

# Notice of Modification

## Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Infrastructure, under the delegation of 14 September 2011, I hereby modify the development consent DA 6/98 referred to in Schedule 1, subject to the Conditions in Schedule 2.



David Kitto  
A/Executive Director  
Major Projects Assessment

Sydney 5 OCTOBER 2012

### SCHEDULE 1

Development Consent (DA 6/98), granted by the former Minister for Urban Affairs and Planning on 29 November 1998 for the following:

- Stage 1 being the construction and operation of an integrated kraft pulp and paper mill, woodyard, associated wastewater irrigation scheme and associated infrastructure including a water supply pipeline linking the Tumut River near Tumut with the proposed mill.
- Stage 2 being an increase in production from 300,000 tonnes of finished product per year to a maximum of 450,000 tonnes of finished product per year.

at 436 Gadara Road, Tumut in the Tumut Shire Council local government area.

**Proposed Modification:** Construction of a diesel refuelling facility

### SCHEDULE 2

The development consent is modified by:

1. replace the following Abbreviations and Interpretations in Schedule 1:

| Remove         | Replace With                                  |
|----------------|-----------------------------------------------|
| The Department | The Department                                |
| DLWC           | DP&I                                          |
| RTA            | RMS                                           |
|                | The Department of Planning and Infrastructure |
|                | Department of Primary Industries              |
|                | NSW Roads and Maritime Service                |

2. insert new conditions 1(e) and 1(f) as follows:

- (e) modification application DA 06/98 MOD 3 to install a diesel refuelling facility and supporting Environmental Assessment prepared by Hazkem Pty Ltd and dated 25 July 2012; and

- (f) in accordance with the conditions and management strategies prepared and approved under the conditions of Schedule 2.

**3. replace condition 2 with the following:**

- 2. In the event of an inconsistency between the documents listed under conditions 1(a) to (e) the most recent document shall prevail to the extent of that inconsistency. In the event of an inconsistency between these documents and the conditions of this consent, then the conditions of this consent shall prevail.

**4. replace condition 14 with the following:**

- 14. At least two months prior to the commencement of operations of the refuelling facility (Mod 3), or within such further period as the Director-General may agree, the Applicant shall prepare and submit for the approval of the Director-General:

- a. a revised *Emergency Plan*

- A comprehensive emergency plan and detailed emergency procedures for the proposed development. This plan should include detailed procedures for the safety of people in areas outside the development. The plan should be in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 1, *Industry Emergency Planning Guidelines*.

- b. a revised *Safety Management System*

- A comprehensive safety management system, covering all operations on-site and associated transport activities involving hazardous materials. The system should clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures. Records must be kept on-site and should be available for inspection by the Director-General upon request. The Safety Management System should be developed in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 9, *Safety Management*.

**5. insert new conditions 14c and 14d as follows:**

- 14c. The Applicant shall ensure that the refuelling facility is designed in accordance with the relevant Australian Standards (AS 1940-2004) and the Risk Assessment and Hazards Analysis dated July 2012.
- 14d. Prior to the commencement of operation of the refuelling facility the Applicant shall implement the requirements of the Risk Assessment and Hazards Analysis dated July 2012.
- 14e. The Applicant shall ensure that fuel associated with Modification 3 is not to be sold for retail purposes, and only to be used by Visy vehicles and contracted heavy vehicles transporting product to or from the site.

**6. insert new conditions 30A as follows:**

- 30A. Under the requirements of the *Protection of Environment Operations Act 1997* the Applicant shall ensure that discharge of wastewater from the refuelling facility is licensed by the EPA.

**7. insert new conditions 45A as follows:**

- 45A Prior to the construction of the refuelling area and associated access road, the Applicant shall submit detailed design plans and vehicle turning paths for the access road servicing the facility, to the satisfaction of the Director-General. The plans shall:
  - a. be prepared in consultation with Council;
  - b. include details of any onsite traffic management signage; and

- c. be prepared in accordance with the 2006 *Austroads Design Vehicles and Turning Path Templates* to accommodate 36m articulated vehicles.

**5. replace existing condition 50, as follows:**

- 50. Prior to the construction of the refuelling area, the Applicant shall prepare a revised Traffic Management Plan to the satisfaction of the Director-General. The Plan, which shall be incorporated into the Operational EMP required by Condition 11 of this consent, shall include but not be limited to:
  - (a) records of all vehicles heavy vehicles (3 tonne tare or greater) entering and leaving the site including details of times and access routes used;
  - (b) measures to reduce sleep disturbance impacts in built up areas including reduced speed limits, prohibition on the use of exhaust brakes, and the provision of air bag suspension to heavy vehicles;
  - (c) measures to reduce other impacts in built up areas including restricting heavy vehicle movements to main roads through townships, limiting parking within townships, and the cleaning of trucks;
  - (d) measures to ensure that the provisions of the Traffic Management Plan and Conditions 46-49 are implemented, ie. education of drivers and any contractual agreements with operators of heavy vehicles which regularly service the site;
  - (e) measures to ensure drivers are aware of any provisions and restrictions associated with the utilisation of the refuelling facility (ie. Visy contracted vehicles); and
  - (f) proposed onsite traffic management signage (ie. give-way).