



NSW GOVERNMENT
Department of Planning

11 November 2005

Contact: Chris Ritchie
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Our ref: 9039061
Your ref:

Dr Simon Lott
Managing Director
EA Systems
PO Box 12512
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Dear Dr Lott,

Proposed De Bortoli Winery expansion, Griffith Local Government Area

I refer to your correspondence dated 16 September 2005 and recent discussions concerning the above project and the application of *State Environmental Planning Policy (Major Projects) 2005* and the recent reforms to the *Environmental Planning and Assessment Act 1979* (the Act).

I understand that Director-General's requirements were previously issued to you on 10 August 2005 for the proposed De Bortoli Winery expansion as a local development under Part 4 of the Act. However, further consideration of the capital investment value of the proposal has determined that the project would actually be valued at approximately \$83.8 million. Since the cost of the proposal exceeds the \$30 million cost threshold described in Schedule 1, Group 1, Clause 3 of *State Environmental Planning Policy (Major Projects) 2005*, the Minister for Planning is the relevant approval authority and Part 3A of the Act applies to the project.

In accordance with Clause 8J(1) of the *Environmental Planning and Assessment Regulations 2000* (the Regulations), I have agreed to adopt the previous Director-General's requirements issued to you under Part 4 of the Act (dated 10 August 2005). However, the Environmental Assessment requirements will need to be slightly amended to reflect the new reporting and assessment requirements specified by Part 3A of the Act. The additional assessment requirements of the Director-General are outlined in Attachment 1 of this letter.

The Department advocates the preparation of concise, accessible and justified Environmental Assessments, focussing on the project, its likely environmental impacts and the mitigation of those impacts. All Environmental Assessments should be prepared to allow the Department, relevant government agencies (including the local council) and the public to fully comprehend the environmental implications of the project. The Environmental Assessment should avoid the duplication of information and information that is not directly relevant to the environmental impact assessment of the proposed project.

In accordance with Section 75H of the Act, the proponent will need to submit the Environmental Assessment to the Director-General. The Department should be consulted at least one week prior to this lodgement to determine the number of copies of

the Environmental Assessment required for the Director-General to consider the adequacy of the application. As part of this consideration, the Department will also consult with other relevant authorities.

Should the Director-General consider that the Environmental Assessment does not adequately address the environmental assessment requirements, the Director-General may require the proponent to submit a revised Environmental Assessment to address the matters raised with the proponent. Once the Environmental Assessment has been accepted by the Director-General, the application will be publicly exhibited for at least 30 days. At this time, the proponent should again consult the Department to confirm the application arrangements and to establish the number and type (hard-copy or CD-ROM) required of the Environmental Assessment for exhibition purposes.

You should keep the contact officer for this project, Chris Ritchie ((02) 9228 6413, chris.ritchie@dipnr.nsw.gov.au), up to date with the progress of the preparation of the Environmental Assessment, and seek clarification of any issues that may be unclear or may arise during this process.

Yours sincerely

Chris Wilson
A/Executive Director
As delegate for the Director-General

ATTACHMENT 1

ENVIRONMENTAL ASSESSMENT REQUIREMENTS UNDER PART 3A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Project	The construction and operation of an expansion of the existing De Bortoli Winery to accommodate an increased crush volume from 80,000 tonnes to 150,000 tonnes over five years, including the following ancillary project components: a) construction and operation of wastewater dams, ponds and associated wetlands, as well as establishment of wastewater re-use cropping area and associated pipes; b) wine storage tank farm, refrigerated sheds, boiler room and dangerous goods store; c) crushing pits, processing area, bottling area and packaging hall; d) staff amenities and parking area.
Site	Lots 1 DP 1024102, Lot 3 DP 837 695, Lots 115 145, 165, 166, 167 and 168 DP 751728, Parish of Stanbridge County Cooper, Griffith Local Government Area.
Proponent	De Bortoli Wines Pty Ltd.
Date of Issue	11 November 2005
Date of Expiration	11 November 2007
General Requirements	The Environmental Assessment must include: • An executive summary; • A description of the proposal, including construction, operation, and staging; • An assessment of the environmental impacts of the project, with particular focus on the key assessment requirements specified below; • Justification for undertaking the project with consideration of the benefits and impacts of the proposal; • A draft Statement of Commitments detailing measures for environmental monitoring, mitigation and management proposed so as to avoid or minimise key environmental and amenity impacts. Monitoring should commence with a comprehensive baseline survey prior to construction and incorporate specific performance criteria relevant to a range of natural/physical elements that are adequate to facilitate effective evaluation of construction, operational and management practices on the natural and cultural environment of the site and surrounds; and • Certification by the author of the Environmental Assessment that the information contained in the Assessment is neither false nor misleading.
Key Assessment Requirements	The Environmental Assessment must assess the issues specified in the Director-General's requirements previously issued to you on 10 August 2005 for the proposed expansion of the De Bortoli facility under Part 4 of the Act. In addition, the Environmental Assessment must address the following key issues: • Proposed development and suitability of the site - complete and specific details of all works previously approved, and constructed, as well as those approved and not constructed, details of those constructed to date without approval, with details of operational commencement for all works are required. Include also details of any modifications to these works proposed in order to accommodate the proposed expansion as well as new works proposed as part of this application. Details of the proposed future crush volumes per year should be provided with specific details of the staging of all construction works required to accommodate the proposed expansion. This is to be illustrated by coloured drawings of the site that specifically highlight all approved works, any works constructed without approval and works now proposed and relevant staging details. A copy of all existing development consents should also be provided. • Environmental Management - Include a comprehensive operations environmental management plan as well as a full environmental audit in accordance with AS/NZS ISO 19011:2003 of the past operational compliance of

	the plant with all relevant legislation and licences (all monitoring data collected to date should be included). This should incorporate details of the means by which proposed new work will rectify any known breaches of environmental management goals as well as details of complaints received during the operation of the premises and actions taken to remedy these issues. • Air Quality - Include an assessment of the air quality impacts of the proposed development, prepared in accordance with the <i>Approved Methods for the Modelling and Assessment of Air Pollutants in NSW</i> (EPA, 2001), <i>Assessment and Management of Odour from Stationary Sources in NSW</i> (EPA, 2001 or its latest version) and <i>Technical Notes: Draft Policy: Assessment and Management of Odour from Stationary Sources in NSW</i> (EPA, 2001). This assessment must specifically focus on point source emissions, odour impacts, and particulate impacts during construction and operation as well as potential impacts on sensitive receptors. • Water Quality – address water quality impacts associated with the development, including details of the expected water balance for the site and how the project will be designed and operated to meet relevant water quality criteria. Particular focus must be placed on minimisation of water consumption and details of the proposed water management cycle across the site specifically water use/demand, and supply (including local hydrology, reliability and sustainability) should be included. Justification for any increase in groundwater extraction and the effects of this extraction on the aquifer must be provided. Measures to reduce water consumption to industry best practice levels should be detailed. • Wastewater - address impacts associated with the development, including wastewater quality and quantity to be generated, details of reuse and disposal options, flow buffering and measures to minimise discharges. This assessment shall consider wastewater impacts associated with the staged development and for the complete expansion; • Traffic Implications – address traffic impacts with reference to the capacity, safety and design of key haulage routes to and from the development site, the types and volumes of vehicles and the direction of travel of all vehicles entering and exiting the site. Details of road infrastructure upgrades, particularly at the entrance to the site, must be provided. • Noise Impacts - during construction and operation, including operational traffic noise, consistent with the criteria and assessment guidance provided in: <i>NSW Industrial Noise Policy</i> (EPA, 1999) and <i>Environmental Criteria for Road Traffic Noise</i> (EPA, 1999). • Visual Amenity - Impact of the proposed development on visual amenity with specific reference to the setback and view of the proposed development from the site boundary, adjacent roads, the public domain and any nearby private properties with consideration of external treatments of buildings and works and the local impacts of lighting. • General Environmental Risk Analysis (in relation to all components of the project) – notwithstanding the above key assessment requirements, the Environmental Assessment must include an environmental risk analysis to identify additional potential environmental impacts associated with the project (such as impacts associated with waste management heritage significance and ecologically sustainable design, construction and operation). Include details of proposed mitigation measures and potentially significant residual environmental impacts after the application of proposed mitigation measures. Where additional key environmental impacts are identified through this environmental risk analysis, an appropriately detailed impact assessment of these additional key environmental impacts must be included in the Environmental Assessment.
Consultation Requirements	You must undertake an appropriate and justified level of consultation with the following parties during the preparation of the Environmental Assessment: • NSW Department of Environment and Conservation; • NSW Roads and Traffic Authority; • NSW Heritage Office; • Griffith City Council; and • Aboriginal groups, community groups and potentially-affected residents

	The Environmental Assessment must clearly indicate issues raised by stakeholders during consultation, and how those matters have been addressed in the Environmental Assessment and incorporate broad mechanisms for ongoing consultation during operations.
Application Fee	Pursuant to clause 8H of the <i>Environmental Planning and Assessment Regulation 2000</i>, the following fees must accompany any application for the project: • an application fee (GST-free), calculated based on the capital investment of the project, in accordance with clause 246 of the <i>Environmental Planning and Assessment Regulation 2000</i>; and • an advertising fee of \$1831.50 (including GST of \$166.50), in accordance with clause 252 of the <i>Environmental Planning and Assessment Regulation 2000</i>; A reduction in the application fee payable under clause 246 may be sought from the Director-General, in writing and no later than 10 working days prior to making an application for the project. Any such application must be accompanied by details of why a reduction would be appropriate, having regard to the scope and magnitude of environmental impacts associated with the project. The Director-General's decision on any request for a reduction in application fees is discretionary and final.
Deemed refusal period	Pursuant to clause 8E(2) of the <i>Environmental Planning and Assessment Regulation 2000</i> , the deemed refusal period for the project will be 60 days.