

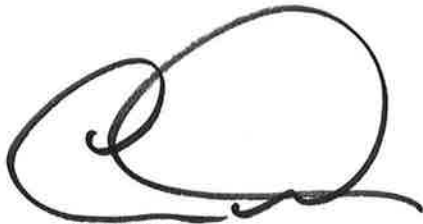
Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

Under the Minister for Planning and Infrastructure's delegation dated 27 February 2013, I approve the application referred to in Schedule 1, subject to the Conditions in Schedules 2 to 5.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the Project.



Chris Wilson
Executive Director
Development Assessment Systems and Approvals

Sydney

13 MAY

2013

SCHEDULE 1

Application No:	09_0177
Proponent:	McWilliam's Wines Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	Jack McWilliam Road, Harwood, NSW Lots 165, 166, 168 and 171, DP 751709, Joncondon Road, Harwood Lot 73 DP 756034 and Lot 194 DP 756035
Project:	McWilliam's Winery Proposed Winery Expansion

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SCHEDULE 2 - DEFINITIONS

BCA Construction	Building Code of Australia The demolition of buildings or works, carrying out of works, including bulk earthworks and erection of buildings and other infrastructure covered by this approval.
Council Daytime	Griffith City Council The period from 7am to 6pm on Monday to Saturday, and 8am to 6 pm on Sundays
Department Director-General Director-General's approval or the agreement or satisfaction of the Director-General	Department of Planning and Infrastructure Director-General of the Department (or delegate) Written approval of the Director-General (or nominee)
EA	Environmental Assessment titled <i>Environmental Assessment Report - Proposed Winery Expansion</i>
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPL	Environmental Protection Licence
Feasible	Feasible relates to engineering considerations and what is practical to build
Minister NOW	Minister for Planning and Infrastructure NSW Office of Water
OEH	Office of Environment and Heritage
Operations	Operations commence when the winery increases its crush to over 35,000 tonnes per annum or commences treatment of wastewater.
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Privately-owned Land	Land not owned by the Proponent or where a private agreement does not exist between the Proponent and the land owner
Project	The development described in the EA
Proponent	McWilliam's Wines, or its successor
Reasonable	Reasonable relates to the application of judgment in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views and the nature and extent of potential improvements.
RMS	Roads and Maritime Services
RTS	Response to Submissions (dated 12 April 2013)
Site	Refers to land located at Jack McWilliam Road, Hanwood and Joncondon Road, Hanwood and comprises the Lots in the Deposited Plan referred to as such in Schedule 1.
Stage 1	First stage of operation of the project involving a crush capacity of up to 45,000 tonnes, no bottling and a wastewater volume of up to 71.3 Mega Litres.
Stage 2	Second stage of operation of the project involving a crush capacity of up to 55,000 tonnes, a bottling capacity of up to 36 Mega Litres and a wastewater volume of up to 118 Mega Litres.
Stage 3	Third stage of operation of the project involving a crush capacity of up to 65,000 tonnes, a bottling capacity of up to 72 Mega Litres and a wastewater volume of up to 171 Mega Litres.
Statement of Commitments Winery Site	The Proponent's Statement of Commitments in Appendix 1 Lots 168 and 171, DP 751709,

SCHEDULE 3 - ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or decommissioning of the Project.

TERMS OF APPROVAL

2. The Proponent shall carry out the Project generally in accordance with the:
 - a) Major Project Application 09_0177;
 - b) EA;
 - c) Statement of Commitments (See Appendix 1);
 - d) RTS;
 - e) site layout plans and drawings in the EA (see Appendix 2 and 3); and
 - f) conditions of this approval.
3. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this approval; and
 - b) the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.

LIMITS ON APPROVAL

5. The Proponent shall ensure that the Project does not process more than 65,000 tonnes of agricultural produce per annum on site.
6. The Proponent shall ensure that the Project does not bottle more than 72 Mega Litres of wine at the site per annum.

STRUCTURAL ADEQUACY

7. The Proponent shall ensure that all new buildings and structures are constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the Project.*

STATUTORY REQUIREMENTS

8. The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation of the Proponent to obtain, renew or comply with such licences, permits or approvals

PROTECTION OF PUBLIC INFRASTRUCTURE

9. The Proponent shall:
 - a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the Project; and
 - b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the Project.

OPERATION OF PLANT AND EQUIPMENT

10. The Proponent shall ensure that all plant and equipment used for the Project is:
 - a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

STAGED SUBMISSION OF PLANS OR PROGRAMS

11. With the approval of the Director-General, the Proponent may submit any plan or program required by this approval on a progressive basis.

DEVELOPMENT CONTRIBUTION

12. Within 12 months of this approval, the Proponent shall pay Council a suitable contribution for the project that has been determined generally in accordance with any applicable Section 94A Contribution Plan. If there is a dispute about the amount of the contribution then either party may refer the matter to the Director-General for resolution.

DISPUTE RESOLUTION

13. In the event that a dispute arises between the Proponent and Council or a public authority other than the Department, in relation to a specification or requirement applicable under this approval, the matter shall be referred by either party to the Director-General, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding to all parties. For the purpose of this condition, 'public authority' has the same meaning as provided under Section 4 of the Act.
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SCHEDULE 4 - SPECIFIC ENVIRONMENTAL CONDITIONS

AIR QUALITY

Offensive Odour

1. The Proponent shall not cause the emission of offensive odours from the site, as defined under Section 129 of the POEO Act.

Odour Inspection and Management

2. Prior to the commencement of the operation of the wastewater treatment plant, the Proponent shall undertake daily inspections of the evaporation pans during any vintage operations. The inspections shall be undertaken to:
 - a) assess the condition of the evaporation pans
 - b) identify any site specific conditions (e.g. wind conditions/ water levels etc) that may exacerbate odour impacts from site; and
 - c) manage odour impacts from the evaporation pans.

Operational Odour Reduction and Verification Plan

3. The Proponent shall prepare and implement an Operational Odour Management and Verification Plan for the project to the satisfaction of the Director-General. The Plan shall:
 - a) be prepared in consultation with the EPA by a suitably, qualified and independent experienced expert whose appointment has been endorsed by the Director-General, and submitted to the Director-General for approval prior to construction of Stage 1;
 - b) detail the odour reduction measures that would be implemented during each operational Stage of the Project;
 - c) identify the improvements in odour (expressed in odour units) expected to be achieved at the nearest sensitive receiver, at each Stage compared to base line conditions measured at this receiver;
 - d) identify triggers for remedial action;
 - e) describe the monitoring program that would be undertaken at each Stage to verify the performance of the measures implemented for each Stage against the odour improvements expected to be achieved at the nearest sensitive receiver; and
 - f) describe procedures for responding to complaints on odour received during the life of the project.

The Plan shall be updated and submitted for the Director-General's approval prior to the commencement of construction of each subsequent Stage of the project, clearly identifying changes made to the Plan and justification for these changes (where relevant).

Construction Dust Management Plan

4. The Proponent shall prepare and implement a Construction Dust Management Plan for the Project to the satisfaction of the Director-General. The Plan shall:
 - a) Be prepared and approved by the Director-General prior to the commencement of construction of Stage 1;
 - b) Describe all reasonable and feasible measures that will be implemented on site during the construction of each Stage to minimise and manage dust emissions from the site including (but not necessarily limited to):
 - i. all practicable measures to ensure that all vehicles entering or leaving the site and carrying a load that may generate dust are covered at all times, except during loading and unloading. Any such vehicles shall be covered or enclosed in a manner that will prevent emissions of dust from the vehicle at all times;
 - ii. maintenance of all trafficable areas and vehicle manoeuvring areas on the site in a condition that will minimise the generation or emission of windblown or traffic generated dust from the site;
 - iii. measures to ensure that vehicles leaving the site do not track dust, mud or any other substance onto public roads; and
 - iv. the ceasing of earth works when windblown dust from has the potential to impact on any surrounding residential receiver; and
 - c) Describe the procedures to be implemented for responding to complaints on air quality during the construction phase.

Greenhouse Gas

5. The Proponent shall prepare and implement an Energy Savings Action Plan for the project to the satisfaction of the Director-General. These plans must:
 - a) be prepared and be submitted to the Director-General for approval within 12 months of this approval;

- b) be prepared in accordance with the *Guidelines for Energy Savings Action Plans* (DEUS 2005); and
- c) outline all reasonable and feasible measures to be implemented to minimise the release of greenhouse gas from the site.

NOISE AND VIBRATION

Construction and Operating Hours

- 6. The Proponent shall comply with the construction and operation hours in Table 1, except in those circumstances described in this condition or as otherwise agreed with the Director-General.

Table 1 Construction and Operation Hours for the Project

Activity	Day	Time
Construction	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm
	Sunday and Public Holidays	Nil
Operation – Winery (non vintage periods)	All days	Any time
Operation – Winery (vintage periods)	All days	Any time
Operation – Bottling Facility	All days	Any time

Construction Noise and Vibration

- 7. The project shall be constructed with the aim of achieving the following construction vibration goals:
 - a) for structural damage, the vibration limits set out in the *German Standard D/N 4150-3: Structural Vibration - effects of vibration on structures*; and
 - b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management, Assessing Vibration: A Technical Guideline* (Department of Environment and Conservation, 2006).

Construction Noise and Vibration Management Plan

- 8. The Proponent shall prepare and implement a Construction Noise and Vibration Management Plan for the project to the satisfaction of the Director-General. The plan must:
 - a) be approved by the Director-General prior to commencement of construction;
 - b) describe all reasonable and feasible measures that will be implemented on site during the construction of each Stage to minimise and manage noise emissions from the site. Measures shall include consideration of noise generated by construction related traffic;
 - c) describe all reasonable and feasible measures that will be implemented on site during the construction of each Stage to minimise and manage vibration emissions from the site;
 - d) describe protocols for responding to complaints on noise and vibration during construction, including provisions for monitoring noise/ vibration levels (if necessary) in response to complaints; and
 - e) describe the communication and consultation strategy that would be implemented to keep potentially affected receivers informed of noisy activities.

Operational Noise

- 9. The Proponent shall ensure that the noise generated by the project complies with the noise limits in the EPL for the site.
- 10. The Proponent shall implement a program of continuous improvement on site (as required under condition 11) to minimise and mitigate operational noise generated by the Project (including existing operations), as far as reasonable and feasible.

Operational Noise Reduction and Verification Plan

- 11. The Proponent shall prepare and implement an Operational Noise Reduction and Verification Plan for the project to the satisfaction of the Director-General. The Plan shall:
 - a) be prepared in consultation with the EPA;

- b) be approved by the Director-General prior to the commencement of operation of Stage 1;
- c) include details of the noise goals in accordance with any EPL for the site;
- d) detail the noise reduction measures that would be implemented during each operational Stage of the Project;
- e) identify the improvements in noise levels expected to be achieved at the nearest sensitive receiver at each Stage compared to existing noise levels as identified in the EA;
- f) identify the monitoring program that would be undertaken at each Stage to verify the performance of the measures implemented for each Stage; and
- g) describe procedures for responding to complaints on noise received during the life of the project.

The Plan shall be updated and submitted for the Director-General's approval prior to the commencement of construction of each subsequent Stage of the project, clearly identifying changes made to the Plan and justification for these changes (where relevant).

TRAFFIC AND TRANSPORT

Traffic and Access Management Plan

12. The Proponent shall prepare and implement a Traffic and Access Management Plan for the Project to the satisfaction of the Director-General. The Plan shall:
 - a) be prepared in consultation with RMS and Council;
 - b) be approved by the Director-General prior to the commencement of construction of Stage 1;
 - c) include details of the provision of off-street car spaces, including line marking, in accordance with the relevant Australian standards;
 - d) describe the measures that would be implemented to manage traffic generated by the Project during the construction and operation of each Stage including (but not necessarily limited to):
 - i. identification of designated haulage routes along public roads and designated access points to the site;
 - ii. measures that would be implemented to minimise disruption to traffic and access on public roads during any construction works in close proximity to public roads (including access and parking for construction vehicles, disruption to any property access ways and any requirement for temporary lane closures);
 - iii. measures that would be put in place to minimise traffic noise impacts on public roads;
 - iv. measures that would be put in place to control dust generation from truck movements including covering of load and no trucking of material onto public roads (including clean-up of any material that is trucked onto roads);
 - e) describe procedures for responding to complaints on traffic during the construction and operational phase.

Road Dilapidation

13. The Proponent shall:
 - a) prepare a dilapidation report of the public roads in the vicinity of the site, in consultation with Council and the RMS, and submit a copy of this report to the Department prior to the commencement of construction;
 - b) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and
 - c) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.

Pipeline Construction

14. The Proponent shall design and install the pipeline within the Kidman Way Road reserve to the satisfaction of the RMS and Council.
15. The Proponent shall comply with Section 128 of the *Roads Act 1993* for any works within the road reserve.

Kidman Way and Jack McWilliam Road Intersection

16. Prior to the commencement of operation, the Proponent shall undertake an independent audit to assess the Kidman Way and Jack McWilliam Road intersection. The audit shall:
 - a) be undertaken in consultation with the RMS by an appropriately qualified person or team that has been approved by the Director-General;
 - b) be submitted for the approval of the Director-General prior to the commencement of operation of the Project;
 - c) assess the compliance of the existing design and layout against AUR/AUL treatment criteria;
 - d) assess the integrity of the existing pavement to cater for the expected turning traffic volumes and the through traffic along the Kidman Way;

- e) identify the steps, should the intersection not meet the AUL/AUR criteria, that will need to be undertaken to achieve compliance;
 - f) provide a costing for each construction component required to achieve compliance; and
 - g) determine a reasonable level of contribution from the Proponent based on worst case traffic volumes associated with the operation of the project and traffic volumes using the intersection as predicted in the EA.
17. In response to the outcome of the above audit, the Proponent shall provide funds as recommended by the report to the RMS for the upgrade of the intersection at a timing agreed to with the RMS, but no earlier than the commencement of the operation of the bottling facility (as described in the EA), to the satisfaction of the Director-General.

SOIL & WATER

Discharge Limits

18. The Proponent shall ensure that all licensed surface water discharges from the site comply with the discharge limits (volume and quality) set for the development in any EPL or relevant provisions of the POEO Act.

Wastewater Storage and Stormwater Detention Design

19. The Proponent shall ensure that all new wastewater storage ponds and stormwater detention basins constructed on site are designed and constructed to ensure a sufficient freeboard to accommodate a 1 in 20 year 24 hour storm event.
20. The Proponent shall submit supporting documentation, to the satisfaction of Director-General demonstrating that the floor and walls of all new and re-constructed wastewater treatment storage ponds (including sludge de watering ponds) have been constructed to meet a minimum permeability criterion of less than 1×10^{-9} metres per second or are artificially lined with an impermeable high density polyethylene liner. The documentation shall be certified by prepared by an appropriately qualified engineer and submitted and approved prior to any new or re-constructed storage ponds being used for wastewater storage.

Wastewater Irrigation Management and Monitoring Plan

21. The Proponent shall prepare and implement a detailed Groundwater, Irrigation and Wastewater Management Plan for the Project. The plan shall:
- a) be prepared in consultation with the EPA and NOW, and to the satisfaction of the Director-General;
 - b) be submitted and approved prior to commencement of the operation of Stage 1;
 - c) include details of the proposed soil and water monitoring;
 - d) describe how impacts to soils and groundwater as a result of the use of treated wastewater to irrigate vineyards will be sufficiently managed to prevent accumulation of nutrients; and
 - e) identify trigger levels and contingency measures that could be implemented to respond to any adverse accumulation of nutrients that may be caused by the development.

Stormwater Reuse

22. The Proponent shall utilise stormwater captured on site for dust management in the construction stage of the project and for the watering of landscaped areas on site in preference to potable water supplies, as far as practicable.

Erosion and Sediment Control

23. During construction, the Proponent shall implement suitable erosion and sediment control measures on site, in accordance with the relevant requirements in the latest version of the *Managing Urban Stormwater: Soils and Construction guideline*.

Bunding

24. The Proponent shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

WASTE MANAGEMENT

25. The Proponent shall ensure that all waste generated on the site during construction and operation of the Project (with the exception of wastewater generated by the winery operation) is stored, handled and disposed of in accordance with the EPA's *Waste Classification Guidelines*.

Litter Control

26. The Proponent shall implement suitable measures to prevent the unnecessary proliferation of litter both on and off site, including the installation and maintenance of a fence surrounding the Winery site.

VISUAL AMENITY

Lighting

27. The Proponent shall ensure that the lighting associated with the Project:
- complies with the latest version of *AS 4282(INT) - Control of Obtrusive Effects of Outdoor Lighting*; and
 - is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage

28. The Proponent shall not install any advertising or business signage on site without the written approval of the Director-General.

Landscaping

29. Prior to the commencement of operation of Stage 1, the Proponent shall install and maintain a landscaping mound to screen the project, in particular the wastewater treatment plant and bottling and packaging facility from Ben Martin Road, in consultation with Council and to the satisfaction of the Director-General. The landscaped mound shall be maintained for the life of the project.

Landscaping Management

30. The Proponent shall prepare and implement a Landscaping and Vegetation Management Plan for the project to the satisfaction of the Director-General. This plan must:
- be prepared in consultation with Council by a suitably qualified and experienced expert;
 - be approved by the Director-General prior to the commencement of construction;
 - detail the landscaping measures including vegetation that would be implemented to minimise the visual impact of the project, particularly from residences and public vantage points;
 - ensure native plant species that emulate to local communities are used for landscaping with vegetation on site;
 - detail the arrangements that are in place to ensure compliance with Condition 38 (above) of this Schedule; and
 - describe the on-going monitoring and maintenance scheme for landscaping and vegetation management on the site.

HERITAGE

31. Prior to the commencement of construction activities affecting the following Aboriginal sites the Proponent shall, in consultation with and monitored by relevant Aboriginal stakeholders, undertake a salvage program for the following sites (which may include relocating of the sites as agreed to with the relevant Aboriginal stakeholders):
- MW-IF1
 - MW-IF2
 - MW-OS1

The results of the salvage program shall be provided to the Department, OEH and Aboriginal stakeholders within two months of its completion, unless otherwise agreed by the Director General, and include GPS coordinates for the relocated positioning of any sites for inclusion into the OEH Aboriginal Heritage Management database.

32. Prior to construction, the Proponent must prepare and implement heritage training and induction processes for construction personnel (including procedures for keeping records of inductions) including site identification, protection and conservation of Aboriginal and historic heritage.
33. If during the course of construction the Proponent becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the

NSW Heritage Act 1977. Relevant works shall not recommence until written authorisation from the Director-General of OEH advising otherwise is received by the Proponent.

34. If during the course of construction the Proponent becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the OEH informed in accordance with section 89A of the National Parks and Wildlife Act 1974. Relevant works shall not recommence until written authorisation from the Director-General of OEH advising otherwise is received by the Proponent.

BIODIVERSITY

Biodiversity Management Plan

35. The Proponent shall prepare and implement a Biodiversity Management Plan for the Project to the satisfaction of the Director-General. The Plan shall:
- a) be prepared in consultation with the OEH and approved by the Director-General prior to the commencement of construction of the pipeline;
 - b) describe all practical and feasible measures to avoid and minimise direct and indirect impacts to native vegetation during the construction of the pipeline, in particular to stands of Myall Woodland; and
 - c) include details of any rehabilitation and replacement planting that would be undertaken to compensate for direct and indirect impacts to Myall Woodlands.

FIRE & EMERGENCY RESPONSE

Fire Management

36. The Proponent shall:
- a) implement suitable measures to minimise the risk of fire on site;
 - b) extinguish any fires on site promptly; and
 - c) maintain adequate fire-fighting capacity on site.

SCHEDULE 5 - ENVIRONMENTAL MANAGEMENT, REPORTING & AUDITING

ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

1. The Proponent shall prepare and implement a Construction Environmental Management Plan for the Development to the satisfaction of the Director-General. The Plan must:
 - a) be submitted to the Director-General for approval no later than two weeks prior to the commencement of construction or demolition or within such period otherwise agreed by the Director-General;
 - b) identify the statutory approvals that apply to the Project;
 - c) consolidate all relevant management plans and monitoring programs required in the conditions of this approval;
 - d) outline all environmental management practices and procedures to be followed during construction and demolition works associated with the Development;
 - e) describe all activities to be undertaken on the site during construction of the Project, including a clear indication of construction stages;
 - f) detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
 - g) describe of the roles and responsibilities for all relevant employees involved in construction and demolition works associated with the Project; and
 - h) include arrangements for community consultation and complaints handling procedures during construction and demolition.

Note: Construction of the project shall not commence until written approval of this plan has been received from the Director-General.

Environmental Management Strategy

2. The Proponent shall prepare and implement an Environmental Management Strategy for the Development to the satisfaction of the Director-General. This strategy must:
 - a) be submitted to the Director-General for approval prior to commencement of any construction works;
 - b) be prepared by a suitably qualified and experienced expert;
 - c) provide the strategic framework for environmental management of the Project;
 - d) identify the statutory requirements that apply to the Project;
 - e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the Project;
 - f) describe in detail the management measures that would be implemented to address environmental issues;
 - g) describe in general how the environmental performance of the Project would be monitored and managed;
 - h) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the Project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the Project;
 - respond to any non-compliances; and
 - respond to emergencies; and
 - i) include copies of the various strategies and plans that are required under the conditions of this approval once they have been approved.

Annual Review

3. One year after the commencement of operation, and annually thereafter, the Proponent shall review the environmental performance of the Development to the satisfaction of the Director-General. This review must:
 - a) describe the development that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;
 - b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against:
 - the relevant statutory requirements, limits or performance measures/criteria;
 - the monitoring results of previous years; and
 - the relevant predictions in the EA;
 - c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
 - d) identify any trends in the monitoring data over the life of the Project;
 - e) identify any discrepancies between the predicted and actual impacts of the Project, and analyse the potential cause of any significant discrepancies; and

- f) describe what measures will be implemented over the current calendar year to improve the environmental performance of the Project.

Revision of Strategies, Plans and Programs

- 4. Within 3 months of the submission of an:
 - g) annual review under Condition 3 of this schedule;
 - h) incident report under Condition 5 of this schedule;
 - i) audit report under Condition 6 of this schedule; and
 - j) any modifications to this approval,

The Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Director-General.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.

INCIDENT REPORTING

- 5. The Proponent shall notify the Director-General and any other relevant agencies of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment associated with the project as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of this incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident.

INDEPENDENT ENVIRONMENTAL AUDIT

- 6. Within a year of the date of this approval, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the Project. This audit must:
 - a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;
 - b) include consultation with the relevant agencies;
 - c) assess the environmental performance of the Project and whether it is complying with the relevant requirements in this consent and any relevant EPL and/or Water License (including any assessment, plan or program required under these approvals);
 - d) review the adequacy of any approved strategy, plan or program required under the these approvals; and
 - e) recommend measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under these approvals.

Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.

- 7. Within 3 months of commissioning this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Complaints and Enquiries Procedure

- 8. Prior to the commencement of construction, or as otherwise agreed by the Director-General, the Proponent shall ensure that the following are available for community enquiries and complaints for the life of the Project (including construction and operation) or as otherwise agreed by the Director-General:
 - a) a 24 hour telephone number(s) on which complaints and enquiries about the Project may be registered;
 - b) a postal address to which written complaints and enquires may be sent; and
 - c) an email address to which electronic complaints and enquiries may be transmitted.

The telephone number, the postal and email addresses shall be published in newspaper(s) circulating in the local area prior to the commencement of construction and prior to the commencement of operation. This information shall also be provided on the website (or dedicated pages) required by this approval.

Prior to the commencement of construction, or as otherwise agreed by the Director General, the Proponent shall prepare and implement a Complaints Management System consistent with AS

4269: Complaints Handling and maintain the System for the duration of construction and operation of the Project.

Information on all complaints received, including the means by which they were addressed and whether resolution was reached shall be maintained in a complaints register. The information contained within the System shall be made available to the Director-General on request.

**APPENDIX 1
PROPONENT'S STATEMENT OF COMMITMENTS**

Appendix B Revised Statement of Commitments

STATEMENT OF ENVIRONMENTAL COMMITMENTS

McWilliams will be required to apply for an EPA Licence to operate the facility as this development will exceed the threshold of 30,000 tonne crush. An Environmental Management Plan for the operation will be developed to meet EPA requirements. Specific commitments against environmental risks are provided below in table 16:

Table 16: Environmental Commitments

Issue	Commitment
General	<p>The following management plans will be developed for the project:</p> <ul style="list-style-type: none"> • A Construction Environmental Management Plan (CEMP) will be developed for each stage, or each project that forms part of the development, • An operational Environmental Management Plan (EMP) will be developed that incorporates the ongoing monitoring of environmental impacts that are recommended in this assessment. Groundwater Monitoring will be developed in consultation with NOW and the EPA. • A Traffic Management Plan (TMP) shall be prepared prior to site establishment and construction. The TMP shall incorporate a Transport Code of Conduct, which would outline and manage the transportation routes to the site for heavy vehicles and B-doubles. The TMP would also include: <ul style="list-style-type: none"> o Heavy vehicle access to the site; o Deliveries and dispatch of products; o Heavy vehicle parking; o Internal speed limits; and o Use of truck turnaround areas.
Air Quality	<p>The proponent shall take all practicable measures to ensure that air emissions during the construction and operation of the project are within relevant air quality and odour criteria guidelines.</p> <p>Prior to the Sequencing Batch Reactor being commissioned, the waste water evaporation pans will be inspected daily during the vintage processing periods for the assessment and management of offsite odour impacts.</p>

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	<p>Earthworks associated with construction of the waste water treatment plant and lagoons will cease when windblown dust from the earthworks impacts any surrounding residential premise.</p>
Water	<p>McWilliam’s will take particular care to minimise the water requirements of the operation and reduce waste water loads as far as practicable</p>
Noise	<p>Noise levels of all new equipment will be within guidelines for their specific purpose Noise attenuation of the new packaging facility will need to meet Council and EPA requirements</p> <p>The recommended noise controls in the Noise Impact Assessment at Section 6, Appendix E of the Appendices will be implemented by the completion of Stage two (2).</p>
Waste	<p>Waste disposal methods for solid waste will meet industry standards and environmental requirements as agreed with the EPA</p> <p>A waste water monitoring program will be developed with the EPA to ensure the facility has minimal impact on the environment</p> <p>The waste water treatment plant will be constructed in three (3) stages as described at Section 3.4 of the Environmental Assessment report.</p>
Land	<p>Land application of waste water from operations will be monitored in line with EPA requirements</p>
Heritage	<p>If possible, locate and collect isolated artefacts MW-IF1 and MW-1F2, and relocate the artefacts nearby out of harms way.</p> <p>Locate and collect artefact scatter MW-0S1 prior to trenching and relocate the artefacts nearby out of harms way. Monitoring, by the Aboriginal community, will occur along a ca.200 m section of the pipeline in the vicinity of MW-0S1 to collect and relocate objects should they be present.</p> <p>Management of any collected artefacts will occur in consultation with the Aboriginal community.</p> <p>Staff and contractors will undergo cultural heritage inductions alerting them to the location of recorded cultural heritage sites within the study area.</p> <p>Should any previously unidentified Aboriginal objects be</p>

	<p>uncovered during construction work in that area will cease and the OEH Regional Archaeologist and local Aboriginal community will be contacted to discuss how to proceed.</p>
<p>Biodiversity</p>	<p>An Environmental Management Plan (EMP) must be prepared prior to construction that includes detailed methods that will minimise impacts on biodiversity during construction. This will include information on the final pipeline route, protocols for clearing to minimise disturbance and impacts and native fauna and actions to identify potential threatened species including Endangered Ecological Communities.</p> <p>The pipeline route should avoid areas of native vegetation as much as possible, including aligning with existing table drains and as far from existing vegetation as possible.</p> <p>Areas of temporary disturbance, such as set down and spoil disposal areas, must be located in areas where native vegetation is not located (i.e. dominated by introduced species or within previously cleared areas).</p> <p>Any woody vegetation that is removed (either through clearing or lopping) should be placed in adjoining native vegetation as habitat. The woody debris must be spread in a fashion that replicates the natural vegetation.</p> <p>Where native shrub and over storey species are removed, particularly Boree regrowth plantings of local provenance tube stock of the same species should be made to compensate for the loss of native vegetation. These plantings should be made as close as possible to the plants lost, but should also be located to not cause future impacts on such features as the pipeline. If plantings are to be made in other parts of the development footprint (i.e. to assist with soil retention) then consideration of endemic species of local providence should be made when selecting species.</p>

