

# Briefing Note



Our Reference: 24278.99481  
 Revision # - 0  
 Date: 18<sup>th</sup> March 2019

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## ‘Response to Submissions’ - Project 24278

### 1. Introduction/Background

A Statement of Environmental Effects (SEE) was lodged with the Department of Planning and Environment (DoPE) on the 22<sup>nd</sup> of January 2019 as part of the application for modification to Approval (DA 05\_0080) for De Bortoli Wines (DBW), Bilbul. On receipt DoPE arranged for notification of the modification application with the relevant agencies, allowing for them to respond to the application.

On completion of the notification period, DoPE requested that EnviroAg Australia Pty Ltd (EnviroAg), acting on behalf of DBW, review all responses from the agencies, and address each of the issues raised.

#### 1.1 Summary of Responses

A summary of the agencies notified and their responses can be found in Table 1 below.

**Table 1 Agencies notified and their responses**

Agency	Abbreviation	Response	Source
Griffith City Council	GCC	Multiple points (addressed in section 2.1)	Attachment A
NSW Office of Environment and Heritage	OEH	“OEH considers that impacts on biodiversity or Aboriginal cultural heritage are unlikely.”	Attachment B
NSW Environment Protection Authority	EPA	“The EPA has no objections to the proposed modification and does not have any additional recommended conditions if the development consent is modified consistent with this application.”	Attachment C
Department of Industry: Crown Lands	DoI Crown Lands	No comment	
Department of Industry: Land and Water	DoI Land and Water	Multiple points (addressed in section 2.5)	Attachment D

## **2. Specific Responses**

The specific responses, addressing each of the issues raised by the government agencies, are detailed below.

### **2.1 Griffith City Council**

#### **2.1.1 Point 1**

All new building work will require a construction certificate. Given the size of the building it would need to be assessed and demonstrated for compliance for the Type of Construction required at CC stage (including size, separation, egress, fire services). It is also noted that the provisions of cl. 93 & 94 of the EPA Regulations for existing buildings need to be taken into consideration particularly if there is a change of building classification under the NCC.

#### *Response*

It has been anticipated and is acknowledged that construction certificates will be required for all new building works. New building works will be in compliance with all relevant local and state government regulations.

DBW is currently working to upgrade all fire services in compliance with local and state regulations, and as such will also ensure that any new structures also meet these requirements.

#### **2.1.2 Point 2**

Consideration should be given to include a requirement to consolidation or make boundary adjustments as options to relieve affect from any fire source feature, on the buildings design, construction and setback obligations.

#### *Response*

DBW is currently working to upgrade all fire services in compliance with local and state regulations, and as such will also ensure that any new structures also meet these requirements.

#### **2.1.3 Point 3**

Where existing unauthorised buildings, not approved as part of any previous development application, must be identified on the plans and that application be made for a building certificate where required.

#### *Response*

Existing unauthorised buildings are identified on plans (Refer to the SEE, Figure 6, page 23).

DBW will make application for a building certificate where required.

#### **2.1.4 Point 4**

All new building work, including works associated with the construction of the car park will require post and predevelopment calculations as onsite detention will be required for the development.

#### *Response*

No new carparks are proposed as part of these site upgrades.

All construction works will be managed in accordance with best practice erosion and sediment control management measures. Where required by development conditions, a construction management plan will outline the management of stormwater and erosion and sediment control during the construction phase of the project.

All new buildings, once constructed, will utilise existing stormwater management infrastructure on site.

### 2.1.5 Point 5

Details of the proposed surface proposed carpark and vehicular manoeuvring areas are not nominated. The sealing of car parking and vehicular manoeuvring areas are subject to Council's Sealing Policy.

#### *Response*

GCC has previously given consent for the construction of the carpark and vehicle manoeuvring areas. This consent specifies the requirements for pavement and roads within the winery. Carpark and vehicle manoeuvring areas will be constructed per Council consent requirements.

### 2.1.6 Point 6

Details including plans showing lot boundaries are to be provided as to how waste water will be directed to these allotments. Waste water pipelines are to be located within the property boundaries. Where these pipelines cross through or under Council road reserves and or Crown or MI reserves, land owner's consent is required. Where the pipelines, pumps and other associated infrastructure rely on Council owned or managed land, including within the road reserve the proponent will be required to enter into a lease agreement.

#### *Response*

Detailed plans, showing lot boundaries are provided in Figure 9 of the SEE on page 29. Lot/Plan labels were not included as this would have overcomplicated the plan; however a detailed description of the required works, including lot numbers, is included in Table 11 of the SEE.

As stated on page 28 (Section 4.2.3) of the SEE, the majority of the required works are within private land owned by DBW. As with the works completed for the original Waste Water Utilisation Area (WWUA), any works conducted outside of DBW land will be conducted with prior consent, and if required, lease agreements.

At this time the proposed work includes a total of two (2) locations where pipework would cross Crown or MI lands, and four (4) inverts, as indicated in Table 11 of the SEE. A summary of these crossings, including the lots they are linking is shown below in Table 2.

**Table 2 Summary of pipework and drains crossing Crown or MI lands**

No.	Location Desc.	Type	Lots linked
1	through parts of Lots 107, 108, 109 and 110//DP751728, crossing under Hamilton Rd from Lot 111//DP751728	Pipework	111//DP751728 → 110//DP751728
2	along the south and west sides of Lot 121//DP751728, crossing under Prior Rd and then along the east side of Lots 117 and 118//DP751728	Pipework	121//DP751728 → 116//DP751728
3	under Prior Rd near its intersection with Lowe Rd	Invert	123//DP751728 → 114//DP751728
4	under Hamilton Rd near its intersection with Fallon Rd	Invert	110//DP751728 → 111//DP751728
5	under Prior Rd near its intersection with Burley Griffin Way	Invert	120//DP751728 → 117//DP751728
6	under De Bortoli Rd near its intersection with Burley Griffin Way	Invert	144//DP751728 → 1//DP1024102
	<b>Note:</b> Two other possible future inverts may also be required (under Lawrence Rd)	Invert	966//DP751728 → 1//DP1024102 141//DP751728 → 121//DP751728

### 2.1.7 Point 7

The design of all water storage (whether for detention and/or waste water storage facilities) are to be designed and constructed with Geotechnical Engineering approvals. Consideration to be given to tail water dams and use of waste water on flood affected land.

#### *Response*

All design and construction of water storage facilities are done with the supervision and approval of a certified Geotechnical Engineer.

### 2.1.8 Point 8

Consideration of any odour issues where irrigation of waste water is irrigated close to residential village zones. In particular rotation zones F, G, I & J.

#### *Response*

Potential odour issues have been taken into consideration in detail in Section 3.4.2 of the SEE, especially in those zones closest to residential zones.

Historic evidence has indicated that the most likely source of odour from the DBW site is the holding ponds, and as stated in the SEE, current management practices in relation to waste water management and the holding ponds has vastly reduced the likelihood of odour issues.

Zones F, G, H, I and J are potential future rotation zones. Based on a 5 year rotation, it would be 15 to 20 years before they are required. Should potassium levels be effectively reduced in previously utilised WWUA within that 10 to 15 year period, it is unlikely that they will ever be required.

Additionally, if utilised, these zones would use drip irrigation rather than flood, further reducing the likelihood of there being any form of odour issues.

### 2.1.9 Point 9

Ensure piezometers are not located close to supply and drainage channels as these features can alter water table depth and ground water quality.

#### *Response*

Piezometers would be installed by suitably experienced and qualified professionals, and as such consideration would be made in regards to supply and drainage channels when selecting locations. Additionally, any new piezometers would be appropriately logged and registered.

### 2.1.10 Point 10

Instead of retaining stubble, consider harvesting of stubble during and after each rotation to aid the exportation of nutrients off the site.

#### *Response*

Stubble retention is listed as a management measure in the risk matrix (refer to Section 5.2 of SEE). The purpose of this retention would be to stabilise soil, reduce exposed surfaces, and reduce erosion potential on site. It is acknowledged that removal of the stubble may increase the exportation of nutrients off site after each rotation, but in some cases its retention may be preferred to maintain the soil integrity and quality. Essentially, reducing disturbance to the soil surface profile as much as practical will ensure that soil structure is maintained, and the existence of stubble vegetation will also retain microbial life which will enhance the organic matter content of the soil and increase the suitable breakdown of excess nutrients.

### **2.1.11 Point 11**

Page 8 of the SEE states that an email was sent to Council on 15 September 2018 and no response was provided by Council. Council has records of providing a response to the SEARS request in June 2018, but has no record of an e-mail dated 15 September 2018?

#### *Response*

The month was written in error. An email was sent to Mr Steve Parisotto at 2:30pm on the 15<sup>th</sup> of August 2018. This email had as attachments;

- 24278.97366\_180813\_De Bortoli Wines Modification\_Letter to Agencies\_GCC\_Rev0.pdf
- 24278.95026\_180518\_DBW\_Preliminary Desktop Assessment and Briefing Note\_Rev2.pdf
- 24278\_180612\_DPE\_EnvironmentalAssessment Requirements.pdf

A copy of the email and accompanying letter of explanation is provided in Attachment E.

### **2.1.12 Point 12**

Page 40 and the Risk Matrix indicates that water logging will be monitored, however, they the modification seeks to remove groundwater monitoring?

#### *Response*

While this application seeks to remove the consent Item 4.5, which requires electronic soil moisture monitoring, water logging would still be monitored by measurement of standing water levels using the piezometer network that is required as part of the EPL .

Figure 10 of the SEE presents the location of existing piezometers, those recently installed, and those that may be installed in future to fully ensure that the WWUA zones are properly monitored. As indicated in the SEE and this figure, while the sampling regimes will vary depending on the rotation, both the piezos monitoring zones in use, and those resting, would be monitored for depth on a monthly basis. This should provide adequate monitoring.

## **2.2 NSW Office of Environment and Heritage**

No response is required.

## **2.3 NSW Environment Protection Authority**

While the EPA has made no objection to the proposed modification, they have stated that, should the consent be granted, a variation to the Environment Protection Licence No. 10801 held by De Bortoli Wines Pty Limited will be required prior to construction works associated with the waste water management system.

EnviroAg and DBW had already considered that this would be required. As such, they accept this requirement, and should consent be granted it will be actioned in a timely manner.

## **2.4 Department of Industry: Crown Lands**

No response required.

## 2.5 Department of Industry: Water

### 2.5.1 Point 1

Additional information should be provided to assess the impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.

#### *Response*

The additional information requested to assess the impacts is presented in Table 3.

**Table 3 Summary of Water Impacts**

	<b>Potential Impact</b>	<b>Mitigation</b>
Surface Water	Nil	All surface water runoff from the WWUA will be captured in tail drains and directed to one of two catch/holding dams via a network of drainage channels, wastewater pipes and pumps. The dams, bunding and tailwater drains have been suitably sized to capture all waste waters generated on site. Water from the dams will be used/reused to supply the irrigation of the WWUA.
Ground Water	Minimal	As is stated in the Environmental Monitoring Report Review (Appendix A of the SEE) and reiterated in the response to point 2.5.4, utilisation of waste water has minimal impact on groundwater levels. The macro environmental variables of wet seasons and upslope land uses mostly affect the groundwater levels at the WWUA, and across the site in its entirety (refer to Attachment G).
Water Infrastructure	Nil	The majority of the proposed infrastructure for the management of the new WWUAs is located within the boundaries of the DBW property. Where the new infrastructure crosses between DBW allotments, the appropriate approvals and contracts will be sought. In addition, where the drains cross the Murrumbidgee Irrigation channels, inverts are proposed. These inverts will be built to specifications required by Murrumbidgee Irrigation.
Adjacent Water Users	Nil	DBW are proposing a rotation of the WWUA for utilisation of their existing wastewater volumes, allowing them to irrigate new areas. They are not seeking an increase to the volume of wastewater they produce, nor are they seeking to increase their water licences. Also, as all surface water runoff will be contained and managed onsite for recirculation through the WWUA, there should be no impact on adjacent water users.
Basic Landholder Rights	Minimal	The majority of the proposed infrastructure for the management of the new WWUAs is located within the boundaries of the DBW property.
Watercourses	Nil	The nearest natural watercourse is Mirrool Creek. At its closest point, this watercourse is approximately 1.1km from the nearest WWUA. As all surface runoff from the WWUA will be captured and managed on site, there will be no impact on Mirrool Creek.
Riparian Land	Nil	As stated above, the nearest natural watercourse is Mirrool Creek, which is approximately 1.1km away from the WWUAs at their nearest point. Between this riparian zone and the WWUA there is also the Mirrool Creek Branch canal of the Murrumbidgee Irrigation system. As all surface runoff from the WWUA will be captured and managed on site, there will be no impact on the riparian lands.
Groundwater Dependent Ecosystems		As stated above, utilisation of waste water has minimal impact on groundwater levels. The macro environmental variables of wet seasons and upslope land uses mostly affect the groundwater levels across the site in its entirety. Consequently, the WWUA rotation should have minimal impact on groundwater and groundwater dependent ecosystems

### 2.5.2 Point 2

A complete list of the existing groundwater monitoring network (in a single table) should be provided and to indicate the following:

- those required under EPL conditions
- other monitoring bores
- depths with slotted intervals (screen depth)
- those that will be decommissioned
- rationale for decommissioning
- additional new sites to be included
- rationale for new sites

*Response*

A complete listing of the existing groundwater monitoring network (piezometers) is provided in Table 4, below.

**Table 4 Groundwater Monitoring Network**

Piezo #	Temp ID	Current EPL Point #	Location (Zone 55H)			Status	Depth (m)	Screen Depth (m)	WWUA Rotation (monitoring)	Depth ONLY	Sampling *	Notes
			Eastings	Northing	Elevation							
200		EPL 3	419324.89	6206291.24	-	Existing	12.5	9 - 11	E		✓	
201		-	420015.00	6205178.00		Decommissioned	8.0	6 - 7.5	-	-	-	Decommissioned: Original intent was to monitor an environmental reed bed, which was decommissioned over 10 years ago. Within vine planting and therefore hard to access (and obstructing machinery), not part of EPL monitoring. Three in close proximity (redundancy). To be replaced by 008 and 009.
202		-	420310.00	6205364.00		Decommissioned	7.2	4.5 - 6	-	-	-	Decommissioned: Original intent was to monitor an environmental reed bed, which was decommissioned over 10 years ago. Within vine planting and therefore hard to access (and obstructing machinery), not part of EPL monitoring. Three in close proximity (redundancy). To be replaced by 008 and 009.
203		-	420518.00	6205500.00		Decommissioned	8.5	8 - 9.5	-	-	-	Decommissioned: Original intent was to monitor an environmental reed bed, which was decommissioned over 10 years ago. Within vine planting and therefore hard to access (and obstructing machinery), not part of EPL monitoring. Three in close proximity (redundancy). To be replaced by 008 and 009.
204		-	420399.73	6205781.60	128.241	Existing	13.0	7.5 - 10.5	E, F/G		✓	
205		EPL 4	420099.77	6206321.16	128.121	Existing	11.0	8.5 - 10	E, F/G		✓	
206		-	420851.50	6206446.28		Existing			F/G, H/I/J		✓	
207		EPL 5	420907.30	6205726.72	128.742	Existing	11.0	9 - 10.5		✓		
208		EPL 6	421113.88	6205852.12	126.925	Existing	8.0	6 - 8.5		✓		
211		-	421163.66	6205875.26	127.706	Existing	9.0	6 - 7.5	B		✓	
213		-	420629.99	6206664.46	127.835	Existing	11.3	9.5 - 11	F/G		✓	
214		-	420927.49	6206867.30	125.329	Existing	10.5	8 - 9.5		✓		
215		-	421174.57	6206761.37	129.172	Existing	11.5	9.5 - 11		✓		
216		-	421608.61	6206379.20	130	Existing	12.0	10.5 - 12	H/I/J		✓	
217		-	421932.73	6207088.18	127.869	Existing	11.0	9 - 10.5	H/I/J		✓	
218		EPL 7	422451.00	6206645.00	128.251	Existing	15.0	13 - 14.5	A		✓	
219		EPL 8	422655.00	6206027.00	127.997	Existing	11.5		A		✓	
220		EPL 9	422770.99	6206832.99	127.639	Existing	8.5	7 - 8.5	A		✓	Decommissioned (65H, 422966.02m E, 6206727.37m S) and relocated. Changed farming practices resulted in original location obstructing machinery operation. New location is outside of area trafficked by machinery.
221		EPL 10	423497.46	6205818.07	-	Existing			A		✓	
222		-	422654.89	6206329.02	129.071	Existing	9.5	6.5 - 8		✓		
223	002	-	421364.00	6205497.00		New	17.0	8.5 - 17	B		✓	To be utilised for monitoring of WWUA rotation zones.
224	003	-	421678.00	6204716.00		New	16.0	10 - 16	B		✓	To be utilised for monitoring of WWUA rotation zones.
225	004	-	421263.00	6204447.00		New	21.0	16 - 20	B, C, D		✓	To be utilised for monitoring of WWUA rotation zones.
226	005	-	420683.00	6204090.00		New	17.0	10 - 16	C, D		✓	To be utilised for monitoring of WWUA rotation zones.
227	008	-	420550.00	6205479.00		New	16.0	6 - 15	C, E		✓	To replace decommissioned piezo (201, 202 and 203). To be utilised for monitoring of WWUA rotation zones.
228	009	-	420041.00	6205164.00		New	15.0	6 - 15	C, E		✓	To replace decommissioned piezo (201, 202 and 203). To be utilised for monitoring of WWUA rotation zones.
TBA	001	-	421570.00	6207691.0		Proposed (future)	TBA	TBA	H/I/J		TBA	Location is proposed and so an approximation only.
TBA	006	-	421888.00	6203327.00		Proposed (future)	TBA	TBA	D		TBA	Location is proposed and so an approximation only.
TBA	007	-	421363.00	6203007.00		Proposed (future)	TBA	TBA	D		TBA	Location is proposed and so an approximation only.

Note: \* = Depth (SWL) monthly. Water quality sampling quarterly, when zone is in use and annually when resting.

### 2.5.3 Point 3

Clarify the existing groundwater monitoring points 3-10 (Table 16, Statement of Environmental Effects) and Table 11 (Appendix 20A) - i.e., provide bore/piezometer numbers.

#### *Response*

The existing EPL groundwater monitoring points (3-10) as referenced in Table 16, Statement of Environmental Effects and Table 11 of Appendix A – Environmental Monitoring Review, are presented in more detail in Table 5, below.

**Table 5 Existing EPL Piezometers**

Piezo #	Current EPL Point #	Location (Zone 55H)		
		Easting	Northing	Elevation
200	EPL 3	419324.89	6206291.24	-
205	EPL 4	420099.77	6206321.16	128.121
207	EPL 5	420907.30	6205726.72	128.742
208	EPL 6	421113.88	6205852.12	126.925
218	EPL 7	422451.00	6206645.00	128.251
219	EPL 8	422655.00	6206027.00	127.997
220	EPL 9	422770.99	6206832.99	127.639
221	EPL 10	423497.46	6205818.07	-

Monitoring of irrigation areas using piezometers will be a requirement of DBW's EPA licence 10801. The current licence outlines the requirement to monitor the piezos that can highlight any issues. As WW irrigation areas are changed the licence will outline what is required by the EPA to ensure that there are no issue during WW irrigation.

To provide further clarification of the proposed rotation, and how the groundwater monitoring points will change with each rotation, please refer to Table 6.

As stated in the SEE, we propose that the zone in rotation undergo a quarterly sampling regime (with monthly depth recording), and that all resting zones have annual sampling.

Further to this, EPL points 15-19 and 24-27 (soil monitoring) are for the current Zone A WWUA. New points would be needed for each of the new rotation Zones. These points would only be tested when the Rotation Zone is in use.

Other EPL points (refer to Table 7) also to be altered, and/or added as is required by the Environmental Protection Authority upon review of the DBW EPL (10801).

**Table 6 Proposed “Rotation” EPL Piezometers**

Rotation Zone	Piezo #	Current EPL Point #	Location (Zone 55H)			Status
			Easting	Northing	Elevation	
A	218	-	422451.00	6206645.00	128.251	Existing
	219	EPL 8	422655.00	6206027.00	127.997	Existing
	220	EPL 9	422770.99	6206832.99	127.639	Existing
	221	EPL 10	423497.46	6205818.07	-	Existing
B	223	-	421364.00	6205497.00		New
	224	-	421678.00	6204716.00		New
	225	-	421263.00	6204447.00		New
C	225	-	421263.00	6204447.00		New
	226	-	420683.00	6204090.00		New
	227	-	420550.00	6205479.00		New
	228	-	420041.00	6205164.00		New
D	225	-	421263.00	6204447.00		New
	226	-	420683.00	6204090.00		New
	TBA (006)	-	421888.00	6203327.00		Proposed (future)
	TBA (007)	-	421363.00	6203007.00		Proposed (future)
E	204	-	420399.73	6205781.60	128.241	Existing
	205	EPL 4	420099.77	6206321.16	128.121	Existing
	227	-	420550.00	6205479.00		New
	228	-	420041.00	6205164.00		New
F/G	204	-	420399.73	6205781.60	128.241	Existing
	205	EPL 4	420099.77	6206321.16	128.121	Existing
	206	-	420851.50	6206446.28		Existing
	213	-	420629.99	6206664.46	127.835	Existing
H/I/J	206	-	420851.50	6206446.28		Existing
	216	-	421608.61	6206379.20	130	Existing
	217	-	421932.73	6207088.18	127.869	Existing
	TBA (001)	-	421570.00	6207691.0		Proposed (future)

**Table 7 EPL Fluids Management Points**

Piezo #	Current EPL Point #	Type	Testing
230	-	Wastewater Dam	Liquid Composition
231	-	Wastewater Dam	Liquid Composition
232	EPL 20	Wastewater Dam	Liquid Composition
233	-	Wastewater Dam	Liquid Composition
234	-	Wastewater Dam	Liquid Composition
235	-	Management Sump	Liquid Composition
236	-	Tail Water Drain	Liquid Composition
237	-	Tail Water Drain	Liquid Composition
238	EPL 20	Head Ditch	Liquid Composition
239	-	Head Ditch	Liquid Composition
240	-	Tailwater Canal	Liquid Composition
241	EPL 22	Tailwater Dam	Liquid Composition
280	-	Management Sump	Cond/pH
281	EPL 21	Head Ditch	Cond/pH
282	EPL 20	Head Ditch	Cond/pH
286	EPL 2	Management Sump	Flow
287	EPL 1	Farm Pumping Station	Flow

#### 2.5.4 Point 4

The Environment Monitoring Report (EMR) should include all hydrographs (not only those shown in Figure 9 Appendix 20A) to be included in the appendix of the EMR. The EMR should also include when the application of waste water commenced to clarify the extent of any impact.

##### *Response*

Please refer to Attachment G for a complete set of hydrographs for all existing piezometers at the DBW site. The graphs are divided as follows;

- Piezometers (Current WWUA) – Piezometers 218, 219, 220, and 221
- Piezometers (Depth Only) – Piezometers 214, 215, and 222
- Piezometers (Additional EPA) – Piezometers 200, 205, 207, and 208
- Piezometers (Additional) – Piezometers 201, 202, 203, 204, 211, 213, 216, and 217

All graphs are presented with total monthly rainfall for that month.

Utilisation of the current WWUA began in May of 2007.

As stated in the Environmental Monitoring Report Review (Appendix A of the SEE), groundwater standing water levels are recorded monthly and sampling is undertaken quarterly by DBW staff. DBW staff monitor a total of 19 groundwater piezometers across the site.

There is a clear correlation between significant rainfall events and increased standing water levels across the site.

The two wet periods (January, 2010 to January, 2013 and April 2016 to April 2018) show increases in groundwater levels.

Groundwater flows, regionally, flow to the southwest. The standing water level trends shown the hydrographs are representative of surface water and groundwater flows in the local area. DBW data confirm the same.

These hydrographs show that the macro environmental variables of wet seasons and upslope land uses mostly affect the groundwater levels at the WWUA, and across the site in its entirety.

#### **2.5.5 Point 5**

The closest water body to the proposal site is incorrect; this should in fact be stated as Lake Wyangan.

##### *Response*

Section 3.8 of the SEE stated that the closest water body to the processing plant was Barren Box Swamp. This is incorrect. The closest water body is Lake Wyangan, located approximately 12km west northwest of the site.

#### **2.5.6 Point 6**

The location for the De Bortoli Site in Figure 8 Appendix A is incorrect, this should be amended.

##### *Response*

An amended version of Figure 8 Appendix A – Environmental Monitoring Report and Review can be found in Attachment F. This amended version included the correct reference date and site location.

### 3. Conclusion/Recommendation

There is no change to the conclusions and recommendations as presented in the SEE.

It is recommended that:

- Monitoring of groundwater levels and soil potassium continue per the existing monitoring requirements’;
- Other monitoring requirements be reduced commensurate to the probable risks; and,
- Mitigation measures be applied to offset the deep drainage at the site and to combat the ingress of shallow groundwaters from offsite (up gradient).

The recommendation is that DBW need to expand the wastewater utilisation area to maintain and improve sustainability. This can be done with minimal impact.

Signed:



Date: 18/03/2019

Peter Pearson

Environmental Scientist

EnviroAg Australia Pty Limited

#### 4. Attachments

Attachment A.	Response to application by Griffith City Council	A-1
Attachment B.	Response to application by NSW Office of Environment and Heritage	B-1
Attachment C.	Response to application by NSW Environment Protection Authority	C-1
Attachment D.	Response to application by Department of Industry: Water	D-1
Attachment E.	Copy of Email sent to GCC on the 15th of September 2018	E-1
Attachment F.	Environmental Monitoring Report Review – Figure 8 (Amended)	F-1
Attachment G.	Piezometer Hydrographs	G-1

## **Attachment A.      Response to Application by Griffith City Council**

## Olivia Hirst

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**From:** Steven Parisotto <Steven.Parisotto@griffith.nsw.gov.au>  
**Sent:** Thursday, 14 February 2019 7:31 AM  
**To:** Olivia Hirst  
**Subject:** HPE CM: Re: Notice of Section 4.55(1A) Modification - De Bortoli Winery

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Olivia,

Thank you for allowing Council to respond to the application.

Our comments are as follows:

- All new building work will require a construction certificate. Given the size of the building it would need to be assessed and demonstrated for compliance for the Type of Construction required at CC stage (including size, separation, egress, fire services). It is also noted that the provisions of cl. 93 & 94 of the EPA Regulations for existing buildings need to be taken into consideration particularly if there is a change of building classification under the NCC.
- Consideration should be given to to include a requirement to consolidation or make boundary adjustments as options to relieve affect from any fire source feature, on the buildings design, construction and setback obligations.
- Where existing unauthorised buildings, not approved as part of any previous development application, must be identified on the plans and that application be made for a building certificate where required.
- All new building work, including works associated with the construction of the car park will require post and pre-development calculations as onsite detention will be required for the development..
- Details of the proposed surface proposed carpark and vehicular manoeuvring areas are not nominated. The sealing of car parking and vehicular manoeuvring areas are subject to Council's Sealing Policy.
- Details including plans showing lot boundaries are to be provided as to how waste water will be directed to these allotments. Waste water pipelines are to be located within the property boundaries. Where these pipelines cross through or under Council road reserves and or Crown or MI reserves, land owner's consent is required. Where the pipelines, pumps and other associated infrastructure rely on Council owned or managed land, including within the road reserve the proponent will be required to enter into a lease agreement.
- The design of all water storage (whether for detention and/or waste water storage facilities) are to be designed and constructed with Geotechnical Engineering approvals. Consideration to be given to tail water dams and use of waste water on flood affected land.
- Consideration of any odour issues where irrigation of waste water is irrigated close to residential village zones. In particular rotation zones F, G, I & J
- Ensure piezometers are not located close to supply and drainage channels as these features can alter water table depth and ground water quality.
- Instead of retaining stubble, consider harvesting of stubble during and after each rotation to aid the exportation of nutrients off the site.
- Page 8 of the SOEE states that an email was sent to Council on 15 September 2018 and no response was provided by Council. Council has records of providing a response to the SEARS request in June 2018 but has no record of an e-mail dated 15 September 2018?
- Page 40 and the Risk Matrix indicates that water logging will be monitored, however they the modification seeks to remove groundwater monitoring?

**Steven Parisotto**  
Co-Ordinator Land Use Planning & Compliance  
p 02 6969 4840 | f 02 6962 7161



Griffith City Council  
 a 1 Benerembah Street Griffith NSW 2680  
 p PO Box 485 Griffith NSW 2680  
 w griffith.nsw.gov.au



▼ "Olivia Hirst" ---29/01/2019 10:57:05 AM---Hi there, Please see attached.

From: "Olivia Hirst" <Olivia.Hirst@planning.nsw.gov.au>  
 To: "OLG - Griffith City Council" <admin@griffith.nsw.gov.au>  
 Cc: "Steven Parisotto" <Steven.Parisotto@griffith.nsw.gov.au>  
 Date: 29/01/2019 10:57 AM  
 Subject: Notice of Section 4.55(1A) Modification - De Bortoli Winery

Hi there,

Please see attached.

Any queries please don't hesitate to get in touch.

Kind regards,

**Olivia Hirst**  
 Planning Officer  
 Industry Assessments  
 320 Pitt Street | GPO Box 39 | Sydney NSW 2001  
 T 02 9274 6583 E [olivia.hirst@planning.nsw.gov.au](mailto:olivia.hirst@planning.nsw.gov.au)



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[attachment "Notice of Modification De Bortoli Winery.pdf" deleted by Steven Parisotto/Griffith City Council]

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**Attachment B.      Response to Application by NSW Office of  
Environment and Heritage**



Office of  
Environment  
& Heritage

Your reference: SSD 05\_0080 MOD 2  
Our reference: DOC19/80959  
Contact: Simon Stirrat  
(03) 5021 8930  
Date: 12 February 2019

Mr Kane Winwood  
Team Leader Industry Assessments  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Attn: Olivia Hirst  
Via email: [olivia.hirst@planning.nsw.gov.au](mailto:olivia.hirst@planning.nsw.gov.au)

Dear Mr Winwood

**RE: De Bortoli Winery modification – SSD 05\_0080 Mod 2**

I refer to your letter dated 29 January 2019 to the Office of Environment and Heritage (OEH) seeking comment on the above development. This response relates to statutory matters in applying the *National Parks and Wildlife Act 1974* and the *Biodiversity Conservation Act 2016*.

The proposed modification does not involve a change to the building footprint of the original approval. As no clearing of vegetation or significant ground disturbance is proposed, OEH considers that impacts on biodiversity or Aboriginal cultural heritage are unlikely.

Should you wish to discuss these matters further please contact Simon Stirrat on (03) 5021 8930, or at [simon.stirrat@environment.nsw.gov.au](mailto:simon.stirrat@environment.nsw.gov.au).

Yours sincerely

**ANDREW FISHER**  
Senior Team Leader Planning  
South West Branch  
Conservation and Regional Delivery Division  
Office of Environment and Heritage

**Attachment C.      Response to Application by NSW Environment  
Protection Authority**



DOC18/329028-15

The Team Leader  
Industry Assessments  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

By email: [olivia.hirst@planning.nsw.gov.au](mailto:olivia.hirst@planning.nsw.gov.au)

Attention: Olivia Hirst

Dear Mr Winwood

**Re Modification to De Bortoli Winery – SSD 05\_0080 (MOD 2)**

I refer to your letter dated 29 January 2019 to the Environment Protection Authority (EPA) requesting comments on the application received by the Department of Planning and Environment proposing a modification to the De Bortoli Winery (SSD 05\_0080) De Bortoli Road, Bilbul.

The EPA has reviewed the application and note the key modifications are as follows.

- increase the waste water utilisation area (due to potassium accumulation in the existing area),
- minor variations to the environmental monitoring requirements (based on historical monitoring data and to focus on risks), and
- minor changes to infrastructure at the winery.

The EPA has no objections to the proposed modifications and does not have any additional recommended conditions if the development consent is modified consistent with this application.

Should development consent be granted the applicant must make application to the EPA for a variation to Environment Protection Licence No 10801 held by De Bortoli Wines Pty Limited for activities at the winery, prior to any construction works associated with the waste water treatment system.

If you have any further enquiries about this matter please contact me by telephoning 02 6969 0700 or by electronic mail at [riverina.farwest@epa.nsw.gov.au](mailto:riverina.farwest@epa.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Wallett'.

14 February 2019

**DARREN WALLETT**  
**Head Regional Operations Unit – Riverina Far West Region**  
**Environment Protection Authority**

**Phone** +61 2 6969 0700  
**Phone** 131 555  
(from *outside* NSW)

**Fax** +61 2 6969 0710  
**TTY** 133 677  
**ABN** 43 692 285 758

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Griffith  
NSW 2680 Australia

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130-140 Banna Ave  
Griffith NSW  
2680 Australia

**[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)**  
**[riverina.farwest@epa.nsw.gov.au](mailto:riverina.farwest@epa.nsw.gov.au)**

**Attachment D.      Response to Application by Department of  
Industry: Water**



# Department of Industry

OUT19/1230

Olivia Hirst  
Planning Officer  
Industry Assessments  
NSW Department of Planning and Environment

[olivia.hirst@planning.nsw.gov.au](mailto:olivia.hirst@planning.nsw.gov.au)

Dear Ms Hirst

## **De Bortoli Wines (05\_0080) - Modification 2 Statement of Environmental Effects**

I refer to your email of 29 January 2019 to the Department of Industry (DoI) in respect to the above matter. Comment has been sought from relevant branches of Lands & Water and Department of Primary Industries. Any further referrals to Department of Industry can be sent by email to [landuse.enquiries@dpi.nsw.gov.au](mailto:landuse.enquiries@dpi.nsw.gov.au).

The department provides the following comments and recommendations for consideration in assessment of the proposal.

### **DoI – Water and Natural Resources Access Regulator**

Insufficient information was provided to assess the impacts on water sources and users and the measures proposed to reduce and mitigate these impacts. Clarification and additional information is required in terms of monitoring points and hydrographs, and the timing of the waste water application. This information will assist in providing advice on the adequacy of the assessment and the impacts of the activity.

### **Recommendations Prior to Project Determination**

- Additional information should be provided to assess the impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
- A complete list of the existing groundwater monitoring network (in a single table) should be provided and to indicate the following:
  - those required under EPL conditions
  - other monitoring bores
  - depths with slotted intervals
  - those that will be decommissioned
  - rationale for decommissioning
  - additional new sites to be included
  - rationale for new sites

- Clarify the existing groundwater monitoring points 3-10 (Table 16, Statement of Environmental Effects) and Table 11 (Appendix 20A) - i.e provide bore/piezometer numbers.
- The Environment Monitoring Report (EMR) should include all hydrographs (not only those shown in Figure 9 Appendix 20A) to be included in the appendix of the EMR. The EMR should also include when the application of waste water commenced to clarify the extent of any impact.
- The closest water body to the proposal site is incorrect; this should in fact be stated as Lake Wyangan.
- The location for the De Bortoli Site in Figure 8 Appendix A is incorrect, this should be amended.

Yours sincerely



Liz Rogers  
Manager, Assessments  
**Lands and Water - Strategy and Policy**  
8 March 2019

**Attachment E. Copy of Email Sent to GCC on the 15th of September 2018**

## Pete Pearson

---

**From:** Pete Pearson  
**Sent:** Wednesday, 15 August 2018 14:39  
**To:** steven.parisotto@griffith.nsw.gov.au  
**Subject:** 24278 - DBW - DA Amendment - Bilbul - 2018  
**Attachments:** 24278.97366\_180813\_De Bortoli Wines Modification\_Letter to Agencies\_GCC\_Rev0.pdf; 24278.95026\_180518\_DBW\_Preliminary Desktop Assessment and Briefing Note\_Rev2.pdf; 24278\_180612\_DPE\_Environmental Assessment Requirements.pdf

Hi Steven,

I write to you in reference to the proposed modification of DA 05-0080 for De Bortoli Wines Pty Ltd. Please refer to the attached Letter, and accompanying documents.

Kind regards,

**Pete Pearson**  
**Environmental Scientist**  
EnviroAg Australia Pty Limited  
82 Glen Innes Road  
PO Box 1775  
Armidale NSW 2350  
Phone: 02 6772 9010  
[www.enviroag.net.au](http://www.enviroag.net.au)

We value your feedback. Please [click here](#) to complete our brief feedback form.

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EnviroAg Australia Pty Limited ACN 135 005 999 ABN 56 135 005 999

Our Reference: 24278.97366  
Your Reference: De Bortoli Wines



13th August 2018

Mr Steven Parisotto  
Co-Ordinator Land Use Planning & Compliance  
Griffith City Council  
PO Box 485  
Griffith NSW 2680  
*email: [steven.parisotto@griffith.nsw.gov.au](mailto:steven.parisotto@griffith.nsw.gov.au)*

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ARMIDALE NSW 2350  
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Free Call: 1800 445 389  
[info@enviroag.net.au](mailto:info@enviroag.net.au)  
[www.enviroag.net.au](http://www.enviroag.net.au)  
ABN 56 135 005 999

Dear Mr Parisotto,

**Re: De Bortoli Wines Modification to DA 05-0080**

EnviroAg Australia (EnviroAg) have been engaged by De Bortoli Wines Pty Ltd to prepare a Statement of Environmental Effects and application for modification of their current development approval DA 05\_0080 to be lodged with the NSW Department of Planning and Environment (DPE).

EnviroAg have been in contact with DPE as the original Development Application was classified as a state significant development and the modification will have to be processed through them. While it is our understanding that the DPE has already corresponded directly with the relevant agencies, and provided their additional requirements, they recommended that we also make contact directly. As such I am writing to you and have provided a copy of our briefing note and the Environmental Assessment Requirements (EARs) provided by DPE for your information and comment.

We ask that should you have any further requirements you would like covered in our Statement of Environmental Effects please provide your request in writing to me at [peter.pearson@enviroag.net.au](mailto:peter.pearson@enviroag.net.au). Please quote 24278 as the reference.

All responses are required by close of business 22<sup>nd</sup> August 2018.

Please contact me on 02 6772 9010 should you have any questions or require any further information.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Peter Pearson".

Mr Peter Pearson  
Environmental Scientist  
EnviroAg Australia Pty Limited

Attachments:

- 24278.95026\_180518\_DBW\_Preliminary Desktop Assessment and Briefing Note\_Rev2
- 24278\_180612\_DPE\_Environmental Assessment Requirements

Our Reference: 24278.97366  
Your Reference: De Bortoli Wines



13th August 2018

Mr Steven Parisotto  
Co-Ordinator Land Use Planning & Compliance  
Griffith City Council  
PO Box 485  
Griffith NSW 2680  
*email: [steven.parisotto@griffith.nsw.gov.au](mailto:steven.parisotto@griffith.nsw.gov.au)*

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ARMIDALE NSW 2350  
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Facsimile: (02) 6771 5999  
Free Call: 1800 445 389  
[info@enviroag.net.au](mailto:info@enviroag.net.au)  
[www.enviroag.net.au](http://www.enviroag.net.au)  
ABN 56 135 005 999

Dear Mr Parisotto,

**Re: De Bortoli Wines Modification to DA 05-0080**

EnviroAg Australia (EnviroAg) have been engaged by De Bortoli Wines Pty Ltd to prepare a Statement of Environmental Effects and application for modification of their current development approval DA 05\_0080 to be lodged with the NSW Department of Planning and Environment (DPE).

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We ask that should you have any further requirements you would like covered in our Statement of Environmental Effects please provide your request in writing to me at [peter.pearson@enviroag.net.au](mailto:peter.pearson@enviroag.net.au). Please quote 24278 as the reference.

All responses are required by close of business 22<sup>nd</sup> August 2018.

Please contact me on 02 6772 9010 should you have any questions or require any further information.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Peter Pearson".

Mr Peter Pearson  
Environmental Scientist  
EnviroAg Australia Pty Limited

Attachments:

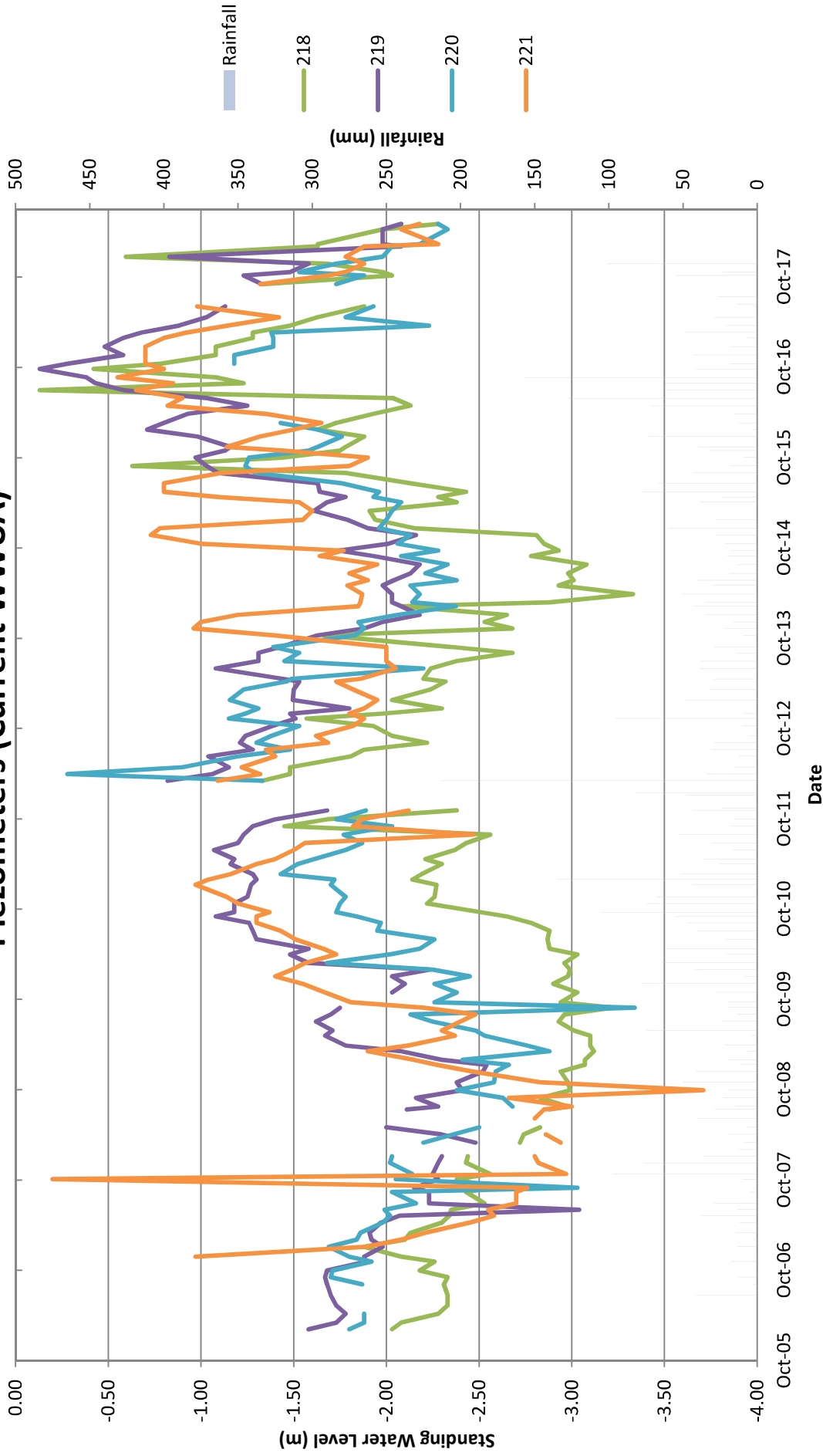
- 24278.95026\_180518\_DBW\_Preliminary Desktop Assessment and Briefing Note\_Rev2
- 24278\_180612\_DPE\_Environmental Assessment Requirements

**Attachment F. Environmental Monitoring Report Review –  
Figure 8 (Amended)**

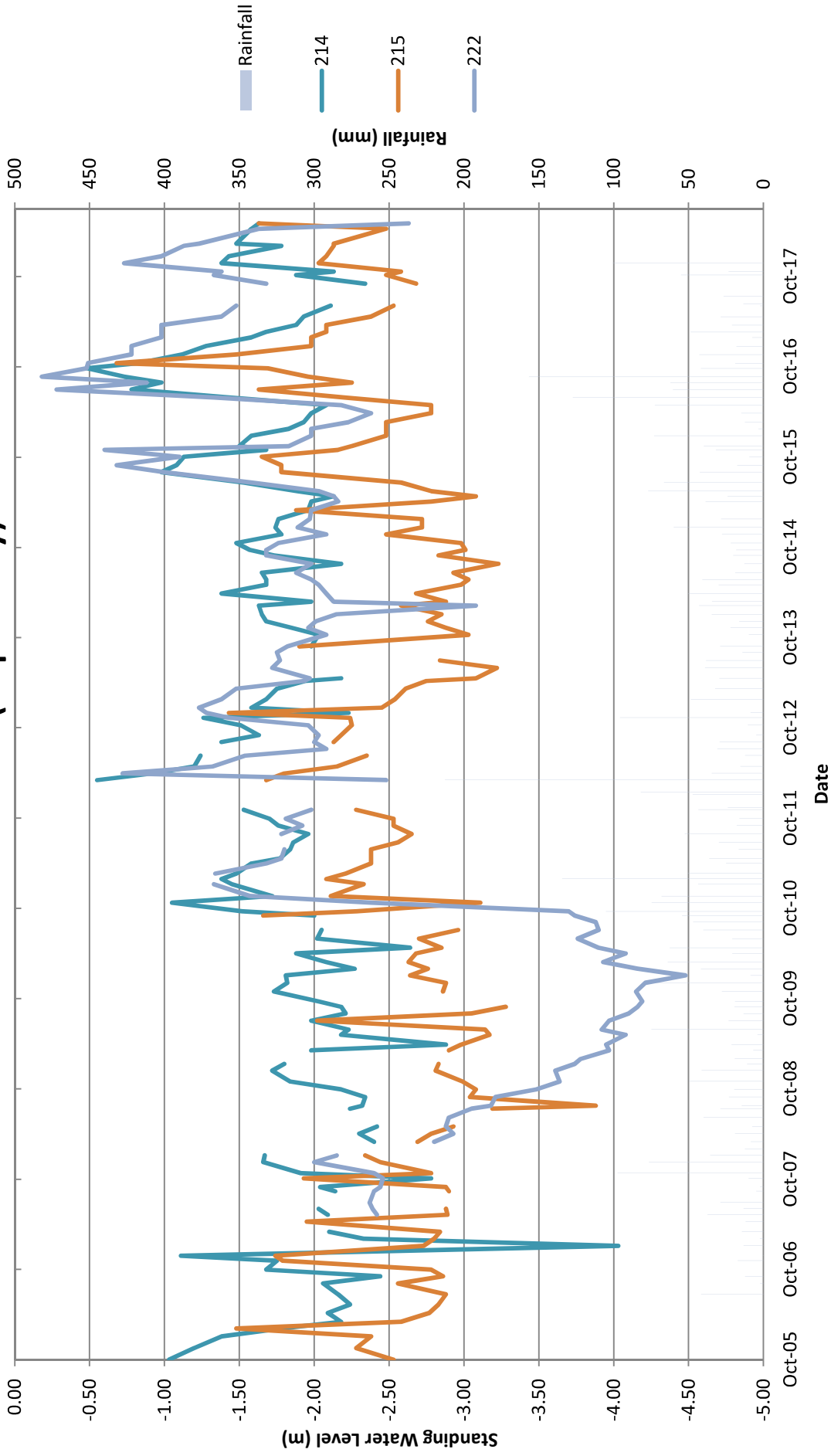


## **Attachment G. Piezometer Hydrographs**

### Piezometers (Current WWUA)



### Piezometers (Depth Only)



### Piezometers (Additional EPL)

