

Development Consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 16 February 2015, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedules 2 and 3.

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 Development.

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney

2017

File:15/08864

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

SCHEDULE 1

Application No: SSD 7016

Applicant: Borg Construction Pty Ltd

Consent Authority: Minister for Planning

Land: 124 Lowes Mount Road, Oberon
Lot 1 DP 1085563, Lot 2 DP 1085563, Lot 31 DP 1230464
Lot 24 DP 1148073 and Lot 33 DP 1228591

Development: Construction and operation of a particle board facility and continuation of, and alterations and additions to, the existing medium density fibreboard facility

Preamble: This instrument applies to the **Development** which is comprised of the **Existing Development** and the **Project** on the land (see definitions)

For information only

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-7016-Mod-1	2018	Director	Alterations additions to the MDF and particleboard facility
SSD-7016-Mod-2	2019	Director	Installation of an electricity generating gas turbine and ancillary equipment
SSD-7016-Mod-3	2020	Director	Additional material handling equipment, extension to northern warehouse, changes to the site surface water system and construction of further hardstand
SSD-7016-Mod-4	May 2022	Team Leader	Alterations and additions including full spring fed dam reclamation works, relocation of the mechanic workshop and improvement to the site's water treatment plant

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APPENDIX C LIST OF DRAWINGS AND DOCUMENTS FOR THE EXISTING DEVELOPMENT.... Error!
Bookmark not defined.**DEFINITIONS**

Applicant	Borg Construction Pty Ltd, or any other person(s) carrying out any development to which this consent applies
CEMP	Construction Environmental Management Plan
Certifying Authority	A person who is authorised by or under section 109D of the EP&A Act to issue Part 4A certificates
Clean Air Regulation	Protection of the Environment Operations (Clean Air) Regulation 2010
Construction	The demolition of buildings or works, the carrying out of works, including earthworks, and erection of buildings and other infrastructure covered by this consent
Council	Oberon Shire Council
DA 27/95	Development Application DA 27/95 (as modified) and accompanying documents, approved on 5 October 1995 by the then Minister
Day	The period from 7:00 am to 6:00 pm on Monday to Saturday, and 8:00 am to 6:00 pm on Sundays and Public Holidays
Demolition	The removal of buildings, sheds and other structures on the site
Department	Department of Planning, Industry and Environment
Development	The Existing Development and the Project
DPI	NSW Department of Primary Industries
DILW	Department of Industry – Lands and Water
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EIS	Environmental Impact Statement titled Environmental Impact Statement Timber Processing Facility (Particle Board), prepared by The Design Partnership dated June 2016
ENM	Excavated Natural Material
EPA	NSW 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 issued by the EPA under the POEO Act
Evening	The period from 6:00 pm to 10:00 pm
Existing Development	The continuation of the existing MDF facility, located at 124 Lowes Mount Road, Oberon (Lot 26 DP 1200697), comprising the main production hall, warehouse, moulding plant, sawing plant, thin MDF plant and outdoor infrastructure, as described in the EIS and RTS, and the documents, drawings and plans in Appendix C
FRNSW	Fire and Rescue NSW
Heavy vehicle	Any vehicle with a gross vehicle mass of five tonnes or more
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage Item	An item as defined under the Heritage Act 1977, and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the National Parks and Wildlife Act 1974
Incident	A set of circumstances causing or threatening material harm to the environment, and/or an exceedance of the limits or performance criteria in this consent
Management and Mitigation Measures	The Applicant's management and mitigations measures contained in the EIS and included in Appendix B
Material harm to the environment	Harm to the environment is material if it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
MDF	Medium Density Fibreboard
Minister	Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to

	or during those impacts occurring
Modification Assessments	The document assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act: <ul style="list-style-type: none"> (a) SSD 7016 MOD 1 - Statement of Environmental Effects titled Proposed S96 Modifications to Timber Manufacturing Facility prepared by Borg Construction Pty Ltd, dated 19 January 2018 as amended by Response to Submissions titled Proposed S96 Modifications to Timber Manufacturing Facility prepared by Borg Construction Pty Ltd, dated 7 June 2018, updated drawings titled Proposed Section 96 Modification Borg Panels Timber Manufacturing Facility, Issue C, dated 30/04/2018 and letter from Borg Construction Pty Ltd in response to Department of Industry Submission dated 2 August 2018 (b) SSD-7016-MOD-2 – Statement of Environmental Effects titled Proposed S4.55 Modifications to Timber Manufacturing Facility, Rev 00 prepared by Borg Panels Pty Ltd, dated 8 August 2019 and accompanying documents (c) SSD 7016 MOD 3 – Statement of Environmental of Environmental Effects titled <i>Proposed S4.55 Modifications to Timber Manufacturing Facility Modification 3 Improved Recycling</i>, Rev 00 prepared by Borg Construction Pty Ltd, dated 31 March 2020 and accompanying documents (d) SSD-7016-Mod-4 – Statement of Environmental Effects titled ‘Proposed S4.55(1A) Modifications to Timber Manufacturing Facility Modification 4 – Improved Layout’, Rev 00, prepared by Borg Construction Pty Ltd, dated 19 October 2021 and accompanying documents and as amended by additional information provided in a letter titled ‘Borg Timber Processing Facility Expansion, Oberon-Mod-4 (SSD-7016-Mod-4) Request for additional information’ prepared by Borg Construction Pty Ltd and dated 24 February 2022.
NCC	National Construction Code
Night	The period from 10:00 pm to 7:00 am on Monday to Saturday, and 10:00 pm to 8:00 am on Sundays and Public Holidays
OEH	Office of Environment and Heritage
Operation	Operation of a particle board facility and MDF facility, as described in the EIS and RTS
PCA	Principal Certifying Authority authorised under section 109D of the EP&A Act
POEO Act	Protection of the Environment Operations Act 1997
Project	The construction and operation of a particle board facility and alterations and additions to the Existing Development, as described in the EIS and RTS, and as generally depicted on the plans in Appendix A
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 titled Response to Submissions Timber Processing Facility (Particle Board), Rev E, prepared by The Design Partnership, dated December 2016
Secretary	Planning Secretary under the EP&A Act, or nominee
Sensitive Receivers	A location where people are likely to work or reside, this may include a dwelling, school, hospital, office or public recreational area
Site	The land listed in Schedule 1
SSD 7016	The Development as described in Schedule 1, the EIS and the RTS
VENM	Virgin Excavated Natural Material as defined in the POEO Act
Waste	As defined in the POEO Act

SCHEDULE 2**PART A: ADMINISTRATIVE CONDITIONS****OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

- A1 In addition to meeting the specific performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the Development.

TERMS OF CONSENT

- A2 The Applicant, in acting on this consent, must carry out the Development in accordance with the:
- (a) State significant development application SSD 7016;
 - (b) EIS and RTS;
 - (c) development layout plans and drawings in the EIS (see **Appendix A**);
 - (d) Management and Mitigation Measures (see **Appendix B**); ~~and~~
 - (e) documents and drawings of the Existing Development (see **Appendix C**); ~~and~~
 - (f) **Modifications Assessments**.
- A3 If there is any inconsistency between the above documents, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this consent must prevail to the extent of any inconsistency.
- A4 The Applicant must comply with any written requirement(s) of the Secretary arising from the Department's assessment of:
- (a) any strategies, reports, plans or correspondence that are submitted in accordance with this consent; and
 - (b) the implementation of any actions or measures contained within these reports, plans or correspondence.

LIMITS OF CONSENT

- A5 This consent lapses five years after the date from which it operates, unless the Development has physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under section 95 of the EP&A Act.

Medium Density Fibreboard Facility

- A6 The Applicant must ensure the MDF facility does not produce more than 380,000 m³ of MDF board per calendar year.

Particle Board Facility

- A7 The Applicant must ensure the particle board facility does not produce more than 500,000 m³ of particle board per calendar year.

Note: *The particle board facility is described in the EIS and RTS and forms part of the Project.*

STAGED SUBMISSION OF PLANS OR PROGRAMS

- A8 With the approval of the Secretary, the Applicant may:
- (a) submit any strategy, plan or program required by this consent on a progressive basis; and/or
 - (b) combine any strategy, plan or program required by this consent.
- A9 If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program. A clear relationship between the strategy, plan or program that is to be combined must be demonstrated.
- A10 If components of the Project commence operation at different times, the Applicant shall consult with the Secretary regarding the timing of submission of plans, programs, strategies or systems.

Note: *This condition is imposed should the alterations and additions to the MDF facility, or the construction and operation of the particle board facility commence at different times.*

EVIDENCE OF CONSULTATION

- A11 Where consultation with any public authority is required by the conditions of this consent, the Applicant must:
- (a) consult with the relevant public authority prior to submitting the required documentation to the Secretary or the Certifying Authority for approval, where required;
 - (b) submit evidence of this consultation as part of the relevant documentation required by the conditions of this consent; and
 - (c) include the details of any outstanding issues raised by the relevant public authority and an explanation of disagreement between any public authority and the Applicant or any person acting on this development consent.

DISPUTE RESOLUTION

- A12 In the event that a dispute arises between the Applicant and Council or a public authority, in relation to an applicable requirement in this consent or relevant matter relating to the Development, either party may refer the matter to the Secretary for resolution. The Secretary's determination of any such dispute must be final and binding on the parties.

STATUTORY REQUIREMENTS

- A13 The Applicant must ensure that all licences, permits and approval/consents are obtained as required by law and maintained as required throughout the life of the Development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approval/consents.

DEMOLITION

- A14 The Applicant must ensure that all demolition associated with the Development is carried out in accordance with Australian Standard AS 2601:2001: *The Demolition of Structures*, or its latest version and the requirements of the Work Health and Safety Regulation, 2011.

STRUCTURAL ADEQUACY AND CERTIFICATION

- A15 The Applicant must ensure all new buildings and structures, and any alterations or additions to existing buildings and structures are constructed in accordance with the relevant requirements of the NCC.
- A16 Under Part 4A of the EP&A Act, the Applicant 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 Development.

UTILITIES AND SERVICES

A17 Prior to the construction of any utility works associated with the Development, the Applicant must obtain relevant approvals from service providers.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A18 Prior to the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and/or provider of services that are likely to be affected by the Project to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of this report to the Secretary and Council.
- A19 The Applicant must:
- (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 infrastructure that needs to be relocated as a result of the Project.

COMPLIANCE

A20 The Applicant must ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

DEVELOPMENT CONTRIBUTIONS

A20 Within 12 months of the commencement of operation of the particle board facility, the Applicant must pay \$15,000 per annum (adjusted for Consumer Price Index) to Council for the life of the particle board facility for the purposes set out in any contributions plan made by Council under Subdivision 3, Part 4 of the EP&A Act.

Note: This condition has been imposed under Section 94B of the EP&A Act.

OPERATION OF PLANT AND EQUIPMENT

- A21 The Applicant must ensure that all plant and equipment used for the Development is:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

EASEMENTS

- A23 The creation/modification of easements for services, rights of carriageway and restrictions as to user are applicable under section 88E of the *Conveyancing Act 1919*, including (but not limited to) the following:
- (a) drainage easements are to be placed over all subsurface drains and interallotment drainage on the site, benefiting and burdening the property owners;
 - (b) maintenance of the subsurface drains is to be included in the 88E Instrument;
 - (c) restriction as to user and positive covenant relating to the:
 - on-site detention system/s;
 - stormwater pre-treatment system/s; and
 - overland flowpath works.

A24 Prior to the issuing of a Subdivision Certificate, the Applicant must provide documentary evidence of any proposed/modified easements to the Certifying Authority or Council.

SUBDIVISION

A25 The Applicant must subdivide the site generally in accordance with the subdivision plan DA 04 Issue A titled '*Consolidation Plan*', prepared by Borg Construction, dated 19 May 2016 (See **Appendix A, Figure 3**). A copy of the Subdivision Certificate must be provided to the Secretary.

MODIFICATION OF EXISTING DEVELOPMENT CONSENT

~~A26 Within 6 months of the date of this consent, the Applicant must modify DA 27/95 as specified in Schedule 3 to this consent, in accordance with Clause 97 of the EP&A Regulation~~

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PART B: ENVIRONMENTAL PERFORMANCE AND MANAGEMENT**AIR QUALITY****Meteorological Station**

- B1 Prior to the commencement of construction, the Applicant must install and subsequently maintain during the life of the Development, a suitable meteorological station on the site that complies with the requirements in the EPA's *Approved Methods for Sampling of Air Pollutants in New South Wales*.

Dust Minimisation

- B2 The Applicant must implement all reasonable and feasible measures to minimise dust generated by the Development.
- B3 During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the Development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Air Quality Discharges

- B4 The Applicant must install and operate equipment in line with best practice to ensure that the Development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the EPL for the site.

Operational Air Quality Management Plan

- B5 Within 6 months of the date of this consent, the Applicant must prepare an Operational Air Quality Management Plan (OAQMP) for the Existing Development to manage air quality to the satisfaction of the Secretary. The OAQMP must form part of the OEMP required by Condition C4 and be prepared in accordance with Condition C9. The OAQMP must:
- (a) be prepared by a suitably qualified expert and be prepared in consultation with the EPA;
 - (b) detail and rank all emissions from all sources of the Existing Development, including particulate and formaldehyde emissions;
 - (c) describe a program that is capable of evaluating the performance of the Existing Development and determining compliance with key performance indicators;
 - (d) identify the control measures that will be implemented for each emission source;
 - (e) outline options/strategies for reducing formaldehyde emissions;
 - (f) nominate the following for each of the proposed controls:
 - (i) key performance indicator;
 - (ii) monitoring method;
 - (iii) location, frequency and duration of monitoring;
 - (iv) record keeping;
 - (v) complaints register;
 - (vi) response procedures; and
 - (vii) compliance monitoring.
- B6 Prior to commencement of operation of the Project, the Applicant must update the OAQMP as required by Condition B5 to incorporate the Project and its management to the satisfaction of the Secretary. The updated plan must be prepared in accordance with the requirements of Condition B5 and must incorporate the following:
- (a) details of emissions from all sources of the Development;
 - (b) description of the air quality monitoring to measure the performance of the Development against this consent and the EPL; and

- (c) description of any additional measures that would be implemented to ensure the Development complies with this consent and the EPL.

Odour Management

- B7 The Applicant must ensure the Development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

Cogeneration Units

- B8 The Applicant must ensure the two cogeneration units are capable of meeting Group 6 emissions standards outlined in the Clean Air Regulation.
- B9 Within 3 months of commissioning the two cogeneration units, the Applicant, in consultation with the EPA, must undertake post-commissioning air monitoring of exhaust gases from the two cogeneration units to demonstrate these comply with the Group 6 emission limits in the Clean Air Regulation.

Within 1 month of completing the study, the Applicant must submit a report outlining the findings of the study to the Secretary and the EPA.

- B10 Should the post-commissioning emissions verification study indicate the two cogeneration units have not met the requirements of condition B8, a detailed investigation and an outline of any management measures necessary to prevent exceedances must be submitted to the Secretary and the EPA, as part of the study.

Air Emissions Verification

- B11 Within 6 months of the commencement of operation of the Project, the Applicant must undertake an air emissions verification study at all air discharge points for the Development identified in the *Air Quality Impact Assessment Revised Borg Manufacturing Timber Panels Processing Facility Expansion* (AQIA), prepared by Todoroski Air Sciences, dated 16 February 2017, to the satisfaction of the Secretary. The study must:
- (a) be undertaken by a suitably qualified expert;
 - (b) include a verification of actual monitored emissions against the assumptions adopted in the AQIA;
 - (c) confirm, through direct measurements, that applicable EPL requirements are being complied with; and
 - (d) confirm, using reasonable means, the effectiveness of any emission control measures that have implemented to minimise air quality impacts.

Within 1 month of completing the study, the Applicant must submit a report outlining the findings of the study to the Secretary and the EPA.

- B12 Should the air emissions verification study indicate the Development has not complied with applicable EPL requirements, or where the verification indicates that greater impacts than predicted in the EIS may arise, a detailed investigation and an outline of any management measures necessary to prevent exceedances must be submitted to the Secretary and the EPA, as part of the study.

NOISE**Hours of Work**

B13 The Applicant must comply with the hours detailed in **Table 1**, unless otherwise agreed in writing by the Secretary.

Table 1: Hours of Work

Activity	Day	Time
Earthworks and Construction	Monday – Friday Saturday	7 am to 7 pm 8 am to 1 pm
Operation	Monday – Sunday	24 hours

B14 Works outside of the hours identified in Condition B13 may be undertaken in the following circumstances:

- works that are inaudible at the nearest sensitive receivers;
- works agreed to in writing by the Secretary;
- for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
- where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.

Construction Noise Management Plan

B15 The Applicant must prepare a Construction Noise Management Plan (CNMP) for the Project to manage construction noise. The plan must form part of the CEMP required by Condition C1 and must:

- be prepared by a suitably qualified and experienced noise expert;
- be approved by the Secretary prior to the commencement of construction of the Project;
- describe procedures for achieving the noise limits in **Table 2**;
- describe the measures to be implemented to manage noisy works such as rock/concrete breaking activities, in close proximity to sensitive receivers;
- include strategies that have been developed with the community for managing noisy works;
- describe the community consultation undertaken to develop the strategies in e) above; and
- include a complaints management system that would be implemented for the duration of the Project.

Operational Noise Limits

B16 The Applicant must ensure that noise generated by the Development does not exceed the noise limits in **Table 2**.

Table 2: Noise Limits dB(A)

Location	Day L _{Aeq} (15 minute)	Evening L _{Aeq} (15 minute)	Night L _{Aeq} (15 minute)
All sensitive receivers	55	50	45

Note: Noise generated by the Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

Noise Mitigation

B17 The Applicant must ensure all noise attenuation measures already installed for the Existing Development are maintained in good working order for the life of the Development.

Operational Noise Management Plan

- B18 Within 6 months of the date of this consent, the Applicant must prepare an Operational Noise Management Plan (ONMP) for the Existing Development, to manage operational noise to the satisfaction of the Secretary. The ONMP must form part of the OEMP required by Condition C4 and be prepared in accordance with Condition C9. The ONMP must:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe the measures that will be implemented to minimise noise from the Existing Development including:
 - (i) all reasonable and feasible measures being employed on site;
 - (ii) maintain equipment to ensure it is in good order;
 - (iii) traffic noise is effectively managed;
 - (iv) the noise impacts of the Existing Development are minimised during any meteorological conditions when the noise criteria in this consent do not apply;
 - (v) compliance with the relevant conditions of this consent;
 - (c) includes a noise monitoring program that:
 - (i) must be carried out until otherwise agreed to in writing by the Secretary;
 - (ii) is capable of evaluating the performance of the Existing Development; and
 - (iii) includes a protocol for determining exceedances of the relevant conditions of this consent and responding to complaints; and
 - (d) include a procedure for implementing noise mitigation measures, should the Applicant be directed by the EPA or the Secretary, or should non-compliances be detected.
- B19 Prior to the commencement of operation of the Project, the Applicant must update the ONMP required under Condition B18, to incorporate the Project and its management, to the satisfaction of the Secretary. The updated plan must be prepared in accordance with the requirements of Condition B18, and must incorporate the following:
- (a) description of the noise monitoring program to measure the performance of the Development against this consent and the EPL; ~~and~~
 - (b) description of any additional measures that would be implemented for the Development to ensure compliance with the noise limits in Condition B16 and the EPL; ~~and~~
 - (c) ~~details of the noise attenuation measures for the gas turbine and ancillary equipment associated with the particleboard material handling area; and~~
 - (d) ~~details of the noise attenuations measures for the materials handling equipment approved for installation and operation under SSD 7016 MOD 3.~~

Noise Verification

- B20 Within 3 months of commencement of operation of the Project, the Applicant must undertake a noise verification study for the Development to the satisfaction of the Secretary. The study must:
- (a) be undertaken by a suitably qualified expert;
 - (b) include an analysis of compliance with noise limits specified in Condition B16;
 - (c) demonstrate achievement of the sound power levels in Table 12 of the *Borg Panels Timber Panel Processing Facility Noise and Vibration Impact Assessment*, dated May 2016 and prepared by Global Acoustics;
 - (d) include an outline of management actions to be taken to address any exceedances of the limits specified in Condition B16; and
 - (e) describe the contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

Within 1 month of completing the study, the Applicant must submit a report outlining the findings of the study to the Secretary and the EPA.

- B20A Within three months of the commissioning of the gas turbines and ancillary equipment, the Applicant must undertake a noise verification study for the Department to the satisfaction of the Secretary. The study must:
- (a) be undertaken by a suitably qualified expert; and

- (b) include an analysis of compliance with noise limits specified in Condition B16;
- (c) include an outline of management actions to be taken to address any exceedances of the limits specified in Condition B16; and
- (d) describe the contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

B20B Within three months of commissioning the materials handling equipment approved for installation and operation under SSE 7016 MOD 3, the Applicant must undertake a Noise Verification Study for the Department to the satisfaction of the Secretary. The Study must:

- (a) be undertaken by a suitably qualified expert;
- (b) include an analysis of compliance with noise limits specified in Condition B16;
- (c) include an outline of management actions to be taken to address any exceedances of the limits specified in Condition B16; and
- (d) describe the contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

B21 Should the noise verification study indicate the Development has not complied with the noise limits in Condition B16 and applicable EPL requirements, or where the verification indicates that greater impacts than predicted in the EIS may arise, a detailed investigation and an outline of any management measures necessary to prevent exceedances must be submitted to the Secretary and the EPA, as part of the study.

Mobile Wood Chippers

B22 During construction, the Applicant must ensure that mobile wood chippers are not operating simultaneously with rock/concrete breaking activities.

B23 The use of mobile wood chippers on site is restricted to the day time period only and to periods of breakdown or maintenance of the permanent wood debarkers and electric chippers, and must not operate under the following conditions:

- (a) in the open when winds are from the north-west through to the north-east (315°, through 0°, to 45°); or
- (b) when winds are from the west through to the east (270°, through 0°, to 90°), two or more mobile wood chippers are not to operate simultaneously.

B24 Within 6 months of the date of this consent or prior to the commencement of construction of the Project, whichever occurs first, the Applicant must prepare a Mobile Wood Chipper Operation Management Plan for the Development. The plan must outline how the requirements under Conditions B22 and Condition B23 will be achieved and must include any reasonable and feasible mitigation measures to limit operation to periods of breakdown or maintenance of the permanent debarkers and electric chippers.

Cogeneration Units

B25 The Applicant must ensure the two cogeneration units are acoustically treated as described in the *Gas Fired Co-Generators Noise Impact Assessment* (NIA) prepared by Vipac Engineers and Scientists, dated 2 July 2015.

B26 Within 3 months of commissioning the two cogeneration units, the Applicant, in consultation with the EPA, must undertake post-commissioning noise monitoring of the cogeneration units to demonstrate the operation of the cogeneration units do not exceed the noise criteria at sensitive receivers as described in Section 7.0 of *Gas Fire Co-generators Noise Impact Assessment* prepared by Vipac Engineers and Scientists, dated 2 July 2015.

Within 1 month of completing the study, the Applicant must submit a report outlining the findings of the study to the Secretary and the EPA.

B27 Should the post-commissioning emissions verification study indicate the two cogeneration units have not demonstrated compliance with the NIA, a detailed investigation and an outline of any

management measures necessary to prevent exceedances must be submitted to the Secretary and the EPA, as part of the study.

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

- B28 The Applicant must:
- (a) ensure that only VENM, or ENM, or other material approved in writing by the EPA is used as fill on the site;
 - (a) keep accurate records of the volume and type of fill to be used; and
 - (b) make these records available to the Secretary upon request.

Erosion and Sediment Control

- B29 Prior to the commencement of construction, the Applicant must install and maintain 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* and the Erosion and Sediment Control Plan included in the CEMP required by Condition C1.

Water Licences

- B30 The Applicant is required to obtain the necessary water licences for the Development under the *Water Act 1912* and/or the *Water Management Act 2000*.

Note: Licences are required for groundwater bores, excavations that may intercept groundwater, dewatering activities and extraction or interception of surface water.

Works on Waterfront Land

- B30A** The Applicant must ensure any works within waterfront land is undertaken in accordance with the *Guidelines for Controlled Activities on Waterfront Land* (NRAR, 2018).

Discharge Limits

- B31 The Development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Surface Water Management Plan

- B32 Within 6 months of the date of this consent, the Applicant must prepare a Surface Water Management Plan (SWMP) for the Existing Development, that incorporates the *Oberon Stormwater Management Strategy*, Rev G, prepared by Parsons Brinckerhoff, dated March 2012, to the satisfaction of the Secretary. The SWMP must form part of the OEMP required by Condition C4 and be prepared in accordance with Condition C9. The SWMP must:
- (a) be prepared in consultation with the EPA and **DPI DILW**;
 - (b) detail water use, metering, disposal and management on-site;
 - (c) detail the water licence requirements for the Existing Development;
 - (d) describe the surface water management system on-site,
 - (e) include a program to monitor:
 - (i) surface water flows and quality;
 - (ii) surface water storage and use; and
 - (iii) sediment basin operation;
 - (f) include a sediment and erosion control plan;
 - (g) include surface water impact assessment criteria, including trigger levels for investigating and potential adverse surface water impacts; and
 - (h) include a protocol for the investigation and mitigation of identified exceedances of the surface water impact assessment criteria.

- B33 Prior to commencement of operation of the Project, the Applicant must update the SWMP required under Condition B32 to incorporate the Project and its management to the satisfaction of the Secretary. The updated plan must be prepared in accordance with the requirements of Condition B32, and must incorporate the following:
- details of the proposed mitigation measures outlined in Section 6.0 of *Proposed Particle Board Facility Water Cycle Impact Assessment*, prepared by the Sustainability Workshop and dated May 2016, in particular, the final design specifications of the additional stormwater treatment and storage pond and emergency spill basin;
 - details of the stormwater harvesting and reuse scheme; and
 - outline the surface water monitoring program to measure the performance of the Development against this consent and the EPL; and
 - description of the groundwater extraction methods from the infilled Spring Fed Dam and maintenance procedures for infrastructure associated with groundwater collection and storage.

Spring Fed Dam Reclamation Management Plan

B33A. The Applicant must prepare a Spring Fed Dam Reclamation Management Plan for the Project. The plan must form part of the CEMP as required by Condition C1 and be prepared in accordance with Condition C9 and must:

- be prepared in consultation with DILW;
- include details of the reclamation materials and reclamation methodology for the spring fed dam reclamation works;
- detail the management measures to mitigate water quality impacts during the spring fed dam reclamation works; and
- incorporate the recommendations outlined in Appendix A of Borg Construction Pty Ltd's Letter to Department of Industry, dated 2 August 2018 as described in Modification Assessments.

B33B. Prior to commencement of the construction works associated with SSD-7016-Mod-4, the Applicant must update the Spring Fed Dam Reclamation Management Plan required under Condition B33A, to incorporate the dam reclamation works described under SSD 7016-Mod-4 and its management, to the satisfaction of the Secretary. The updated plan must be prepared in accordance with the requirements of Condition B33A, and must incorporate the following:

- details of the additional infrastructure that would be installed to facilitate permanent groundwater collection and storage of groundwater inflows from the Spring Fed Dam; and
- details of the measures and procedures to be implemented, including quality testing procedures, to ensure backfill material used for the reclamation works does not contaminate groundwater.

TRAFFIC AND ACCESS

Construction Traffic Management Plan

B34 The Applicant must prepare a Construction Traffic Management Plan (CTMP) for the Project. The CTMP must form part of the CEMP as required by Condition C1 and be prepared in accordance with Condition C9. The CTMP must:

- be prepared by a suitably qualified and experienced person(s);
- be submitted to the Secretary for approval prior to the commencement of construction;
- detail the measures that would be implemented to ensure road safety and network efficiency during earthworks and construction;
- detail heavy vehicle routes, access and parking arrangements;
- include a Driver Code of Conduct to:
 - minimise the impacts of construction on the local and regional road network;
 - minimise conflicts with other road users;
 - minimise road traffic noise; and
 - ensure truck drivers use specified routes;

- (f) include a program to monitor the effectiveness of these measures; and
- (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

Parking

B35 The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the Development does not utilise public and residential streets or public parking facilities.

Operating Conditions

- B36 The Applicant must ensure:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the Development are constructed and maintained in accordance with the latest version of AS 2890.1 and AS 2890.2;
 - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
 - (c) the Development does not result in any vehicles queuing on the public road network;
 - (d) heavy vehicles and bins associated with the Development are not parked on local roads or footpaths in the vicinity of the site;
 - (e) all vehicles are wholly contained on site before being required to stop;
 - (f) all loading and unloading of materials is carried out on-site;
 - (g) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times; and
 - (h) it has prepared and implemented a Driver Code of Conduct to:
 - (i) minimise the impacts of the Development on the local and regional road network;
 - (ii) minimise conflicts with other road users; and
 - (iii) ensure truck drivers use the Oberon town bypass roads.

HAZARDS AND RISK

- B37 The Applicant must continue to implement the following existing plans and systems for the site until such time as the plans and systems under Condition B39 are submitted to the Secretary:
- (a) Emergency Plan titled *Emergency Response Plan, SMS 22401, REV 0*, prepared by Borg Construction; and
 - (b) Safety Management System titled *Safety Management system, WHSMS Part A & B*, prepared by Borg Construction and dated May 2016.

[B37A The Applicant must implement all recommendations \(1 – 3 inclusive\) of the *Preliminary Hazard Analysis of the Natural Gas Pipeline and Turbine at Borg Timber Panel Manufacturing Facility in Oberon NSW*, prepared by Planager and dated 5 August 2019.](#)

Pre-construction

B38 The Applicant must prepare the studies set out under subsections B38(a) to B38(d) (the pre-construction studies). Construction (not including earthworks) must not commence until the recommendations of the study have been considered and, where appropriate, acted upon. The Applicant must submit the studies to the Secretary no later than one month prior to the commencement of construction of the Project, or within such further period as the Secretary may agree.

(a) FIRE SAFETY STUDY

The site's Fire Safety Study must be updated to include any changes due to the Project. This study must cover the relevant aspects of the Department's *Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines'* and the NSW Government's *'Best Practice Guidelines for Contaminated Water Retention and Treatment Systems'*. The study must meet the requirements of FRNSW.

- (b) **HAZARD AND OPERABILITY STUDY**
A Hazard and Operability Study for the Project, chaired by a qualified person, independent of the Development. The study must be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'*.
- (c) **FINAL HAZARD ANALYSIS**
A Final Hazard Analysis of the Project, consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'*.
- (d) **CONSTRUCTION SAFETY STUDY**
A Construction Safety Study for the Development, consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 7, 'Construction Safety'*. This study must also identify and address the potential hazards arises from the interactions with the existing facility during construction.

B38A Prior to the commencement of works associated with SSD-7016-Mod-2, or within such further period as the Planning Secretary may agree, the Fire Safety Study described in Condition B38(a) are to be updated in the same manner as they were prepared to incorporate the works associated with SSD-7016-Mod-2.

Pre-commissioning

- B39 Prior to commissioning of the Project, the Applicant must update and implement the plans and systems set out under subsections B39(a) to B39(b). The Applicant must submit to the Secretary documentation describing the plans and systems no later than two months prior to the commencement of commissioning of the Project, or within such further period as the Secretary may agree.
- (a) **EMERGENCY PLAN**
The site's Emergency Plan and detailed emergency procedures as required under Condition B37(a), must be updated to incorporate any changes due to the Project. The plan must include detailed procedures for the safety of all people outside of the Development who may be at risk from the Development. The plan must be in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Industry Emergency Planning Guidelines'*.
 - (b) **SAFETY MANAGEMENT SYSTEM**
The site's Safety Management System as required under B37(b), must be updated to include any changes due to the Project. The document must clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records must be kept on-site and must be available for inspection by the Secretary upon request. The Safety Management System must be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*.

B39A Prior to commissioning the works associated with SSD-7016-Mod-2, or within such further period as the Planning Secretary may agree, the pre-commissioning studies described in condition B39(a) to (b) inclusive, are to be updated in the same manner as they were prepared to incorporate the works associated with SSD-7016-Mod-2.

Pre-startup

- B40 **PRE-STARTUP COMPLIANCE REPORT**
One month prior to the commencement of operation of the Project, the Applicant must submit to the Secretary, a report detailing compliance with conditions B38 and B39, including:
- (a) dates of study/plan/system completion, commencement of construction and commissioning; and
 - (b) actions taken or proposed, to implement recommendations made in the studies/plans/systems; and

(c) responses to each requirement imposed by the Secretary under condition B43.

Post-startup

B41 POST-STARTUP COMPLIANCE REPORT

Three months after the commencement of operation of the Project, the Applicant must submit to the Secretary, a report verifying that:

- (a) the Emergency Plan required under condition B39(a) is effectively in place and that at least one emergency exercise has been conducted; and
the Safety Management System required under condition B39(b) has been fully implemented and that records required by the system are being kept.

Ongoing

B42 HAZARD AUDIT

Twelve months after the commencement of operation of the Project and every five years thereafter, or at such intervals as the Secretary may agree, the Applicant must carry out a comprehensive Hazard Audit of the site and within one month of each audit submit a report to the Secretary.

The audits must be carried out at the Applicant's expense by an independent qualified person or team to be approved by the Secretary, independent of the Development, prior to commencement of each audit and must be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'*.

B43 FURTHER REQUIREMENTS

The Applicant must comply with all reasonable requirements of the Secretary in respect of the implementation of any measures arising from the reports submitted in respect of conditions B38 to B42 inclusive, within such time as the Secretary may agree.

Dangerous Goods

B44 The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

Bunding

B45 The Applicant must 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 the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook*.

WASTE MANAGEMENT

B46 Waste must be secured and maintained within designated waste storage areas at all times.

B47 The Applicant must assess and classify all liquid and non-liquid wastes to be taken off-site in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste*, November 2014, or its latest version and dispose of all wastes to a facility that may lawfully accept the waste.

B48 Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal unless the EPA has permitted the use of a particular wood waste (or wastes) at the site by conditions on the EPL for the site.

B49 Within 6 months of the date of this consent, the Applicant must provide documentary evidence of a Trade Waste Agreement with Council for the Development and must include and shall not be limited to:

- (a) covering quantities, quality, timing of the release of wastes to the sewerage system;

- (b) contingency plans in the event of the effluent treatment facilities; and
- (c) monetary for breaches of the standards.

Construction Waste Management

- B50 Prior to the commencement of construction of the Project, the Applicant must prepare a Construction and Demolition Waste Management Plan for the Project to the satisfaction of the Secretary. The plan must form part of the CEMP required by Condition C1 and must:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
 - (b) be implemented for the duration of construction works.

Waste Management Plan

- B51 Within 6 months of the date of this consent, the Applicant must prepare a Waste Management Plan (WMP) for the Existing Development to the satisfaction of the Secretary. The WMP must form part of the OEMP required by Condition C4 and be prepared in accordance with Condition C9. The WMP must:
- (a) detail the type and quantity of waste generated by the Existing Development;
 - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the POEO Act, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
 - (c) detail the materials that are being reused or recycled, either on or off site; and
 - (d) include the Management and Mitigation Measures included in **Appendix B**.
- B52 Prior to commencement of operation of the Project, the Applicant must update the WMP required under Condition B51 to incorporate the Project and its management to the satisfaction of the Secretary. The updated plan must be prepared in accordance with the requirements of Condition B51, and must incorporate the following:
- (a) details of the materials to be reused and recycled for the Project; and
 - (b) details of the procedures for managing, handling and accepting materials to be reused or recycled on-site for the Project.

CONTAMINATION

- B53 Prior to the commencement of construction of the Project, the Applicant must prepare a site validation report for Lot 1 DP 1085563, which demonstrates the site is suitable for its intended uses(s). A copy of the site validation report must be provided to the Secretary and Council.

HERITAGE

Unexpected Finds Protocol

- B54 If Aboriginal objects are uncovered during earthworks, excavation or disturbance, work in the immediate area must stop and the Regional Operations Group of the OEH and the Registered Aboriginal Parties are to be consulted.
- B55 If any archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area and the OEH NSW Heritage Division contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *Heritage Act 1977* may be required before further works can continue in that area.

VISUAL AMENITY

Landscaping

- B56 The Applicant must ensure landscaping is carried out in accordance with the Landscape Plan DA 07 Issue A titled '*Landscape Plan*' prepared by Borg Construction, dated 19 May 2016.

Lighting

- B57 The Applicant must ensure the lighting associated with the Development:
- (a) complies with the latest version of *AS 4282 (INT) - Control of Obtrusive Effects of Outdoor Lighting*; and
 - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

COMMUNITY ENGAGEMENT

- B58 The Applicant must consult with the community as required under Conditions C1 and C4 for the Development, including consultation with the nearby sensitive receivers, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.

For information only

PART C: ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING**CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

- C1 The Applicant must prepare a Construction Environmental Management Plan (CEMP) to the satisfaction of the Secretary. The CEMP must:
- (a) be approved by the Secretary prior to the commencement of construction;
 - (a) identify the statutory approvals that apply to the Project;
 - (b) outline all environmental management practices and procedures to be followed during construction works associated with the Project;
 - (c) describe all activities to be undertaken on the site during construction of the Project, including a clear indication of construction stages;
 - (d) detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
 - (e) describe the roles and responsibilities for all relevant employees involved in construction works associated with the Project; and
 - (f) include the management plans required under Condition C2 of this consent.
- C2 As part of the CEMP required under Condition C1 of this consent, the Applicant must include the following:
- (a) Traffic Management (Condition B34);
 - (b) Dust Management (Condition B3);
 - (c) Noise Management (Condition B15);
 - (d) Mobile Wood Chipper Operation Management (Condition B24);
 - (e) Erosion and Sediment Management (Condition B29);
 - (f) Waste Management (Condition B50); ~~and~~
 - (g) Community Consultation and Complaints Handling (Conditions B58); ~~and~~
 - (h) **Spring Fed Dam Reclamation Management Plan (Condition B33A).**
- C3 The Applicant must carry out the construction of the Project in accordance with the CEMP approved by the Secretary (and as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C4 Within 6 months of the date of this consent, the Applicant must prepare an Operational Environmental Management Plan (OEMP) for the Existing Development to the satisfaction of the Secretary. The OEMP must:
- (a) be submitted to the Secretary for approval;
 - (b) be prepared by a suitably qualified and experienced expert;
 - (c) provide the strategic framework for environmental management of the Existing Development;
 - (d) identify the statutory approvals that apply to the Existing Development;
 - (e) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Existing Development;
 - (f) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the Existing Development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance;
 - (v) respond to emergencies; and
 - (g) include the following environmental management plans addressing:
 - (i) Air Quality (Condition B5);
 - (ii) Noise (Condition B18);
 - (iii) Mobile Wood Chipper Operation (Condition B24);
 - (iv) Surface Water (Condition B32); and
 - (v) Waste (Condition B51).

- C5 The Applicant must operate the Existing Development in accordance with the OEMP approved by the Secretary (and as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.
- C6 Prior to commencement of operation of the Project, the Applicant must update the OEMP required under Condition C4 to incorporate the Project and its management to the satisfaction of the Secretary. The updated plan must be prepared in accordance with the requirements of Condition C4, and must incorporate the following:
- (a) procedures, roles and responsibilities of key personnel involved in the environmental management of the Development;
 - (b) community consultation requirements for the Development; and
 - (c) updates to the environmental management sub-plans listed under Condition C4(g).
- C7 The Applicant must not commence operation of the Project until the updated OEMP as required by Condition C6 is approved by the Secretary.
- C8 The Applicant must implement the most recent version of the OEMP approved by the Secretary for the duration of the Development's operation.

MANAGEMENT PLAN REQUIREMENTS

- C9 The Applicant must ensure that the environmental management plans required under Condition C4 of this consent are prepared by a suitably qualified person or persons in accordance with best practice and include:
- (a) detailed baseline data;
 - (b) a description of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures/criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the Development or any management measures;
 - (c) a description of the management measures that would be implemented to comply with the relevant statutory requirements, limits or performance measures/criteria;
 - (d) a program to monitor and report on the:
 - (i) impacts and environmental performance of the Development; and
 - (ii) effectiveness of any management measures (see (c) above);
 - (e) a contingency plan to manage any unpredicted impacts and their consequences;
 - (f) a program to investigate and implement ways to improve the environmental performance of the Development over time;
 - (g) a protocol for managing and reporting any:
 - (i) incidents;
 - (ii) complaints;
 - (iii) non-compliances with statutory requirements; and
 - (iv) exceedances of the impact assessment criteria and/or performance criteria; and
 - (h) a protocol for periodic review of the plan.

Note: These requirements also apply to the preparation or updates of management plans for the Existing Development and the Project.

Revision of Strategies, Plans and Programs

- C10 Within three months of an:
- (a) approval of a modification;
 - (b) submission of an incident report under Condition C13;
 - (c) approval of an Annual Review under Condition C11; or
 - (d) completion of an audit under Condition C15.

the Applicant must review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.

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.*

ANNUAL REVIEW

- C11 By 31 July 2017, and each year thereafter, unless otherwise agreed by the Secretary, the Applicant must review and submit a report to the Secretary detailing the environmental performance of the Development to the satisfaction of the Secretary. This review must:
- (a) describe the development that was carried out during the reporting period, and the development that is proposed to be carried out over the next reporting period;
 - (b) include a comprehensive review of the monitoring results and complaints records of the Development over the previous reporting period, which includes a comparison of these results against the:
 - (i) the relevant statutory requirements, limits or performance measures/criteria;
 - (ii) requirements of any plan or program required under this consent;
 - (iii) the monitoring results of previous years; and
 - (iv) the relevant predictions in the EIS;
 - (c) identify any non-compliance during the reporting period, 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 Development;
 - (e) identify any discrepancies between the predicted and actual impacts of the Development, and analyse the potential cause of any significant discrepancies; and
 - (f) describe what measures will be implemented over the next reporting period to improve the environmental performance of the Development.

REPORTING

Incident Reporting

- C12 The Applicant must notify the Secretary 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 Development immediately after the Applicant becomes aware of the incident.
- C13 Within seven days of the date of this incident, the Proponent must provide the Secretary and any relevant agencies with a detailed report on the incident.

Regular Reporting

- C14 The Applicant must provide regular reporting on the environmental performance of the Development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.

AUDITING

Independent Environmental Audit

- C15 Within 12 months of the date of this consent and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the Development. This audit must:
- (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
 - (b) include consultation with the relevant agencies;

- (c) assess the environmental performance of the Development and assess whether it is complying with the requirements in this consent, and any other relevant approvals, relevant EPL(s) (including any assessment, plan or program required under these approvals);
- (d) review the adequacy of any approved strategy, plan or program required under the abovementioned consents; and
- (e) recommend measures or actions to improve the environmental performance of the Development, and/or any strategy, plan or program required under these consents.

Note: *This audit team must be led by a suitably qualified auditor, and include relevant experts in any other fields specified by the Secretary.*

- C16 Within 3 months of commissioning the audit required under Condition C15, or as otherwise agreed by the Secretary, the Applicant must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

COMPLAINTS HANDLING

- C17 The Applicant must provide a dedicated community complaints telephone number and email address for the Development, to be operated 24 hours a day, 7 days a week. The details of these services are to be made available on the main website of the Development and placed on any public communications commissioned by the Applicant in relation to the Development.

ACCESS TO INFORMATION

- C18 The Applicant must:
- (a) make copies of the following publicly available on its website:
 - (i) the documents referred to in Condition A2;
 - (ii) all current statutory approvals for the Development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) a comprehensive summary of the monitoring results of the Development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (v) a complaints register updated on a monthly basis;
 - (vi) the annual reviews of the Development;
 - (vii) any independent environmental audit of the Development and the Applicant's response to the recommendations in any audit;
 - (viii) any other matter required by the Secretary; and
 - (ix) keep this information up to date, to the satisfaction of the Secretary.

SCHEDULE 3

CONDITIONS OF DEVELOPMENT CONSENT DA 27/95 TO BE MODIFIED AS SPECIFIED BELOW

In Schedule 1 of DA 27/95:

1. ~~After the fourth use of the words "Albion Street" delete the following words "Lot 2, DP 785979, Lowes Mount Road; Part Lot 20, DP 661955, off Horace Street;"~~

In Schedule 2 of DA 27/95:

2. ~~Delete Condition 35A.~~
3. ~~Delete Condition 35B.~~
4. ~~Delete Condition 35C.~~
5. ~~Delete Condition 37B.~~
6. ~~Delete Condition 37C.~~

For information only

**APPENDIX A
DEVELOPMENT LAYOUT PLANS**

For information only

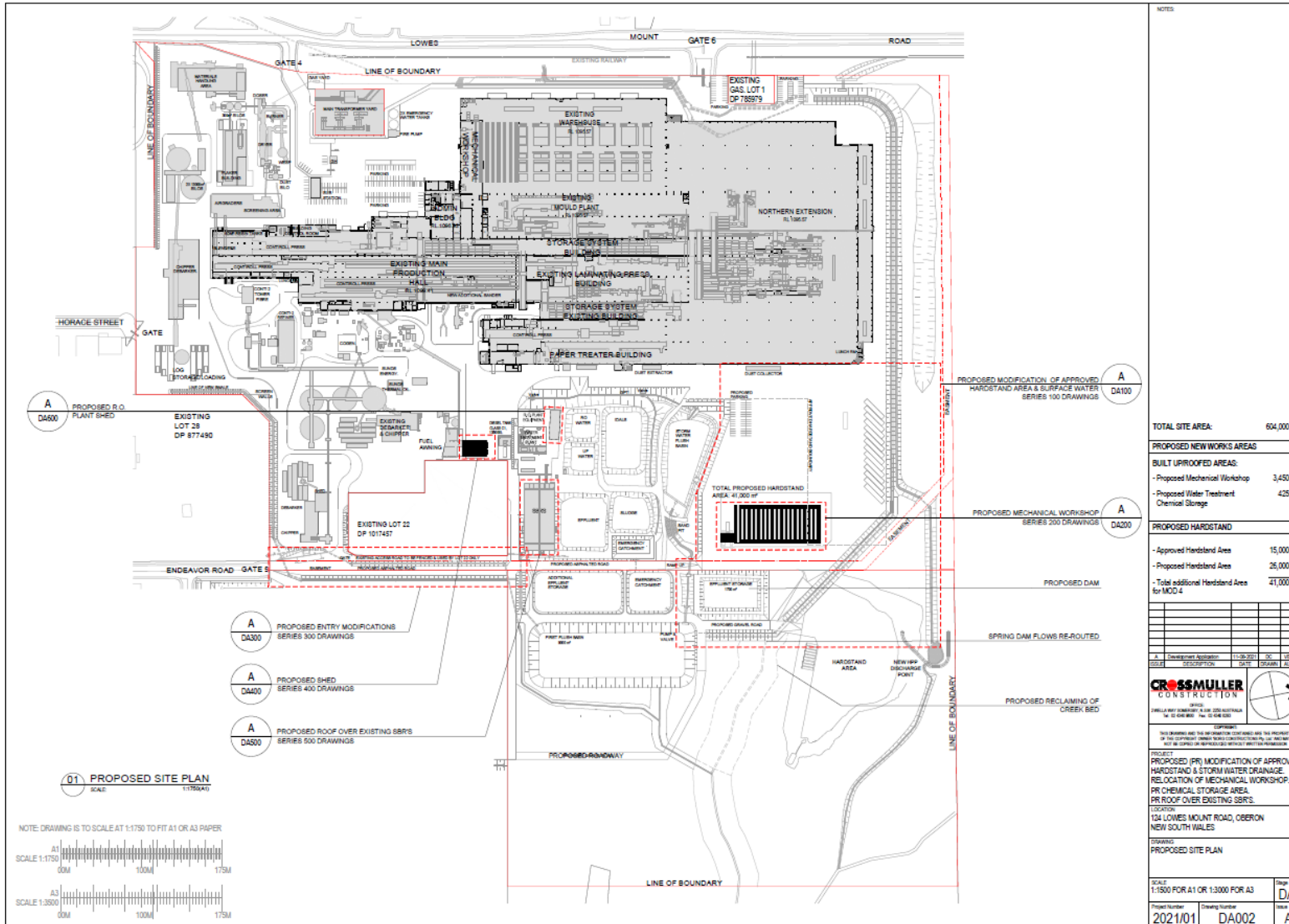


Figure 1: Site Plan

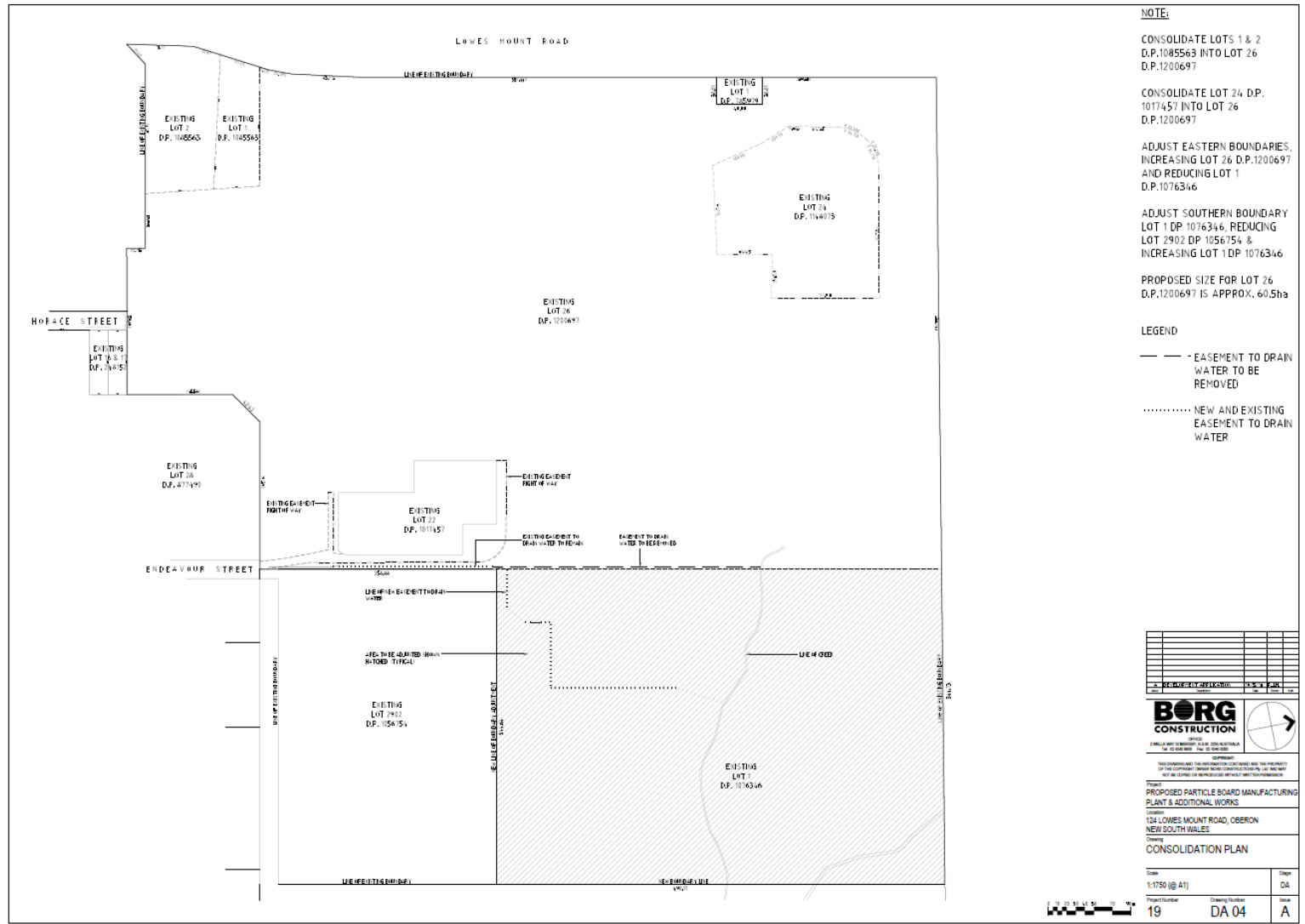


Figure 3: Lot Consolidation Plan

