

# Modification of Development Consent

## Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Public Spaces under delegation executed on 11 October 2017, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.

  
Joanna Bakopanos  
Acting Director  
Industry Assessments

Sydney 26 August

2019

File: EF18/8141

### SCHEDULE 1

<b>Consent No:</b>	05_0080
<b>Applicant:</b>	De Bortoli Wines Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Development:</b>	The expansion and operation of a winery
<b>Date of Original Consent:</b>	30 March 2006
<b>Modification:</b>	05_0080 MOD 2 – changes to wastewater management practices and alterations and building additions to the winery

### SCHEDULE 2

#### In Schedule 2:

This consent is modified as follows:

1. Delete the definitions for Department, Development, Director-General, Minister, Principal Certifying Authority, Proponent and RTA and insert the following definitions in alphabetical order:

Applicant	De Bortoli Wines, or any person carrying out any development to which this consent applies
Department	Department of Planning, Industry and Environment
Development	the development as described in 05_0080, all additional information submitted in support of that application and as modified by the conditions of consent
Minister	Minister for Planning and Public Spaces
MOD 1	05_0080 MOD 1 – Modification Report titled ' <i>Proposed Modification to Approval 05_0080</i> ', prepared by EnviroAg Australia and dated 10 August 2010 and accompanying letters prepared by EnviroAg Australia dated 19 August 2010
MOD 2	05_0080 MOD 2 – Statement of Environmental Effects titled ' <i>De Bortoli Wines Development Application Amendment, Rev 3</i> ', prepared by EnviroAg Australia and dated 22 January 2019, and amended by

PCA  
Planning Secretary  
RMS  
WWUA

Response to Submissions titled "*Response to Submissions – Project 24278*" prepared by EnviroAg Australia and dated 18 March 2019  
Principal Certifying Authority in accordance with the EP&A Act  
Planning Secretary under the EP&A Act, or nominee  
Roads and Maritime Authority  
Wastewater Utilisation Area

2. Replace all references to "Director-General" with "Planning Secretary"; "Department of Planning" with "Department"; "Principal Certifying Authority (PCA)" with "PCA"; "RTA" with "RMS"; "shall" with "must", "waste water" with "wastewater" and "DA-05\_0080" with "05\_0080", wherever occurring.
3. Delete Condition 1.1, accompanying table and subheading "Scope of Development" and replace with new subheadings and new Conditions 1.1 to 1.1C:

#### **Obligation to Minimise Harm to the Environment**

- 1.1 In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

#### **Terms of Consent**

- 1.1A The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EA documents outlined in Appendix A;
- (d) in accordance with the Development Layout in Appendix B;
- (e) in accordance with MOD 1; and
- (f) in accordance with MOD 2.

- 1.1B. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:

- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
- (b) the implementation of any actions or measures contained in any such document referred to in condition 1.1B(a).

- 1.1C. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition 1.1A(c), (e) or (f). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in conditions 1.1A(c), (e) or (f), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

4. Delete Condition 1.8 and subheading "Inconsistencies".
5. Insert new subheading and Condition 1.23, as follows

#### **Structural Adequacy of Early Works**

- 1.23 Within six months of the date of the approval of MOD 2, the Applicant must:

- (a) obtain and provide copies to the Planning Secretary all necessary building information certificate(s) from Council for any structures proposed as part of MOD 2 that have been constructed or partially constructed prior to the approval of MOD 2; and
- (b) ensure that all new structures, and any alterations or additions to existing structures, are constructed in accordance with the relevant requirements of the Building Code of Australia.

6. In subheading titled "Wastewater Utilisation Areas" after the heading Waste Management Impacts – Processing Water, insert the words "and Rotation Plan" after the words "Areas".

7. Delete Condition 3.21 and insert the new Condition 3.21:

3.21 Wastewater must only be applied to the areas listed in the following table:

Areas/Zones	Lot and DP Numbers
<b>Rotation A</b>	165, 166, 167, 168 DP 751728
<b>Rotation B</b>	123, 124, 125, 126 DP 751728
<b>Rotation C</b>	111, 112, 113, 114 DP 751728; 1, 2 DP 1193585
<b>Rotation D</b>	107, 108, 109, 110 DP 751728
<b>Rotation E</b>	115, 116, 117, 118 DP 751728
<b>Rotation F</b>	3 DP 837695; 120, 121, 966 DP 751728
<b>Rotation G</b>	1 DP 1024102 (partial)
<b>Rotation H</b>	140, 141 DP 751728
<b>Rotation I</b>	1 DP 1024102 (partial)
<b>Rotation J</b>	144 DP 751728; 145 DP 751728 (partial)

8. Delete Condition 4.5

9. Insert new Condition 6.5(a)(1), after Condition 6.5(a) as follows:

- (a)(1). The Applicant must update and implement the Groundwater Management Plan to incorporate details of the rotation plan and additional WWUA lots approved under MOD 2. This plan is to update the plan approved under Condition 6.5(a) and must also:
- (a) be submitted to the Planning Secretary for approval at least two months prior to the use of any land parcels other than those described in Rotation A in Condition 3.21; and
  - (b) contain details of the revised groundwater monitoring regime for the additional WWUA lots.

10. Insert new Condition 6.5(b)(1), after Condition 6.5(b) as follows:

- (b)(1). The Applicant must update and implement the Irrigation and Wastewater Management Plan to incorporate details of the rotation plan and additional WWUA lots approved under MOD 2. This plan is to update the plan approved under Condition 6.5(b) and must also:
- (a) be submitted to the Planning Secretary for approval at least two months prior to the use of any land parcels other than those described in Rotation A in Condition 3.21; and
  - (b) contains details of the:
    - i. rotation plan;
    - ii. revised monitoring program for soil quality, nutrient and salt levels for the additional WWUA lots; and
    - iii. additional management and mitigation measures to manage irrigation application for the additional WWUA lots.

11. Insert new Appendix A after Condition 7.4 and a new table titled “Environmental Assessment and Response to Submissions Documentation” as shown in Attachment A of this modifying instrument

12. Insert new Appendix B after Appendix A titled “Development Site Layout Plans” and new figures 1 and 2 as shown in Attachment B of this modifying instrument.

# ATTACHMENT A: Environmental Assessment and Response to Submissions Documentation

Drawing No. or Document	Dated	Prepared or Drawn By
Project Application No. 05_0080	20 October 2005	de Bortoli Wines Pty Ltd
Expansion of Operations de Bortoli Winery, Bilbul New South Wales - Environmental Assessment	October 2005	E. A. Systems Pty Ltd
Expansion of Operations de Bortoli Winery, Bilbul New South Wales - Appendices to Environmental Assessment	October 2005	E. A. Systems Pty Ltd
Report No. 20873.6162. Addendum to Environmental Assessment	11 November 2005	E. A. Systems Pty Ltd
Expansion of Operations de Bortoli Winery, Bilbul New South Wales - Amendments and Additional Information	November 2005	E. A. Systems Pty Ltd
Report No. 20950.4633 - Pollution Reduction Program Report	December 2005	E. A. Systems Pty Ltd
Report No. 20873.6517 - Hydrological Study	December 2005	E. A. Systems Pty Ltd
Report No. 20873.6557 - Summary of Potential Impacts, Mitigation Measures and Monitoring	December 2005	E. A. Systems Pty Ltd
Report No. 20873.6552 - Overview of Nutrients and Salt Balance	December 2005	E. A. Systems Pty Ltd
License conditions	Current	Department of Environment and Conservation

## ATTACHMENT B: Development Site Layout Plans

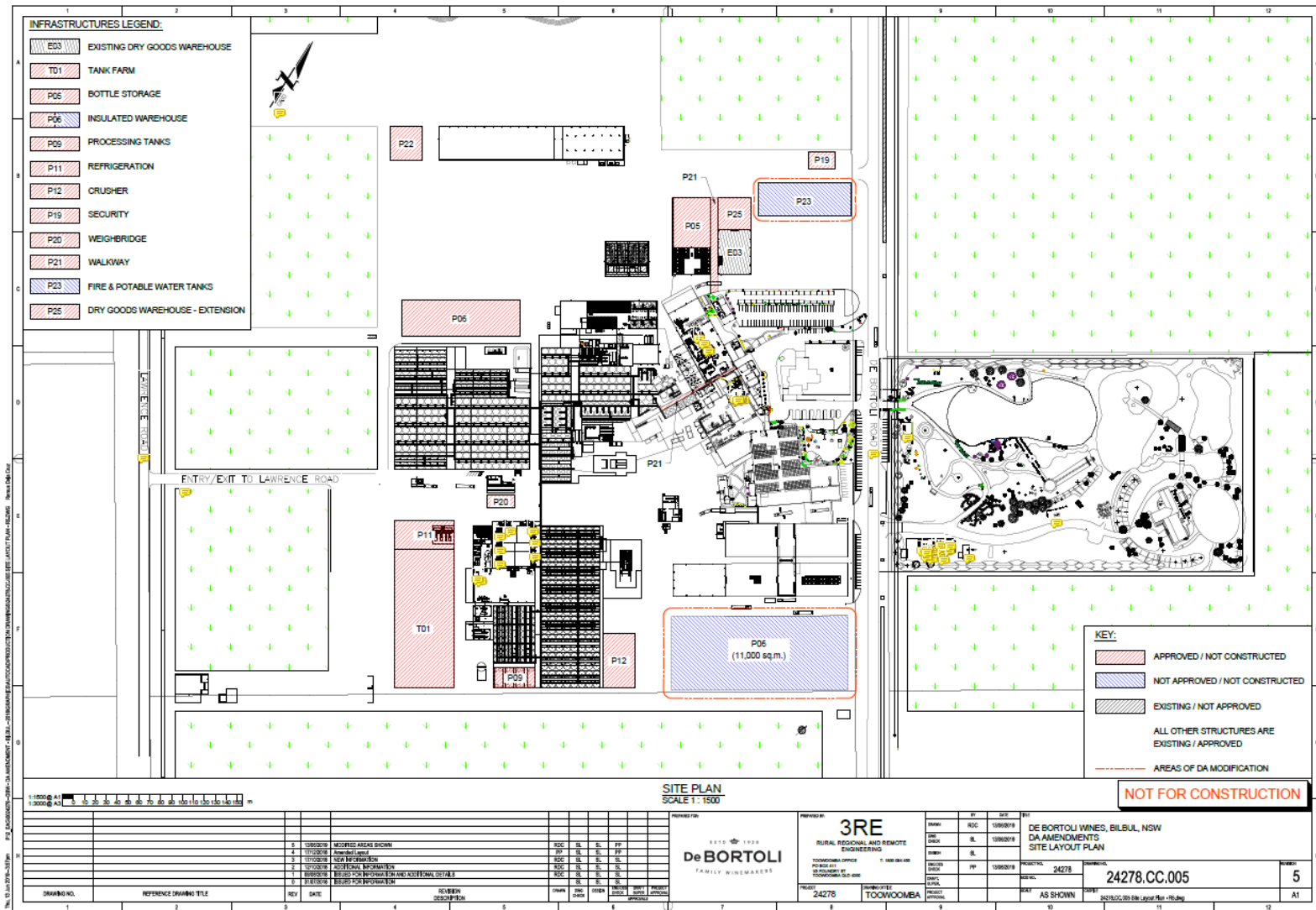
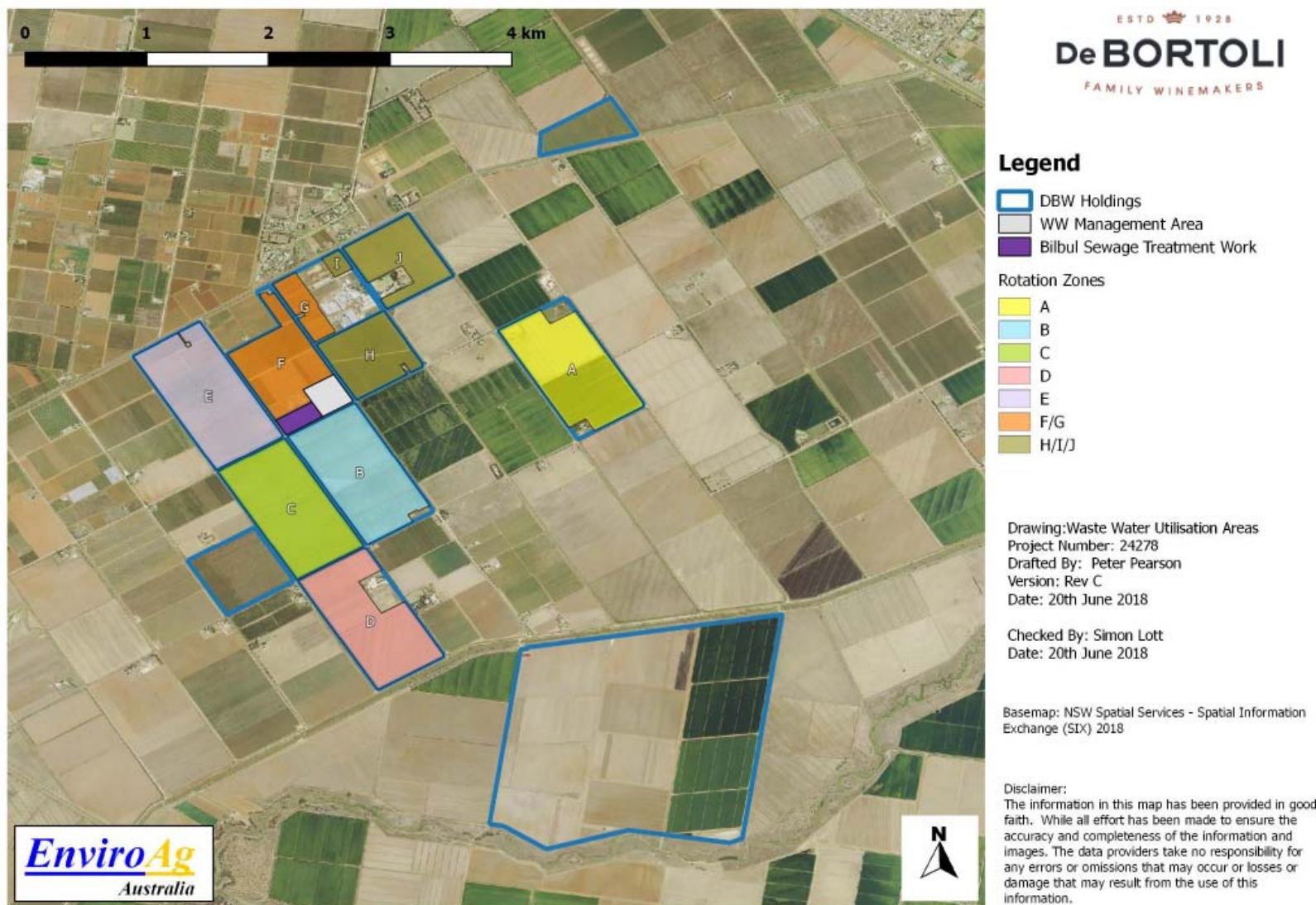


Figure 1: Development Site Layout





**Figure 2: Wastewater Utilisation Area Rotation Plan**