



# ***Borg Panels Timber Processing Facility***

*State Significant  
Development  
Modification Assessment  
(SSD 7016 MOD 1)*



November 2018

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# Glossary

Abbreviation	Definition
CEMP	Construction Environmental Management Plan
Consent	Development Consent
Council	Oberon Council
Department	Department of Planning and Environment
DILW	Department of Industry – Lands and Water
ENM	Excavated Natural Materials
EPA	Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPL	Environment Protection Licence
LGA	Local Government Area
MDF	Medium density Fibreboard
Minister	Minister for Planning
OEH	Office of Environment and Heritage
OTC	Oberon Timber Complex
Planning Secretary	Secretary of the Department of Planning and Environment
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEE	Statement of Environmental Effects
SSD	State Significant Development
VENM	Virgin Excavated Natural Materials



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# 1. Introduction

This report provides an assessment of an application to modify the State significant development consent (SSD) for the Borg Panels Timber Processing Facility, Oberon.

The modification application seeks approval for design changes to the approved particle board facility and alterations and additions to other existing structures at the facility. The application has been lodged by Borg Construction Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.1 Background

The Applicant operates a timber processing facility comprising a medium density fibreboard (MDF) facility at 124 Lowes Mount Road, Oberon in the Oberon local government area (LGA) (see **Figure 1**). The MDF facility has been in use for timber manufacturing since the mid-1980s and produces MDF and joinery products for kitchen, shelving and joinery applications. The MDF facility was formerly part of a larger timber operation known as the Oberon Timber Complex (OTC), comprising an existing sawmill and particleboard facility operating on either side of Lowes Mount Road. The operation of the OTC was approved under a separate Ministerial consent (DA 27/95) on 5 October 1995.

On 27 May 2017, the Applicant was granted development consent (SSD 7016) for the expansion of its existing timber processing facility. The expansion includes the construction and operation of a new particleboard facility and the continuation of, and alterations and additions to, the existing MDF facility. The consent also enabled the Applicant to remove the MDF manufacturing operations from DA 27/95 and consolidate all its operations under a single development consent.



**Figure 1** | Site Location

## 1.2 Subject Site

The site is located approximately 46 kilometres (km) south-east of Bathurst and 195 km west of Sydney in the NSW Central Tablelands (see **Figure 1**). The site is approximately 1.5 km north of the Oberon town centre and the closest residential receiver is around 600 metres (m) south of the site.

The topography of the site is mostly flat and is around 60.5 hectares (ha) in area. The site is situated within an existing industrial area and is surrounded by:

- parcels of vacant land to the north and west of the site
- the Boral sawmill, Structaflor particle board facility and Highland Pine Products to the south-west of the site
- the Oberon Rugby Leagues Club, Australian Native Landscapes facility and light industry to the south
- a vacant land parcel to the east (currently owned by the Applicant)
- the Woodchem resin manufacturing facility (Woodchem facility), located within the MDF facility's footprint, on the eastern boundary.

## 1.3 Approval History

On 27 May 2017, development consent was granted by the Executive Director, Key Sites and Industry Assessments as delegate for the Minister for Planning, for the expansion of the Borg Panels Timber Processing Facility (SSD 7016). The development consent permits the following works:

- construction and operation of a particleboard facility and associated infrastructure including debarkers, chipper facility, silos and high bay warehousing with a maximum height of 35 m.
- continuation of, and alterations and additions to, the existing MDF facility including new paper treatment lines, sanding and laminating press and upgrades to the site's existing stormwater system.

The Applicant has commenced detailed design of the development and identified opportunities to make further changes to the design of the particleboard facility and additions and alterations to the site's existing structures to improve operational efficiencies and site configuration. The Applicant is now seeking to modify development consent SSD 7016 to enable the additions and alterations via a section 4.55(1A) modification application.





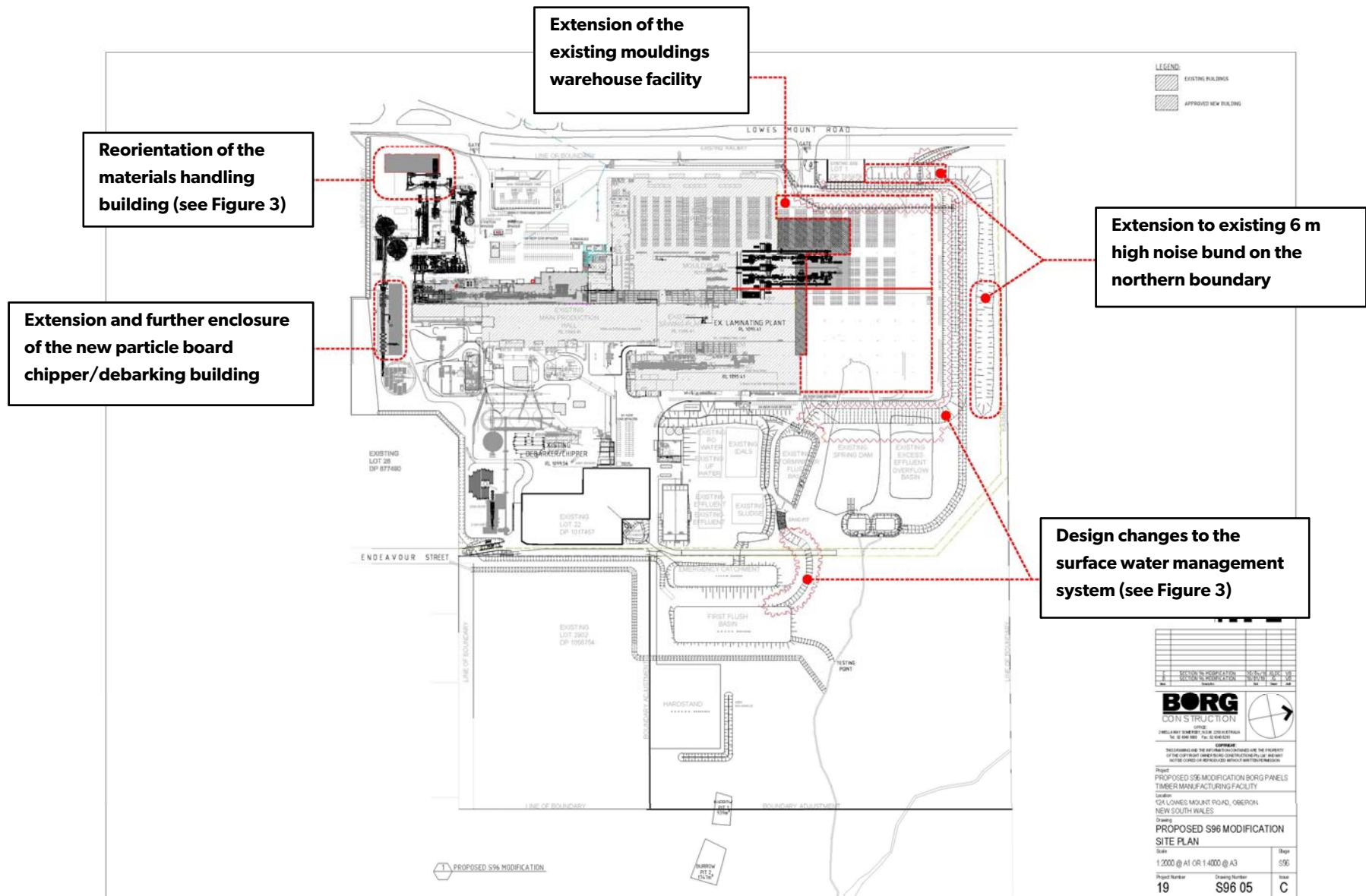
## 2. Proposed Modification

The Applicant has lodged an application under section 4.55(1A) of the EP&A Act to modify SSD 7016 to make further additions and alterations to the existing MDF facility and changes to the design of the new particleboard facility and associated infrastructure. The Applicant has also requested the deletion of administrative conditions (condition A26 and Schedule 3 of SSD 7016) regarding the modification of DA 27/95 to remove two parcels of land from the consent.

The modification is described in full in the Statement of Environmental Effects (SEE) included in **Appendix A** and is illustrated on **Figures 2** and **3** and summarised in **Table 1**.

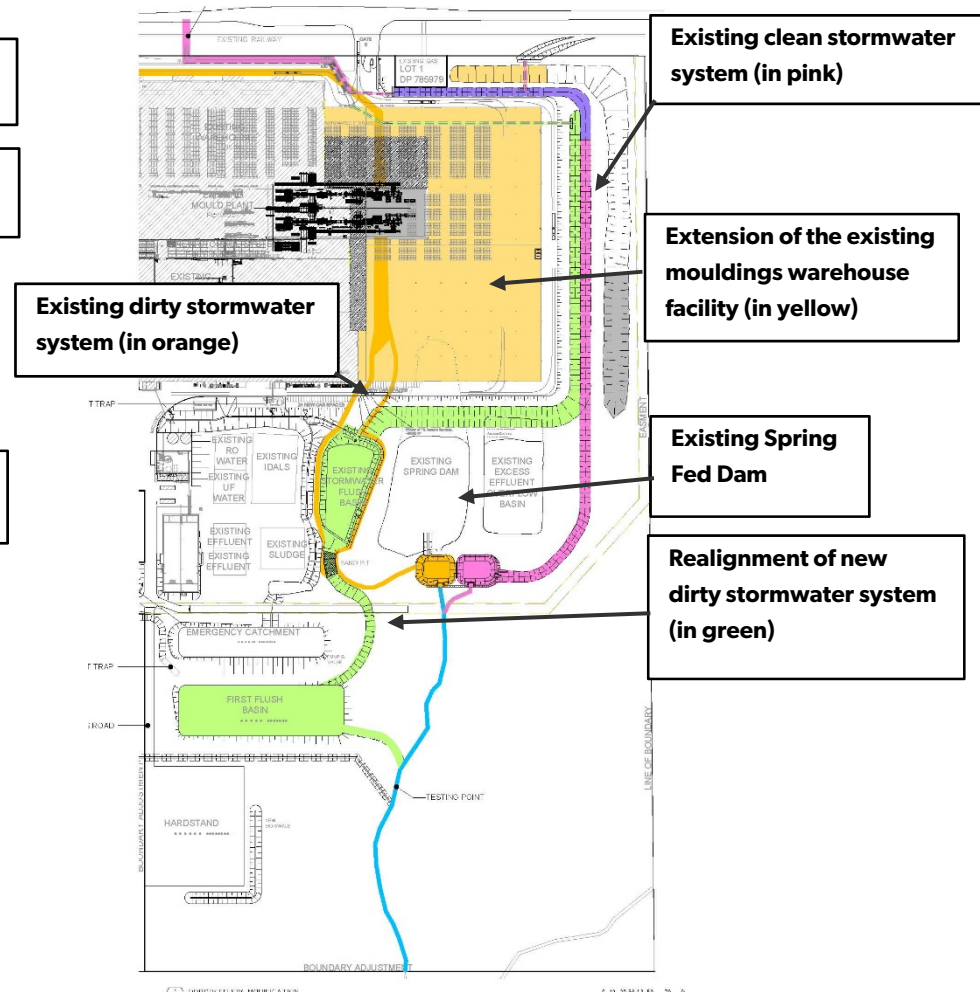
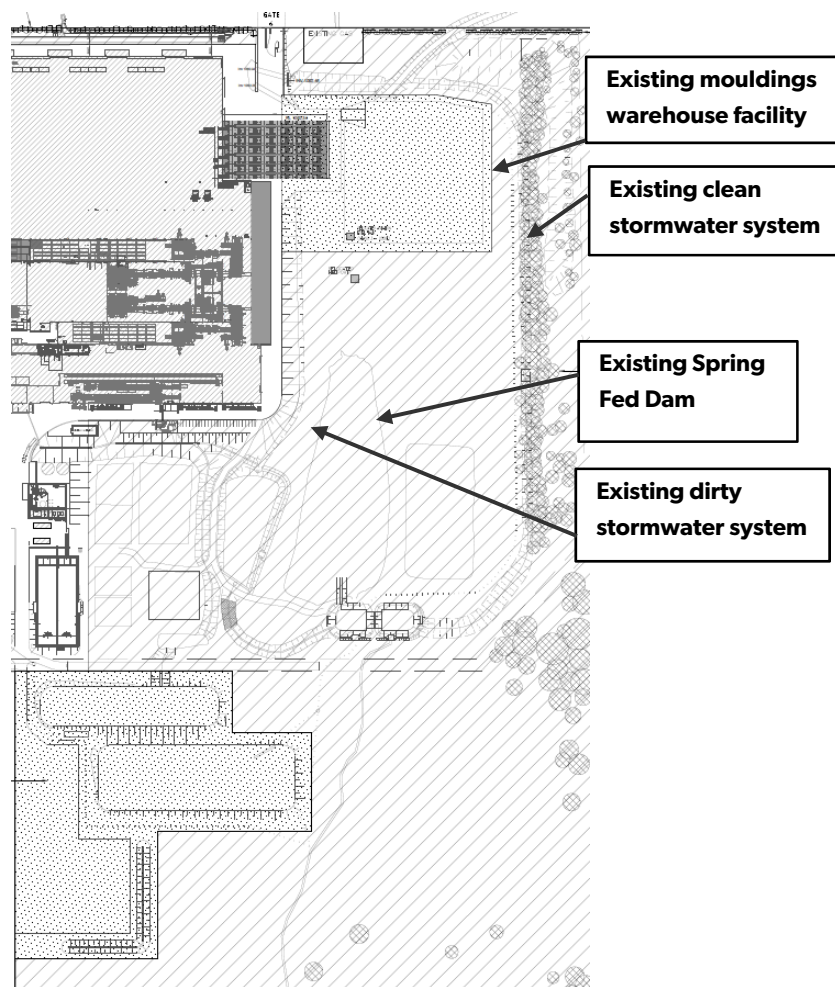
**Table 1:** *Proposed Modification*

Modification Aspects	Description
Amendments to the New Materials Handling Building	<ul style="list-style-type: none"><li>• Reorientation of the materials handling building in the south-west of the site from an east-west orientation to a north-south orientation including:<ul style="list-style-type: none"><li>◦ modification of the building construction material type from a short wall concrete panel (2.4 m high) and colour bond building to a high wall concrete panel (9 m high) and colour bond building.</li><li>◦ increase in building height from 8 m to 12 m.</li></ul></li></ul>
Extension of the existing Mouldings Warehouse	<ul style="list-style-type: none"><li>• Extension of the mouldings warehouse facility located near the Gate 6 entry to allow for loading and unloading of transport vehicles within the buildings and horizontal storage. The works include:<ul style="list-style-type: none"><li>◦ increasing the total footprint from an approved 2,847 m<sup>2</sup> to 43,000 m<sup>2</sup></li><li>◦ filling of land to match existing floor levels</li><li>◦ modification to the existing surface water management system.</li></ul></li><li>• The proposal would replace the approved high bay warehouse, which was designed to be 35 m high. The extension to the mouldings warehouse would now have a reduced height of 12 m.</li><li>• The proposal also requires reclamation of up to 30% of the existing spring fed dam to the north of the site (see <b>Figure 2</b>) to provide suitable structural footings for the new building and driveway and allow sufficient space for changes to the surface water management system.</li></ul>
Extension to particleboard and debarker building	<ul style="list-style-type: none"><li>• Extension and further enclosure of the particleboard chipper/debarker building footprint.</li></ul>
Stormwater Management System	<ul style="list-style-type: none"><li>• Realignment of the stormwater swale at the northern end of the site.</li></ul>
Noise Bund	<ul style="list-style-type: none"><li>• Extension of the existing 6 m high noise bund on the northern boundary by approximately 150 m in length.</li><li>• The eastern end of the noise bund is proposed to increase by 2 m to 8 m in height.</li></ul>
Administrative Amendments	<ul style="list-style-type: none"><li>• Deletion of condition A26, which relates to the Applicant's requirement to modify DA 27/95.</li><li>• Deletion of Schedule 3, which relates to the conditions which are to be modified in DA 27/95.</li></ul>

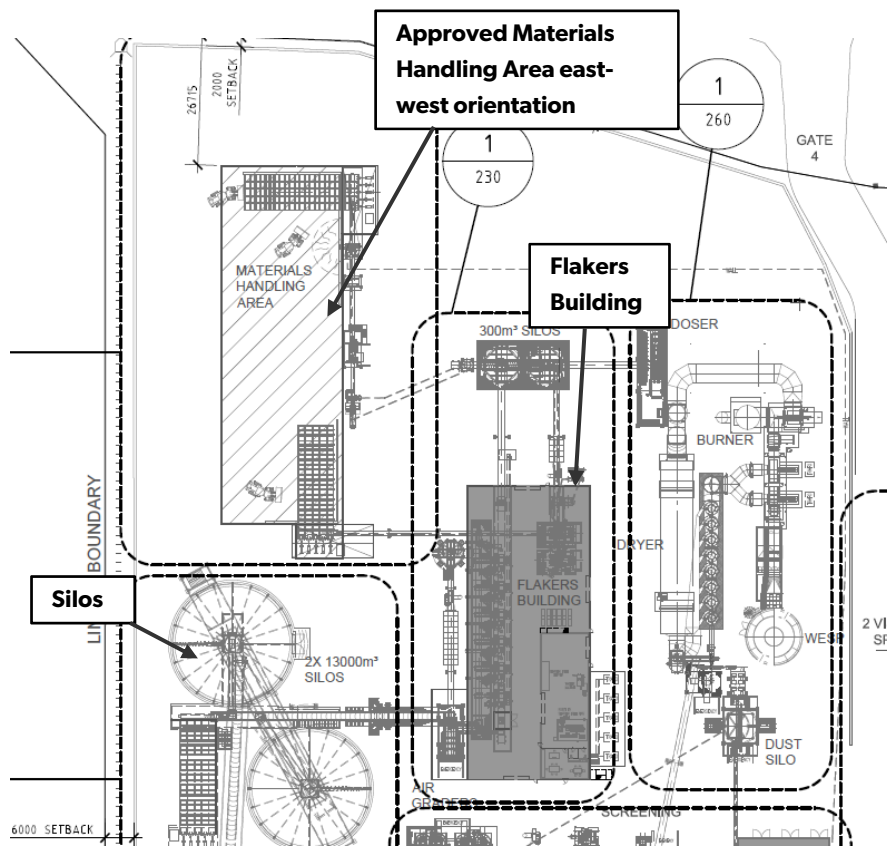


**Figure 2:** Proposed Modifications to the Borg Panels Timber Processing Facility

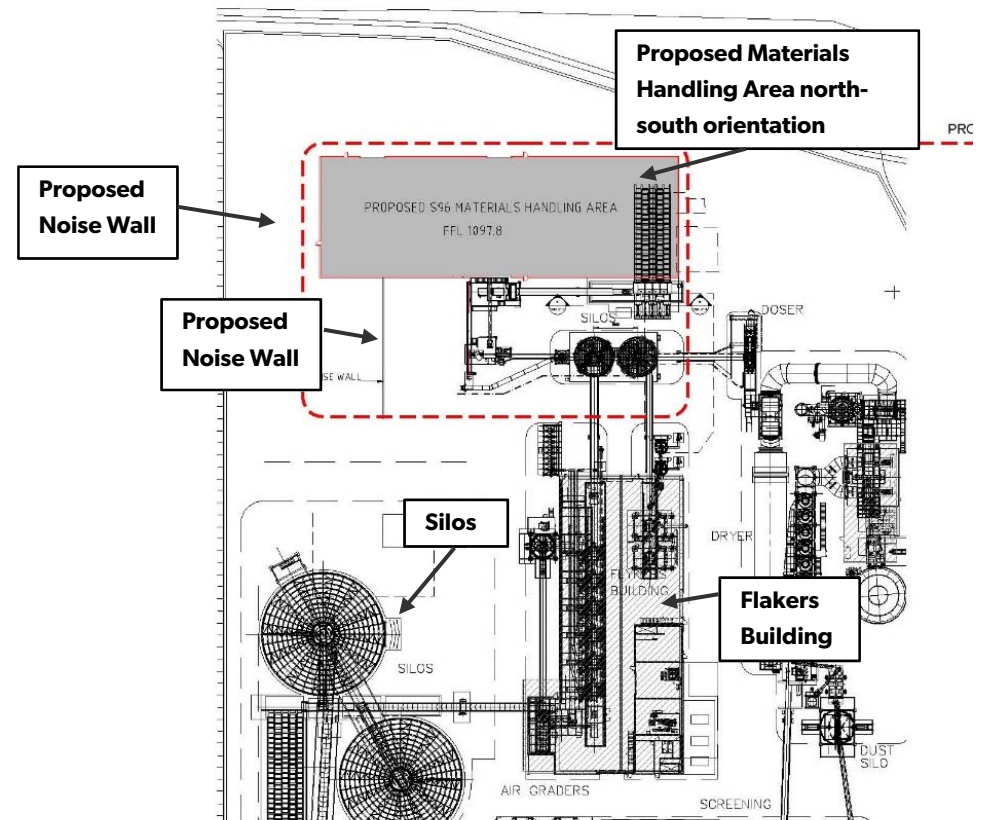




**Figure 3:** Extension of the existing Mouldings Warehouse



(a) Approved materials handling area



(b) Proposed materials handling area

**Figure 4:** Modifications to Materials Handling Building



### 3. Strategic Context

The Department has considered the strategic context of the site and is satisfied the proposed modification is consistent with relevant strategic planning documents including the *Central West and Orana Regional Plan*.

The proposed modification seeks to make alterations and additions to the existing MDF facility and design changes to the approved particleboard facility. The proposed modification will continue to meet one of the Premier's key priorities, 'Creating Jobs' which seeks to provide 150,000 new jobs by 2019. The development will continue to provide 230 construction jobs and 70 ongoing operational jobs in the Oberon LGA.

The proposed modification will continue to be consistent with the *Central West and Orana Regional Plan*, particularly Goal 1, Direction 3 (develop advanced manufacturing and food processing sectors). The proposed modification will continue to support the timber manufacturing sector in the region and contribute to a diverse regional economy.



## 4. Statutory Context

### 4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and is satisfied the proposed modification would result in minimal environmental impacts, and relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the approved project would not change as a result of the proposed modification
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act. While the modification would involve a large extension to the mouldings warehouse footprint and increase the height of the materials handling building by 50% (from 8 m to 12 m), in the context of the overall OTC complex, the changes are negligible. The mouldings warehouse extension would also replace the approved high bay warehouse, which was designed to be 35 m high. Therefore, the proposed extensions would have minimal impact on the visual amenity of the locality.
- the approved production rates would remain unchanged as a result of the proposed modification
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

### 4.2 Consent Authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the Act. Under the Minister's delegation of 11 October 2017, the Director, Industry Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.



## 5. Engagement

### 5.1 Department's Engagement

Clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to State significant development. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website and was referred to Oberon Council (Council), Environment Protection Authority (EPA), Office of Environment and Heritage (OEH) and Department of Industry – Lands and Water (DILW) for comment.

### 5.2 Summary of Submissions

None of the government agencies objected to the proposed modification.

**Council** did not object to the modification application and did not make any comments.

The **EPA** did not object to the modification and noted the proposed modification would not lead to any significant impacts on air, noise or water quality beyond the site boundary. The EPA recommended additional conditions for an acoustic barrier to be installed adjacent to the materials handling building and for the sediment and erosion control plan to be updated.

The **DILW** requested further information regarding upgrades to the proposed stormwater management system and the reclamation of the spring fed dam as a result of the proposed warehouse extensions. DILW recommended conditions for the management of the spring dam reclamation works.

The **OEH** did not make a submission.

### 5.3 Response to Submissions

In June 2018, the Applicant provided a Response to Submissions (RTS) report on the issues raised during the notification of the modification application. The RTS included an amendment to the scope of the of the proposal including the additional warehouse extensions and removal of administrative conditions. The RTS was made publicly available on the Department's website and was provided to key agencies to consider whether it adequately addressed the issues raised. The Applicant also provided a supplementary letter on 2 August 2018 to address residual issues raised by DILW in relation to the proposed spring dam reclamation works.

The Department has considered the issues raised in submissions, the RTS and supplementary letter in its assessment of the modification.



## 6. Assessment

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- SEE and RTS provided to support the proposed modification (see **Appendix A**)
- assessment report for the original development application and subsequent modification application(s)
- submissions from the public, State government authorities and Council (**Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department's assessment is provided in **Table 2**.

**Table 2** | Assessment of Issues

Issue	Findings	Recommended Condition
Water	<ul style="list-style-type: none"><li>• The proposed modification would require some changes to the approved surface water management system to accommodate the changed warehouse building footprint.</li><li>• This includes lengthening and realigning the route of the northern dirty water swale located in the north-west corner of the site to account for the additional roof and impervious areas from the proposed warehouse extensions.</li><li>• The SEE concluded the additional impervious areas would not have an adverse impact on water quality or on runoff volumes.</li><li>• The proposed warehouse extension would also encroach on the existing spring fed dam located to the north of the site (see <b>Figure 3</b>).</li><li>• The SEE indicated the reclamation works could potentially impact water quality during construction if not managed appropriately. The Applicant has committed to mitigation measures including updating its water management plans and temporarily reducing the water level of the dam to ensure spring flows do not leave the site.</li><li>• In response to DILW concerns about shallow groundwater, the Applicant obtained additional geotechnical advice on the proposed reclamation works. This advice stated the works can be undertaken with minimal impacts to groundwater flows provided suitable granular fill with high permeability is used during construction. The Applicant has committed to adopt industry standard reclamation methodologies and materials in line with best practice to minimise impacts to groundwater.</li><li>• DILW did not raise any further issues and recommended a condition requiring any works on waterfront land be undertaken in accordance with the <i>Guidelines for Controlled Activities on Waterfront Land</i>. The Applicant has agreed to this and the Department has included this as a recommended condition.</li><li>• The Department has also recommended conditions requiring the Applicant, in consultation with DILW, to</li></ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"><li>• prepare and implement a Spring Fed Dam Reclamation Management Plan</li><li>• carry out works on waterfront land in accordance with the <i>Guidelines for Controlled Activities on Waterfront Land</i>.</li></ul>



Issue	Findings	Recommended Condition
	<p>prepare and implement a Spring Fed Dam Reclamation Management Plan which details the reclamation methodology and the mitigation measures to manage surface and groundwater impacts during the works.</p> <ul style="list-style-type: none"> <li>The Applicant's existing management plans, such as the CEMP and erosion and sediment control plan, will adequately manage residual impacts from the reclamation works and the realignment of the surface water management system.</li> <li>The Department's assessment concludes the potential impacts to surface water and groundwater would be minimal and can be adequately managed by the Applicant through existing and proposed conditions.</li> </ul>	
<b>Deletion of Condition A26</b>	<ul style="list-style-type: none"> <li>The operation of the MDF facility was initially covered under DA 27/95, which also included the operation of an existing sawmill and particleboard particle facility. At the time of the approval of DA 27/95, the facilities were owned by various parties and was collectively referred to as the OTC.</li> <li>SSD 7016 consolidated all of the Applicant's operations, including the MDF facility and a new particleboard facility, under a single development consent.</li> <li>Condition A26 of SSD 7016 requires the Applicant to modify DA 27/95 under Section 4.17(1)(b) (formerly section 80A (1)(b)) of the EP&amp;A Act to remove the land description and relevant environmental performance conditions that relate to the MDF facility, within Schedule 3 of SSD 7016.</li> <li>In its original assessment of the development, the Department considered this condition was the appropriate pathway because it would ensure the continued operation of DA 27/95 for the multiple parties that still rely upon the consent and will enable the conditions relevant to the MDF facility to be transferred to SSD 7016.</li> <li>However, the Applicant is unable to carry out the modification of DA 27/95 under Condition A26 due to inconsistencies in the land description given for the MDF facility in DA 27/95. The Applicant has now requested this condition be deleted from SSD 7016.</li> <li>The Department notes the deletion of the parcels of land from DA 27/95 is not required for the SSD consent to properly regulate the development and therefore agrees to the deletion of Condition A26 and Schedule 3 in SSD 7016.</li> </ul>	<ul style="list-style-type: none"> <li>Delete condition A26 and Schedule 3 from the consent.</li> </ul>
<b>Noise</b>	<ul style="list-style-type: none"> <li>SSD 7016 includes requirements to manage construction and operational noise impacts including noise limits and a construction and operational noise management plan (NMP).</li> <li>The SEE identified the proposed reorientation of the materials handling facility (from an east-west orientation to a north-south orientation) would potentially increase noise emissions because the change in orientation would reduce shielding for sources located directly north of the original structure.</li> <li>Under a worst-case scenario, the SEE predicted a minor (one decibel) increase for the night-time period at the closest receiver on Albion Street (R09).</li> </ul>	<ul style="list-style-type: none"> <li>No additional conditions required.</li> </ul>

Issue	Findings	Recommended Condition
	<ul style="list-style-type: none"> <li>To mitigate the predicted noise increase, the Applicant has proposed to install an acoustic barrier adjacent to the materials handling building (see <b>Figure 3</b>).</li> <li>Further modelling was undertaken with the barrier included, which demonstrated compliance with the existing noise limits for all periods at all receivers.</li> <li>The SEE also indicated that all other proposed works such as the extension of the mouldings warehouse and the new particleboard chipper/debarker enclosures are not expected to result in additional noise impacts. The extension to the northern bund would further serve to reduce noise emissions in a northerly direction due to increased shielding.</li> <li>The EPA agreed the proposed works would not result in significant noise impacts and supported the addition of the acoustic barrier.</li> <li>The additional noise impacts associated with the proposed modification are minor and can be attenuated by the Applicant's existing acoustic measures and noise management plan as well as the proposed acoustic barrier.</li> <li>The Department's assessment concludes the potential noise impacts from the proposed modification can be adequately managed by the Applicant through its statement of commitments and existing conditions. No additional conditions are required.</li> </ul>	
Traffic	<ul style="list-style-type: none"> <li>The proposed modification would result in a minor and temporary increase in the number of construction traffic movements required to bring in building materials and fill for the proposed warehouse extension.</li> <li>The Traffic Impact Assessment undertaken as part of the EIS for SSD 7016 commissioned traffic surveys at key locations surrounding the site to determine the existing traffic conditions at key intersections. All of the eight locations were given a level of service (LoS) "A" rating, signifying wait times of less than 14 seconds and adequate capacity for additional traffic.</li> <li>The SEE indicated the warehouse extension would take around six months to complete, which would include an additional 16 truck movements a day that can be readily absorbed into the existing transport network.</li> <li>The SEE indicated no additional operational traffic is expected to be generated by the modification.</li> <li>The Applicant has committed to continue implementing the existing construction and operational traffic management plans (TMP) for the site.</li> <li>Council did not raise any concerns.</li> <li>The Department's assessment concludes the proposed modification can be adequately managed through existing conditions such as the construction and operational TMPs. No additional conditions are required.</li> </ul>	<ul style="list-style-type: none"> <li>No additional conditions are required.</li> </ul>
Soil	<ul style="list-style-type: none"> <li>The proposed development would require some excavation and filling of the site, particularly in relation to the realignment of the stormwater swale and the extension of the noise bund.</li> </ul>	<ul style="list-style-type: none"> <li>No additional conditions are required.</li> </ul>

Issue	Findings	Recommended Condition
	<ul style="list-style-type: none"> <li>SSD 7016 contains a requirement for the Applicant to only bring VENM and ENM to site.</li> <li>Approximately 90,000 m<sup>3</sup> of VENM and ENM will be brought to site to raise the height of the warehouse and to construct the extended noise bund.</li> <li>The Applicant has committed to update its existing CEMP and Erosion and Sediment Control Plan to incorporate the modification.</li> <li>Council and EPA did not raise any concerns.</li> <li>The potential soil impacts can be adequately managed through the Applicant's commitments and the existing conditions of consent.</li> </ul>	



## 7. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. On balance, the Department considers the proposed modification is appropriate on the basis that the:

- proposed modification will result in minimal environmental impact beyond the approved development
- proposed design changes to the existing surface water management system will improve the quality of surface water prior to discharge off-site
- the spring fed dam reclamation works would be undertaken in accordance with industry standard reclamation methodologies and materials to ensure minimal impacts to groundwater
- alterations and additions to structures on-site including the extension of the mouldings warehouse will improve operational layout and efficiencies
- proposed deletion of Condition A26 from the consent would not affect the regulation of the development under the SSD consent.

The Department is satisfied the modification should be approved, subject to the implementation of conditions for SSD 7016 MOD 1.



## 8. Recommendation

It is recommended that the Director, Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report; and
- **determines** that the application SSD 7016 MOD 1 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **modify** the consent SSD 7016
- **signs** the attached approval of the modification (**Appendix C**)

Recommended by:

**Pamela Morales**

Senior Planning Officer  
Industry Assessments

Recommended by:

**Kane Winwood**

Team Leader  
Industry Assessments



## 9. Determination

The recommendation is: **Adopted by:**

**Chris Ritchie**

Director

Industry Assessments

20/11/18.





# Appendices

## Appendix A – List of Documents

- Statement of Environmental Effects  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9058](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9058)
- Submissions  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9058](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9058)
- Submissions Report –  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9058](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9058)

## Appendix B – Notice of Modification