Notice of Modification

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure, under the delegation executed on 14 September 2011, I hereby modify the conditions of the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Chris Wilson
Executive Director
Major Projects Assessment

Sydney 10 FEBRUARY 2012

SCHEDULE 1

Project Approval	The Willmott Sawmill Project (07_0161), which was approved on 7 September 2010

This project approval is modified by:

1. Deleting the definitions of Stage 1 to 8 in the definitions list and replacing them with the following in alphabetical order:

Zone 1	the portion of the site west of the gas easement (see Appendix 1)
Zone 2	the north-east portion of the site, bordered by the gas easement, Delegate Road, Sandy Lane and, the existing weighbridge (see Appendix 1)
Zone 3	the current production zone of the site, bordered by the gas easement, the existing weighbridge, Sandy Lane and the gully (Southern Pond, see Appendix 1)
Zone 4	the south-east portion of the site, east of the gas easement and south of and including the gully (see Appendix 1)

2. Deleting the definition of DECCW in the definitions list.

3. Inserting a new definition in the definitions list in alphabetical order as follows:

EPA	Environment Protection Authority

4. Replacing all references to 'DECCW' with 'EPA'.

5. Replacing the definition of 'EA' in the definitions list as follows:

EA	Environmental Assessment titled *Expansion of Bombala Integrated Sawmilling and Value-Adding Facility Volumes 1-3, prepared by the Fifth Estate for Willmott Timbers Pty Ltd,* dated November 2009, as modified by 07_0161 MOD 1.

6. Replacing the definition of 'Project' in the definitions list as follows:

Project	The development as described in the EA, as modified by 07_0161 MOD 1

7. Replacing the definition of 'Proponent' in the definitions list as follows:

Proponent	Dongwha Timbers Pty Ltd, or its successors

SCHEDULE 2

8. Replacing Condition 2. in Schedule 2 with the following:

   2. The Proponent shall carry out the project generally in accordance with the following documents and plans and the recommendations made therein:
      (a) EA;
      (b) Modification application 07_0161 MOD 1, accompanying EA and plans dated 25 November 2011, prepared by the Fifth Estate Consultancy Pty Ltd;
      (c) Response to Submissions;
      (d) statement of commitments; and
      (e) conditions of this approval.

9. Replacing Condition 5. in schedule 2 with the following:

   5. The Proponent shall ensure that the quantity of sawlogs received and treated timber produced each year at the site does not exceed:
      (a) 400,000 tonnes of sawlogs a year; and
      (b) 150,000 tonnes (140,000m^3) of treated timber a year,

      upon completion of all construction.

10. Replacing Condition 12. in Schedule 2 with the following:

    12. Upon completion of all building works as described in the EA and 07_0161 MOD 1 or a time/s otherwise agreed to by the Director-General, the Proponent shall submit work as executed plans to the Department for all the development associated with the project. These plans must be prepared by a suitably qualified and experienced expert, and include plans showing the work as executed plans laid over the approved plans to demonstrate that the development has been carried out in accordance with the approved plans.

SCHEDULE 3

11. Replacing Condition 6. in Schedule 3 with the following:

    6. The Proponent shall prepare and implement an Air Emissions Management Plan to the satisfaction of the Director-General. This plan must:
       (a) be prepared in consultation with the EPA and approved by the Director-General prior to operation of the new: dry mill or treatment plant or green mill or boiler/s or kiln or steamer/s or vacuum pump or wastewater tank flue (as described in the EA and 07_0161 MOD 1);
       (b) be prepared in accordance with the requirements of the "Approved methods for the sampling and analysis of air pollutants in NSW";
       (c) identify the air emission limits for the project;
       (d) demonstrate that the ground level concentration would comply with the requirements of the "*Approved methods for the modelling and assessment of air pollutants in New South Wales*";
       (e) describe the treatments, controls and operational practices to be implemented to manage air emissions, demonstrating best practice process design and emission control;
       (f) include a program for the ongoing monitoring and reporting of air emissions from the project, describing the location, frequency, method and pollutants to be monitored; and
       (g) outline the contingency measures that would be implemented should any air emission limits be exceeded.

12. Replacing Condition 9. in Schedule 3 with the following:

    9. The Proponent shall ensure that noise generated by the project does not exceed the noise limits presented in Table 3 or Table 4.

Table 3: Operation Noise Limits (dB(A))

Location	Day	Evening	Night	
	$L_{Aeq\ 15\ min}$	$L_{Aeq15\ min}$	$L_{Aeq15\ min}$	L_{Amax}
Any Residence	35	35	35	45

Table 4: Construction Noise Limits (dB(A))

Location	Day
	$L_{Aeq\ 5\ min}$
Wedmore Road, west	45
Any Other Residence	40

Notes – Unless otherwise specified in the EPL:

- *Noise emission limits apply under all meteorological conditions except for any of the following:*
  - *a) wind speeds greater than 3 m/s at 10 metres above ground level; or*
  - *b) stability category G temperature inversions conditions; or*
  - *c) stability category F temperature inversions conditions and wind speeds greater than 2 m/s at 10 m above ground level.*
- *To determine compliance with this condition, noise from the development must be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary and within 1 m of a dwelling façade, to determine L_{Amax} noise limits.*
- *However, where it can be demonstrated that direct measurement of noise from the development is impractical, the EPA may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.*

13. Replacing Condition 10. in Schedule 3 with the following:

10. Prior to the commencement of any building works on Zones 1 or 2, the Proponent must ensure that noise barriers are installed in order to comply with the noise limits presented in Tables 3 and 4 of this Schedule, as described in the EA.

14. Replacing Condition 11. in Schedule 3 with the following:

11. The Proponent shall prepare Noise Validation Reports, to the satisfaction of the Director-General. The reports must:
    (a) be undertaken:
        i. within 3 months of the commencement of construction, while working under normal construction and operational conditions (ie it is expected that the mill will still be operating during most stages of construction and the cumulative noise levels of all works on site must be measured);
        ii. within 3 months of the completion of all building works as described in the EA and 07_0161 MOD 1 or a time otherwise agreed to by the Director-General, while operating under normal conditions; and
        iii. following the receipt of a complaint, if requested by the Director-General;
    (b) be submitted to EPA and the Director-General within 1 month of each time identified in (a) above;
    (c) validate the predictions made in the EA;
    (d) demonstrate compliance with the limits in this approval;
    (e) demonstrate the noise controls are working effectively; and,
    (f) if any non-compliances are detected, describe the measures that are to be implemented and the timing for implementation of these measures, to ensure compliance.

15. Replacing Condition 12 in Schedule 3 with the following:

12. The Proponent shall provide and implement a Remedial Action Plan for the site to the satisfaction of the Director-General. The plan must:
    (a) be reviewed and approved by a suitably qualified independent expert (to be approved by the EPA) and approved by the Director-General, prior to the commencement of any earth or building works on any contaminated areas of the site (as identified in this plan);
    (b) identify the nature and extent of all contamination on the existing mill site (Lot 27 DP1061792), including any offsite impacts (for example on groundwater);

(c) justify the remediation criteria for the site;
(d) consider options for the remediation of each component of the contamination;
(e) justify the remediation strategy proposed;
(f) set out the timing and staging of all remediation works to be undertaken;
(g) include a site validation plan; and
(h) demonstrate compliance with the *Contaminated Land Management Act 1997*.

16. Replacing Condition 13 in Schedule 3 with the following:

13. Prior to the commencement of building works on contaminated areas of the site (as described in the Remedial Action Plan required by Condition 12 of this Schedule), the Proponent must provide a Validation Report and Site Audit Report and Statement covering the areas of the site which have been remediated. The:
(a) the Validation Report and Site Audit Report and Statement must be provided to the Department, EPA and Council, certifying the appropriateness of the validation report; and the
(b) Validation Report must also:
i. be prepared in accordance with the guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;
ii. be subject to a Site Audit in accordance with the *Contaminated Land Management Act 1997* to confirm the appropriateness of the Validation Report; and
iii. include the results of surface and groundwater monitoring.

17. Replacing Condition 14. in Schedule 3 with the following:

14. Upon completion of all building works as described in the EA and 07_0161 MOD 1, or within 3 years of the date of this approval (whichever is sooner), or a time/s otherwise agreed to by the Director-General, the Proponent must provide to the Department, EPA and Council:
(a) a Validation Report, for the whole site, including the results of groundwater monitoring, which has been subject to a site audit in accordance with the *Contaminated Land Management Act 1997*, to confirm the appropriateness of the Validation Report. The Validation Report must be prepared in accordance with guidelines made or approved by EPA under Section 105 of the *Contaminated Land Management Act 1997*; and
(b) copies of the Site Audit Report and Statement, for the whole site, certifying the appropriateness of the Validation Report(s).

Note: for the purposes of condition 14, those areas of the site already covered by the validation report and statement prepared under condition 13 can be addressed by referencing the earlier report and statement, as long as the risks of recontamination of these areas are minimal.

18. Replacing Condition 18. in Schedule 3 with the following:

18. From the commencement of operations of the new treatment plant onwards, the Proponent must ensure that:
(a) all treated timber is managed in accordance with Australian Standard *AS/NZS 2843.1:2006 Timber preservation plants – Timber preservation plant site design*, or its latest version; and
(b) all treated timber undergoing CCA-fixation is stored on an impermeable surface and any runoff collected from these areas is separated from runoff that is not contaminated with CCA.

19. Replacing Condition 26. in Schedule 3 with the following.

26. The Proponent shall ensure the entire wood stockpile is removed from the site and appropriately reused or disposed of by June 2013, or a time otherwise agreed to by the Director-General, in accordance with the Dust and Wood Residue Monitoring and Management Plan for the site dated 30 September 2011 prepared pursuant to condition 4 of this Schedule and approved by the Director-General's delegate on 23 December 2011.

20. Replacing Condition 27. in Schedule 3 with the following:

27. By September 2013, or a time otherwise agreed to by the Director-General, the Proponent must demonstrate, to the satisfaction of the Principal Certifying Authority, that the entire wood residue stockpile has been removed from the site and appropriately reused or disposed of.

21. Replacing Condition 28. in Schedule 3 with the following:

28. The Proponent must prepare and implement a Product Management Plan, to the satisfaction of the Director-General. The Plan must:
    (a) be prepared in consultation with the EPA and approved by the Director-General prior to June 2012;
    (b) identify the types and sources of materials and resources used in the production process, including a procurement plan demonstrating that options to reuse and recycle materials, (particularly waste products) are maximised;
    (c) identify potential environmental impacts and liabilities at each stage of the products life cycle;
    (d) detail the measure to be implemented to improve the design and reduce the liabilities identified in (c) above, including:
        - the material intensity of the product; and
        - hazardous materials contained in the product;
    (e) describe, classify and quantify the waste produced in the production process and include measures to maximise the reduction, reuse and recycling of this waste;
    (f) describe how the effectiveness of the plan would be monitored and reported; and
    (g) be revised and updated every 5 years to the satisfaction of the Director-General.

22. Replacing Condition 32. in Schedule 3 with the following:

32. By June 2012, the Proponent must ensure that the following road upgrades are completed to the satisfaction of the RTA:
    (a) the Sandy Lane and Delegate Bombala Road intersection shall be upgraded to a sealed BAL left turn together with a sealed Type BAR right turn configuration as per section 6 of the *AUSTROADS Guide to Traffic Engineering Practice – Part 5 Intersections at Grade*; and
    (b) the Monaro Highway and Delegate Bombala Road intersection shall be upgraded to provide for the swept path of heavy vehicles turning left onto Delegate Bombala Road.

23. Replacing Condition 34. in Schedule 3 with the following:

34. The Proponent shall prepare and implement an Energy Efficiency Plan for the project, to the satisfaction of the Director-General. The program must:
    (a) be approved by the Director-General prior to the commencement of operation of the new: dry mill or treatment plant or green mill or boiler/s or kiln or steamer/s or vacuum pump or wastewater tank flue (as described in the EA and 07_0161 MOD 1);
    (b) investigate options to reduce the energy consumption of the project, including the use of solar kilns;
    (c) describe the energy efficiency measures that would be implemented onsite, quantify the savings made and demonstrating the use of best available technology;
    (d) demonstrate all reasonable and feasible measures to minimise greenhouse gas emissions would be implemented; and
    (e) include a program to monitor and report on the effectiveness of the measures implemented and a protocol for periodic review of the plan to ensure the project would continue to operate efficiently.

24. Replacing Condition 37. in Schedule 3 with the following:

37. Prior to commissioning of the new: dry mill or treatment plant or green mill or boiler/s or kiln or steamer/s or vacuum pump or wastewater tank flue (as described in the EA and 07_0161 MOD 1), the Proponent shall develop a comprehensive Safety Management System, covering all onsite operations. The Safety Management System must be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 9 'Safety Management'* and must be kept up-to-date for the life of the project.

25. Replacing Condition 38. in Schedule 3 with the following:

38. The Proponent must prepare and implement a landscape management plan for the project. The plan must:
    (a) be prepared in consultation with Council and approved by the Director-General prior to the commencement of building works on Zone 3;
    (b) illustrate the location, species and mature heights of plants to be established on site;

(c) illustrate how the landscaping would minimise views of the site;
(d) use endemic species only in the landscaping, ensuring seed and propagule sources are from local botanical provenance;
(e) provide a timetable for the implementation of the plan; and
(f) provide for the maintenance of the landscaping.

SCHEDULE 4

26. Replacing Condition 1. in Schedule 4 with the following:

1. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must:
   (a) be submitted within 2 months of the date of this approval and approved by the Director-General prior to carrying out any construction;
   (b) be revised and approved by the Director-General, prior to the commencement of operation of the new: dry mill or treatment plant or green mill or boiler/s or kiln or steamer/s or vacuum pump or wastewater tank flue (as described in the EA and 07_0161 MOD 1);
   (c) provide the strategic context for environmental management of the project;
   (d) identify the statutory requirements that apply to the project;
   (e) describe in general how the environmental performance of the project would be monitored and managed;
   (f) 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-compliance;
   - manage cumulative impacts; and
   - respond to emergencies; and

   (g) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project.

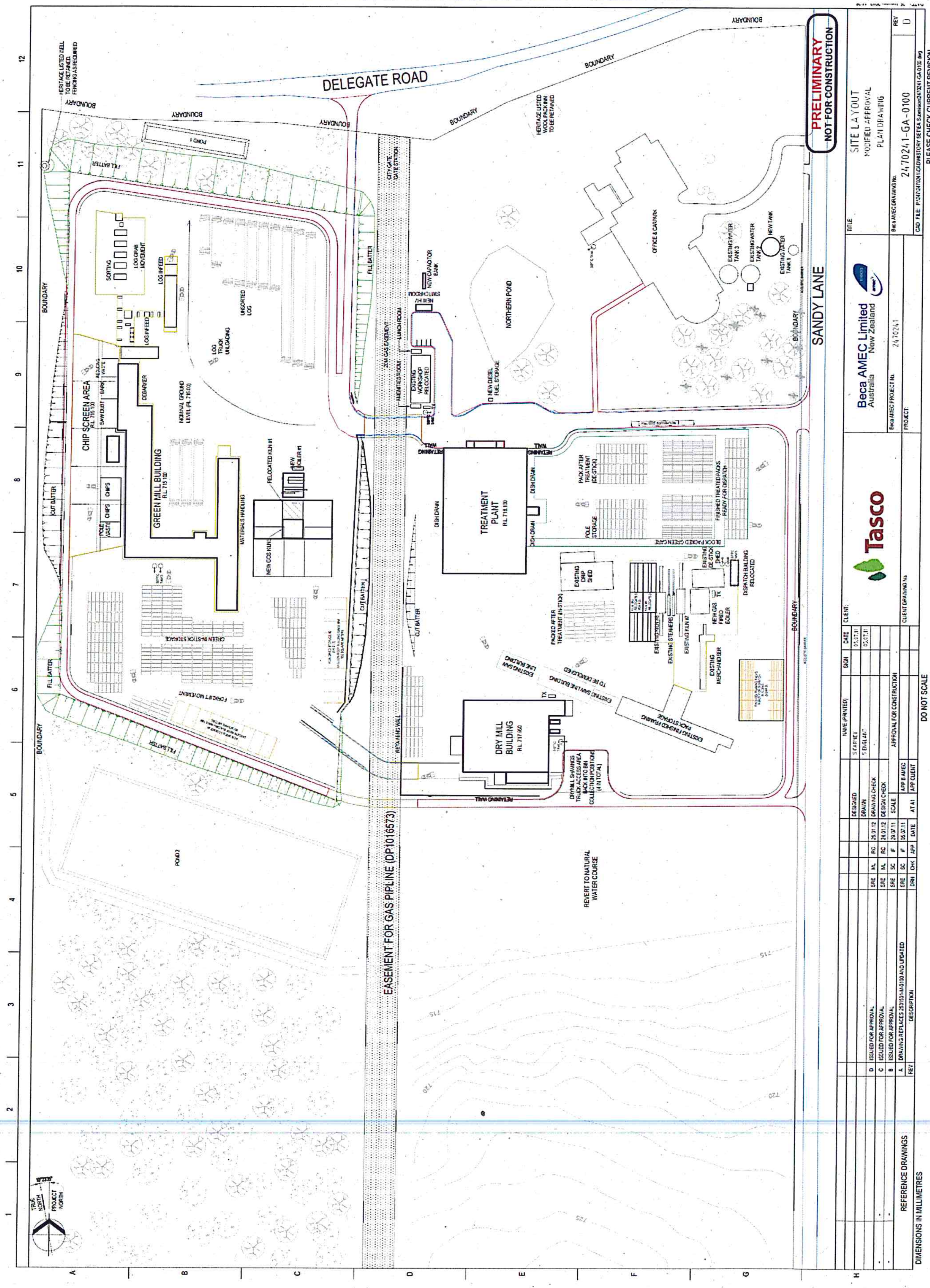
27. Replacing Condition 2. in Schedule 4 with the following:

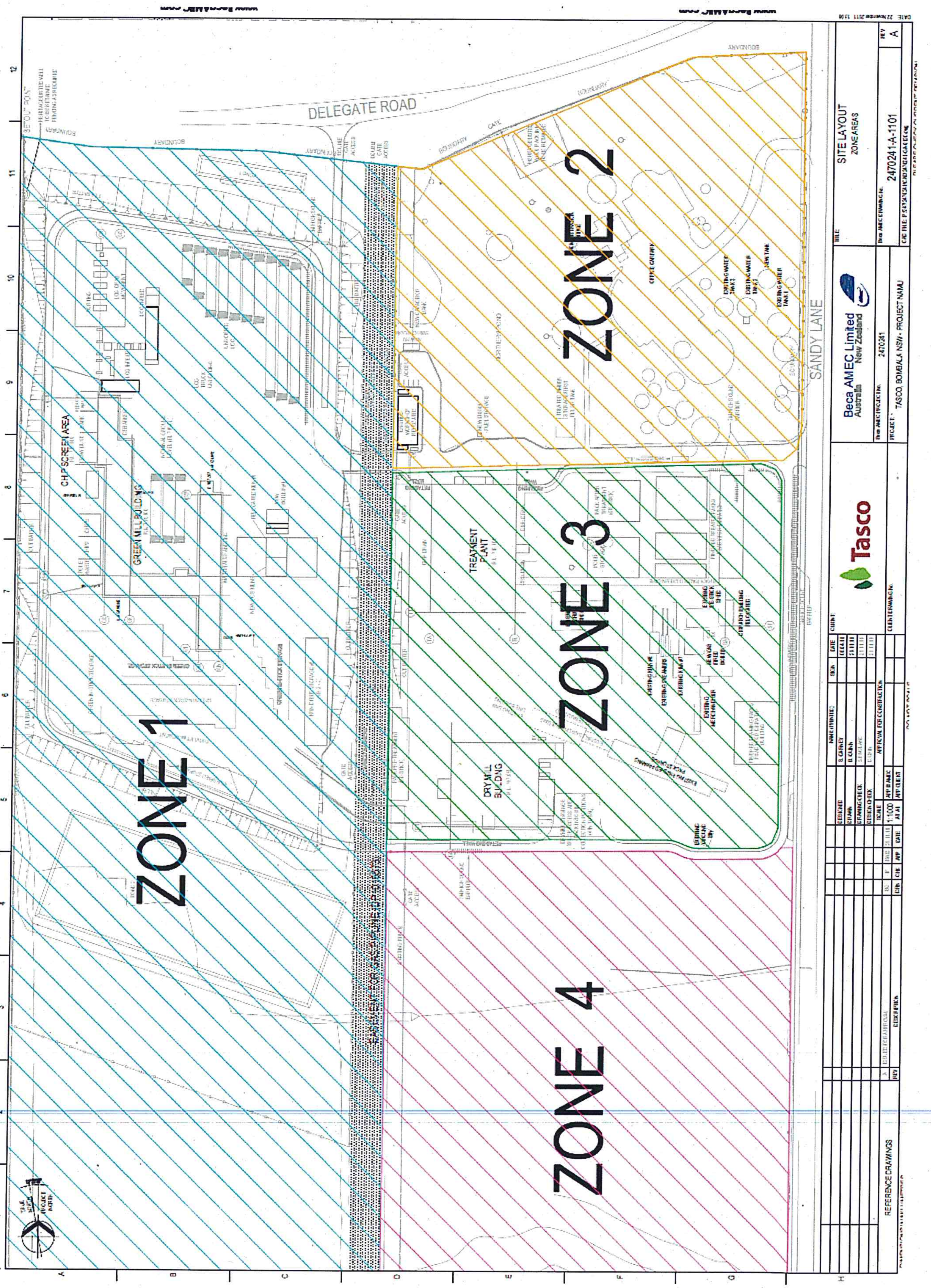
2. Within 12 months after the commencement of bulk earthworks in Zone 1, and annually thereafter, the Proponent shall submit a review of the environmental performance of the project to the Director-General and relevant agencies. This report must:
   (a) identify the standards and performance measures that apply to the project;
   (b) describe the works and operations carried out in the past year;
   (c) describe the works and operations that will be carried out in the next year;
   (d) include a summary on the monthly production levels over the year;
   (e) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;
   (f) analyse the monitoring results and the complaints received against the:
   - relevant statutory requirements, limits or performance measures/criteria;
   - monitoring results from previous years; and
   - predictions in the EA;

   (g) identify any trends in the monitoring results over the life of the project;
   (h) identify any non-compliance during the previous year; and
   (i) describe what actions were, or are being, taken to ensure compliance.

28. Replacing Appendix 1 with the following:

APPENDIX 1: SITE LAYOUT AND ZONING PLAN




DELEGATE ROAD
SANDY LANE
ZONE 1
ZONE 2
ZONE 3
ZONE 4
TREATMENT PLANT
GREEN MILL BUILDING
DRY MILL BUILDING
CHIP SCREEN AREA
Beca AMEC Limited
Australia
New Zealand
Tasco
SITE LAYOUT
ZONE AREAS
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REFERENCE DRAWINGS