operations (TLO).

The delegated officer noted that TDS criteria for the wastewater treatment plant was an unintentional error in the issued works approval. Noting that TDS should have been total suspended solids (TSS). The wastewater treatment plant is a biological treatment process, thus TDS improvements are not likely, whereas improvement in TSS is probable. This error is corrected in the revised works approval.

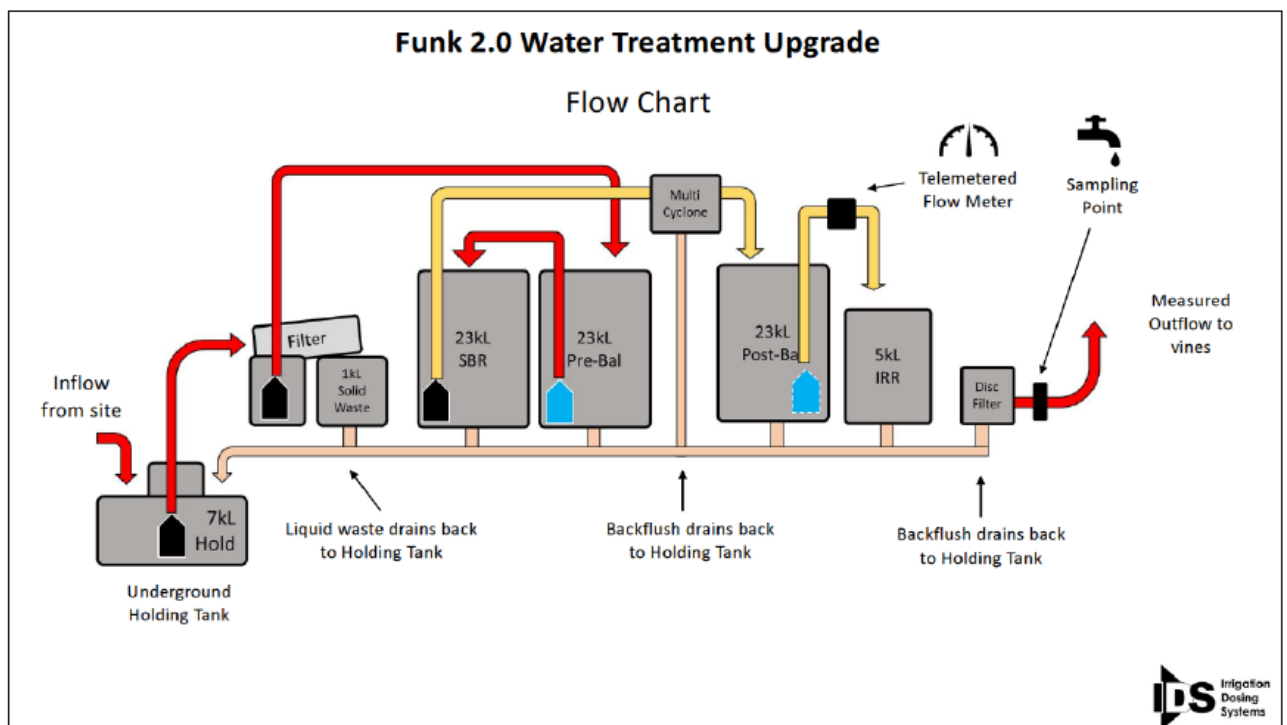
## 2.2.1 Proposed wastewater treatment plant upgrades

Wastewater will primarily be generated from apple crushing, keg washing, tank cleaning, filtering, and floor wash-down activities within the production shed. It is estimated that 1,150 kL per year of wastewater will be generated from the existing operations.

The proposed changes to the WWTP for Condition 1 Table 1 and Condition 7 Table 2 of Works Approval W6679/2020/1 are as follows:

- a proposed new drum filter and compostable waste collector;
- a proposed inflow 23 kL balance tank and lifting pump;
- the existing media filter replaced with a proposed multi-cyclone;
- a proposed outflow 23 kL balance tank and lifting pump;
- a proposed disc filter; and
- the relocation of the outflow meter with a batching controller and flow meter before the irrigation storage tank.

Figure 1: Proposed WWTP and treated wastewater flow path within the existing and proposed new infrastructure for the proposed upgraded WWTP.



## Figure 1: Proposed WWTP and treated wastewater flow path

### 2.2.2 Proposed changes.

The existing works approval does not allow for environmental commissioning of the WWTP (testing to establish steady state treatment conditions) but only has time-limited operations for a period of six months which has now expired and is the primary reason for this amendment application.

The works approval holder has indicated that environmental commissioning activities for the wastewater treatment plant were undertaken as part of the existing time-limited operations (which began in January 2023), where the first intermittent volumes of wastewater were produced. The works approval holder seeks for environmental commissioning to be included within the works approval to allow for verification of the performance of the WWTP. Including the proposed modifications to the sequencing of the WWTP components to achieve the water quality limits within Condition 1 Table 1. The works approval holder is proposing a 9-month environmental commissioning period starting from January 2023.

The works approval holder has proposed that the time-limited operation is reset to start after environmental commissioning activities have been undertaken. Where the existing time used under time-limited operations would be captured under the proposed environmental commissioning period. Thus, re-setting time limited operations.

In considering that the works approval holder has submitted Environmental Compliance Reports (see section 2.3) for the cidery, irrigation, and bore installation requirements. These infrastructures are considered installed, tested, and operating in a steady state. Therefore, the delegated officer determined that the works approval holder's requests are suitably aligned with the following:

- Proposed environmental commissioning period for the wastewater treatment plant and
- Extension to the duration of time-limited operations

## 2.3 Compliance

On the 7 and 14 December 2022 the works approval holder submitted Environmental Compliance Reports. It was determined from the reports that items listed under Condition 1 Table 1, (Items 1, 3 and 4) consisting of the beverage production equipment, irrigation equipment and monitoring bores had been installed. Items 2 for the WWTP had been installed but did not demonstrate compliance with Item 2(a).

The works approval holder submitted treated wastewater quality data for February, April and May 2023, indicating that the treatment quality criteria has not been demonstrated for pH, TDS (TSS), total nitrogen, total phosphorus and biological oxygen demand.

### 3. Consultation

Table 1 provides a summary of the consultation undertaken by the department.

**Table 1: Consultation**

Consultation method	Comments received	Department response
City of Swan advised of proposal 26 June 2023	The City of Swan replied on 3 July 2023, confirming that there was no objection to the changes to the WWTP. An as constructed plan was requested to be sent for the city's records.	The delegated officer notes this information
Works approval holder was provided with draft amendment on 20/07/2023	The works approval holder responded on the 20 July 2023 waiving the remaining comment period.	The delegated officer notes this information

### 4. Decision

The delegated officer has determined the proposal to amend the construction and operation of the wastewater treatment plant at the premise does not pose an unacceptable risk of impact to public health or the environment. This determination is based on the following:

- environmental commissioning of the wastewater treatment plant requires the works approval holder to demonstrate compliance with the specified design and performance requirements, through a submission of an Environmental Commissioning Report.
- that environmental commissioning of the wastewater treatment plant will be undertaken to quantify water quality post treatment plant,
- duration of time limited operations has been extended to accommodate the environmental commissioning of the wastewater treatment plant to allow time to ensure the Wastewater treatment plant can and will achieve its treatment design criteria, and
- the amendment does not alter the risk of the original risk assessment.

The delegated officer has refused the works approvals holders proposed changes to water quality criteria for pH and has updated the clerical error for TDS to TSS for post-wastewater treatment.

### 5. Summary of amendments

Table 2 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the revised works approval as part of the amendment process.

**Table 2: Summary of licence condition changes in this amendment**

Existing condition	Condition summary	Revised licence condition	Condition comments
Condition 1 Table 1	Infrastructure and equipment	Condition 1 Table 1	Additional infrastructure and changes to the WWTP has been updated.
Conditions 2, 3 and 4	Compliance reporting	N/A	No changes

Existing condition	Condition summary	Revised licence condition	Condition comments
Conditions 5, 6, 7	TLO commencement and duration	Condition 10, 11, 12	Updated numbering format and updated to included environmental commissioning report
Conditions 8, 9 and 10	TLO Emissions and discharges	Conditions 13, 14, 15	Updated numbering format
Conditions 11, 12, 13, 14, 15	Monitoring conditions	Conditions 16, 17, 18, 19, 20	Updated numbering format
Conditions 16 and 17	Compliance reporting	Conditions 21 and 22	Updated numbering format
Conditions 18, 19, 20	Records and reporting (general)	Conditions 23, 24 and 25	Updated numbering format
New conditions Environmental Commissioning	N/A	Conditions 5, 6, 7, 8 and 9 Commencement and duration	Authorising operation and reporting under environmental commissioning.
Definitions	Table 8	Table 9	Updated and added environmental commissioning definitions.
Schedule 1	Figures 1, 2 and 3	Figures 1, 2, and 3	No changes

## References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
3. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.
4. FBROS Pty Ltd 2022, *Works Approval W6679/2022/1, issued on 1 December 2022*, Perth Western Australia.
5. FBROS Pty Ltd 2023, *Application for a works approval amendment to W6679/2022/1 and supporting document*, Perth Western Australia