

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

Comment of Previous Development Consent Conditions under the provisions of the Environmental Planning & Assessment Act initially approved for the proposed development on October 5, 1995 and subject to the following amendments:

Modifications to Consent

As modified by DA 27/95 – M1, approved 3 May 2001

As modified by MOD-83-10-2002-i, approved 27 February 2003

As modified by MOD-27-2-2005-i, approved May 2005

As modified by MOD 4, approved May 2008

In respect of land being:

Lot 1, DP 503975, Albion Street; lot 9, DP 204131, Albion Street; Lot 1, 411788, Lowes Mount Road; Lot 2, DP 411788, Cnr Albion Street and Lowes Mount Road; Lot 3 (Vol 8469 Fol 167), Albion Street; Lot 2, DP 785979, Lowes Mount Road; Part Lot 20, DP 661955, off Horace Street; Lot 1, DP 384289, Lowes Mount Road; Lot 1, DP 15528, Lowes Mount Road; Lot 1, DP 616190, Lowes Mount Road; Lot 11, DP 501034, Lowes Mount Road; Lot 12, DP 501034, Lowes Mount Road; Lot 1, DP 634357, Lowes Mount Road; Lot 2, DP 634657, Lowes Mount Road. Oberon

For the following development:

The development of lands owned by CSR and subsidiaries: to expand and upgrade the existing medium density fibre board (MDF) plant; to construct a new sawmill with planer and dryer; and to develop a tannin extraction plant (Radtan) to make resins for the particle board plant. It will also involve transporting an additional 380,000 tonnes pa of radiata pine logs into the facilities at Oberon from surrounding State forests by road. Additional raw materials will also be transported into each site by road to make the MDF. Finished products, sawn timber, and laminated MDF and door skins will also be moved out by trucks to local and interstate markets and to port facilities for export. CSR hope to move export product on to rail, if a commercially viable option can be negotiated. This will allow CSR to increase the total wood product produced at Oberon from 159,000 tonnes to 403,000 tonnes pa. The plant will operate 24 hours per day.

Development Application:

The Development Application No. DA 27/95 lodged with the Department of Urban Affairs and Planning on 24 July, 1995 accompanied by the environmental impact statement (EIS) entitled "Oberon Timber Facilities Expansion", July 1995, prepared by ERM Mitchell McCotter Pty Ltd.

CONSENT CONDITIONS	COMMENT
<p>1. The applicant shall carry out the development generally in accordance with:</p> <p>(a) Development Application No. 27/95, as amended by modification application DA 27/95 – M1, MOD-83-10-2002-i, MOD-27-2-2005-I and MOD 4, and the accompanying Environmental Impact Statement (EIS), titled <i>Oberon Timber Facilities Expansion</i>, prepared by ERM Mitchell McCotter, dated 24 July 1995;</p> <p>(b) drawings numbered CSR4401/100/A/1000; CSR4401/100/A/1001; CSR4401/100/A/1002; CSR4401/100/A/1003; CSR4401/100/A/1004; CSR4401/100/A/1005; CSR4401/100/A/1006; CSR4401/100/A/1007; CSR4401/100/A/1008; CSR4401/100/A/1009; CSR4401/100/A/1010; CSR4401/100/A/1011; CSR4401/100/A/1012; CSR4401/100/A/1013; CSR4401/100/A/1014; CSR4401/280/A/1060A; CSR4401/280/A/1050; CSR4401/280/A/1051; CSR4401/280/A/1052; CSR4401/280/A/1053; CSR4401/280/A/1054; CSR4401/280/A/1056; CSR4401/280/A/1057; CSR4401/280/A/1058; CSR4401/280/A/1059; CSR4401/100/C/0000; CSR4401/100/C/0030A; CSR4401/100/C/0031A; CSR4401/100/C/0032A; CSR4401/100/C/0033A; CSR4401/100/C/0034A; CSR4401/100/C/0035A; CSR4401/100/C/0036A; CSR4401/100/C/0037A; CSR4401/100/C/0038A; CSR4401/100/C/0100; CSR4401/100/C/0390; CSR4401/100/C/0391; CSR4401/OBF95715A; CSR4401/200/C/1042C; CSR4401/OBF95725; CSR4401/OBF95726; and CSR4401/OBF95728 as amended by:</p> <p>(c) supplementary information, provided by ERM Mitchell McCotter, dated 12 September 1995;</p> <p>(d) supplementary drawings numbered CSR4401/1000395A; CSR4401/100/0396A; and CSR4401/280/0395;</p> <p>(e) supplementary information submitted by Jeld-Wen Fibre of Australia, dated 16 March 2001;</p> <p>(f) supplementary drawings numbered JW01/SP01A and JW01/SP02A, submitted by Jeld-Wen Fibre of Australia, dated 28 March 2001;</p> <p>(g) supplementary information submitted by Jeld-Wen Fibre of Australia, dated 20 April 2001;</p> <p>(h) supplementary drawings numbered JW01/SPO3A and JW01/SP04A, submitted by Jeld-Wen Fibre of Australia, dated 20 April 2001;</p> <p>(i) supplementary information submitted by Brightwater Engineers Ltd, titled <i>CHH Oberon Bio-Fuel Proposal – Boiler Fuel System Upgrade and Expansion</i>, dated 9 July 2002;</p> <p>(j) supplementary information submitted by Brightwater Engineers Ltd, titled <i>CHH Oberon – Development Consent</i>, dated 9 September 2002;</p> <p>(k) Supplementary information submitted by Brightwater Engineers Ltd, titled <i>CHH Oberon – Development Consent</i>, dated 16 October 2002;</p> <p>(l) supplementary information submitted by Brightwater Engineers Ltd, titled <i>Carter Holt Harvey – Oberon NSW Calc 0162 Fuel Storage Bin Fire Protection</i>, prepared by CGL Fire Technologies and dated 16 October 2002;</p> <p>(m) supplementary information submitted by Brightwater Engineers Ltd, titled <i>CHH Oberon</i>, dated 2 December 2002; and</p> <p>(n) supplementary drawing, numbered A177-00/10005, submitted by Brightwater Engineers Ltd, dated 28 February 2002 information</p>	<p>The list of approved plans and specifications is noted.</p>

<p>submitted by Brightwater Engineers Ltd, titled <i>CHH Oberon – Development Consent</i>, dated 9 September 2002;</p> <p>(o) application to modify a development consent submitted by Debra Watson (Environmental Manager, Oberon Timber Complex) and dated 17 January 2005 and accompanying Statement of Environmental Effects titled – <i>JELD-WEN Coatings – Coatings Manufacturing Process Modification</i>, dated 2004;</p> <p>(p) supplementary information submitted by Debra Watson (Environmental Manager, Oberon Timber Complex) dated 21 March 2005 titled <i>JELD-WEN chemical list update</i> and 30 March 2005 titled <i>JELD-WEN Paint Manufacturing Ingredients</i>;</p> <p>(q) application to modify a development consent submitted on 2 April 2008 and accompanying Statement of Environmental Effects, titled <i>Proposed Paint Coating Line at Carter Holt Harvey Oberon Mouldings Operation</i>, prepared by Carter Holt Harvey, dated April 2008.</p> <p>In the event of an inconsistency between a condition of this consent and the documents listed under a) to q) above, the conditions of consent shall prevail to the extent of the inconsistency.</p>	
<p>2. The applicant shall, within one year enter into an agreement with The Oberon Council to consolidate all existing development consents relating to its particle board plant, the medium density fibre board plant, the use of the Black Bullock Road site (Lot 2, DP 789833) as a waste disposal site, and the use of Boyds property (Portion 91, Parish of Oberon) for burning timber waste.</p>	<p>As part of the proposed development, Borgs propose to consolidate the allotments which are the subject of the current application. This will bring all of the Borgs holdings into one allotment, assisting with the future management of the site and operations.</p>
<p>3. Compliance with the requirements, if any, of the NSW Fire Brigades in respect to the upgrading of infrastructure, equipment and appliances to serve the development both during the construction period and after the commencement of operations.</p>	<p>Copies of the 2009 'Fire Safety Schedule' is attached for both the MDF and Jeldwen sites (see Enclosure 1).</p> <p>The 2011 Fire Safety Statements are currently being prepared.</p>
<p>4. The applicant or operator shall, within twelve months of the granting of development consent, submit to the Council a plan for the consolidation of all lots on each development site.</p>	<p>As part of the proposed development, Borgs propose to consolidate the allotments which are the subject of the current application. This will bring all of the Borgs holdings into one allotment, assisting with the future management of the site and operations.</p>
<p>5. The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or by causing interference to television or radio reception or otherwise.</p>	<p>Issues relating to noise, vibration, dust etc are managed under the existing licenses (See comments on condition no. 7) and through the site environmental officer.</p> <p>The proposed development aims to assist in reducing impacts as a result of noise, dust and air quality by enclosing some of the site uses which are currently undertaken outside of existing building or which necessitate transport of materials between buildings.</p>

<p>6. Unsightly matter is not to be exposed to view from any adjacent premises, or from any public place, to the satisfaction of the Council.</p>	<p>Part of the proposed development involves the erection of a new warehouse/storage building at the front of the site. This area is currently used for a range of activities including storage of excess produce, vehicles and materials. The proposed development will improve the aesthetic relationship with the road reserve.</p>
<p>7. An application for approval, pursuant to Section 17A of the <i>Pollution Control Act</i> is to be made to the Environmental Protection Authority for a licence under the <i>Clean Air Act</i>, <i>Clean Waters Act</i> and <i>Noise Control Act</i>, as applicable.</p>	<p>The <i>Pollution Control Act</i> 1970, <i>Clean Air Act</i> 1961, <i>Clean Waters Act</i> 1970, <i>Noise Control Act</i> 1975 and <i>Environmental Offences and Penalties Act</i> 1989 were all repealed upon the gazetting of the <i>Protection of the Environment Operations Act</i> 1997. The relevant Acts and Regulations are:</p> <ul style="list-style-type: none"> • <i>Protection of the Environment Administration Act</i> 1991 • <i>Protection of the Environment Operations Act</i> 1997 • <i>Protection of the Environment Administration Regulation</i> 2007 • <i>Protection of the Environment Operations (General) Regulation</i> 2009 • <i>Protection of the Environment Operations (Clean Air) Regulation</i> 2010 • <i>Protection of the Environment Operations (Waste) Regulation</i> 2005 • <i>Protection of the Environment Operations (Noise Control) Regulation</i> 2008 • <i>Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation</i> 2008 <p>MDF, Woodchem and Jeldwen each have an Environmental Protection License issued pursuant to Section 55 of the <i>Protection of the Environment Operations Act</i> 1997:</p> <ul style="list-style-type: none"> • EPL 3035 covers MDF • EPL 11172 covers "Jeldwen" • EPL 11308 covers Woodchem <p>Further details of amendment history and compliance issues are available on the Office of Environment and Heritage website (www.environment.nsw.gov.au).</p>
<p>8. The applicant or operator shall, within one (1) month from the date of consent, develop a programme to install directional lighting to reduce fugitive light emissions from both sites.</p>	<p>Lighting on the subject land has been designed to prevent, to the maximum extent possible, the escape of fugitive light into the night sky.</p>
<p>DESIGN AND CONSTRUCTION</p>	
<p>9. Liquid fuel and chemical storage areas shall be constructed and banded in accordance with the requirement of the <i>Dangerous Goods Act, 1975</i>.</p>	<p>The operator has advised that all storage of chemicals on the site is undertaken in accordance with appropriate standards, including approved containers and bunding where necessary.</p> <p>A chemical 'Substance Register' is maintained for all new chemical proposed to be used on the site and Materials Safety Data Sheets are maintained for all chemicals used on site.</p>

10. Effluent treatment facilities shall be constructed to allow the applicant or operator to meet any requirements of a Trade Waste Agreement with the Council.	Effluent treatment and disposal from the site is undertaken in accordance with the relevant Trade Waste Agreements.
11. The first flush basins and detention basins shall be constructed and lined with suitable material, to minimise leakage and seepage to the satisfaction of the LaWC.	The existing basins located on the subject site (which form part of the water management plan for the area) appear to be well lined. Further details are included within the Wastewater Management Plan to be submitted with the current application. Part of the proposed development involves the re-orientation and cleaning of the sediment ponds on the subject land.
12. A detailed works programme outlining the construction programme, timing, and staged commencement of new operations is to be submitted to the Council prior to building approval.	It is understood that this would have been undertaken as part of any Building Approvals process at the time of construction of various buildings/facilities.
13. Measures shall be implemented and monitored to minimise dust generation and soil erosion during construction to the satisfaction (of) the Department of Land and Water Conservation in conjunction with the Council (SEE SOIL & WATER MANAGEMENT).	Applies to construction periods only.
14. All structures shall be erected generally in accordance with the DA drawings submitted with the application and the EIS. They shall be constructed in suitably coloured, non-reflective materials to the reasonable requirements of the Council.	From all indications, it appears that the buildings have been constructed in accordance with previous development consents. Materials used are non-reflective and suited to the locality. The proposed development will utilise materials similar to the existing colour/materials used on site.
15. The applicant or operator is required in the building application to make provision for emergency vehicle access generally in accordance with the substance and intent of clauses C2.3 and C2.4 of the Building Code of Australia. The applicant shall comply with any reasonable requirements relating to emergency egress for employees, provision of hydrants and any other reasonable requests relating to fire safety issues made by the NSW Fire Brigade.	<p>The existing building/s complied with the requirements of the BCA at the time of construction.</p> <p>As part of the proposed development, any new components will meet BCA requirements.</p>

<p>16. During construction phase the applicant or operator shall:</p> <ul style="list-style-type: none"> (a) provide hot line data on public enquiries and/or complaints to the Council fortnightly; (b) provide for a special Soil and Water Management Plan for the equipment and materials storage area, including bunding for fuel and hazardous materials; and (c) provide for a Fire Safety Management Plan during the construction phase, including a Materials Storage Plan to ensure a minimum of six (6) metres unrestricted access to the existing production facility is maintained. <p>(16A). The Proponent shall ensure that any new buildings and structures on the site are constructed in accordance with the relevant requirements of the BCA.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> • <i>Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for any building works.</i> • <i>Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.</i> 	<p>Applicable during previous construction phases.</p>
<p>TRANSPORT</p>	
<p>17. The applicant or operator shall ensure that within the Oberon Village Zone, heavy vehicle access to the plants covered by this DA is restricted to Carrington Avenue and North Street, and then only between the hours of 6.00am and 10.00pm on any day of the week.</p>	<p>Noted.</p>
<p>18. Except as provided by condition 17, all heavy vehicle access to the plant shall be via town bypass roads, when available.</p>	<p>Noted</p>
<p>19. When agreement has been reached on the construction of the western extension of the Albion Street By-pass, the applicant shall, if requested by the Director, pay an amount towards the costs of construction.</p>	<p>Noted</p>
<p>20. The applicant shall pay the Council an amount of \$700,000 for the upgrading of local roads and the construction of access to the development under Section 90 of the <i>Environmental Planning and Assessment Act, 1979</i>.</p>	<p>Noted</p>
<p>21. All internal roads, other trafficable and hard stand areas are to be constructed to provide a suitable hard surface to minimise dust levels and provide all weather access.</p>	<p>Noted. The proposed development aims to improve the current hard stand and parking arrangements so as to minimise dust from on-site activities.</p>
<p>22. During the construction phase a formal letter of agreement between the Council and the applicant is to be provided for restoration works in acts of damage caused by construction activities to Council's roads.</p>	<p>Noted.</p>

<p>23. The applicant or operator shall maximise the use of rail for transport of goods once the Tarana to Oberon branch line is re-opened and provides a competitive cost and service relative to other forms of transport.</p> <p>If the applicant or operator decides not to use rail transport it shall commission an independent audit of the economies of transport options to be provided to the Department of Urban Affairs and Planning.</p>	Noted
TRADE WASTE	
<p>24. The applicant or operator shall enter a Trade Waste Agreement with the Council twenty one (21) days before the commencement of operations. The agreement shall include but not be limited to covering quantities, quality, timing of the release of wastes to the sewerage system, contingency plans in the event of breakdown of the effluent treatment facilities and monetary penalties for breaches of the standards.</p> <p>The Trade Waste Agreement shall be prepared in liaison with the Department of Land and Water Conservation and the Environment Protection Authority.</p>	Noted.
<p>25. All hazardous, liquid and/or solid, industrial waste is only to be disposed of off site at a waste disposal licensed by the EPA or with the written agreement of the EPA and the Council.</p>	Noted.
STORMWATER MANAGEMENT	
<p>26. A Stormwater Management Plan, generally in accordance with DA Drawing Nos. CSR4401/100/0395 Rev A; CSR4401/100/0396 Rev A; CSR4401/280/0395 shall be prepared in liaison with the Department of Land and Water Conservation and implemented from the commencement of site works covered under this DA. The Plan should address the following issues, but not be limited to:</p> <ul style="list-style-type: none"> (a) the installation and cleaning of pollutant traps and sedimentation basins; (b) monitoring of stormwater quality leaving the site; and (c) appropriate systems and procedures for the detecting of pollutants prior to them becoming environmental issues. 	<p>The current stormwater system has operated successfully in the past. Part of the current application is for works which will improve the quality of stormwater discharge from the site.</p> <p>See the new Stormwater Management Strategy which forms part of this application for further details.</p>
<p>27. Any stormwater drainage system traversing or crossing a public road shall be enclosed within a sealed piped system and subject to any required lease agreement as required under the Roads Act.</p>	Noted.

SECTION 94AA CONTRIBUTIONS	
<p>28. The applicant or operator shall contribute \$295,800 for community facilities which shall include the provision of mobile phone services, the upgrading of the tennis courts, indoor sports facility, the upgrading of Oberon swimming pool (inclusive of design costs) and television facilities.</p> <p>(28A) The applicant shall, prior to the issue of a Construction Certificate for the proposed modification to the Doorskin factory building (DA 27/95 M1), contribute \$3,125 to Oberon Council for Section 94 contributions, as prescribed by Council's Annual Fees and Charges Schedule.</p> <p>(28B) The Applicant shall, prior to the commencement of any construction work associated with the proposed modification to the bio-fuel handling system (MOD-83-10-2002-i), contribute \$1,840.00 to Oberon Council for Section 94 contributions, as prescribed by Council's Annual Fees and Charges Schedule.</p>	<p>This condition relates to the construction of the original site complex and subsequent amendments to that initial approval. These works have previously been completed.</p>
CONTRIBUTIONS FOR WATER/SEWER	
<p>The applicant shall pay to the Council a sum of \$110,000 for upgrading of the water supply system as required under the <i>Water Supply Authorities Act, 1987</i>.</p>	<p>This condition relates to the construction of the original site complex and subsequent amendments to that initial approval. These works have previously been completed.</p>
NOISE CONTROL	
<p>29. The applicant shall implement appropriate design measures to meet the EPA criteria for noise control.</p>	<p>MDF, Woodchem and Jeldwen each have an Environmental Protection License issued pursuant to Section 55 of the <i>Protection of the Environment Operations Act 1997</i>:</p> <ul style="list-style-type: none"> • EPL 3035 covers MDF • EPL 11172 covers "Jeldwen" • EPL 11308 covers Woodchem <p>Further details of amendment history and compliance issues are available on the Office of Environment and Heritage website (www.environment.nsw.gov.au).</p>
<p>30. An acoustic compliance design report by a practising consultant in acoustics, accepted by the EPA, is to be submitted to the Council with the building application detailing:</p> <p>(a) the existing background noise level L90 dB(A) and the predicted noise levels at:</p> <p>(i) the nearest likely affected residence;</p> <p>(ii) the closest residential premises in Herborn Street;</p> <p>(iii) the Oberon High School at the closest external wall;</p> <p>(iv) the closest residence in Tasman Street;</p> <p>(v) the closest rural residence west of the factory premises;</p> <p>(vi) the closest rural residence north of the factory premises; and</p> <p>(vii) the closest rural residence east of the factory premises; and</p> <p>(b) the method of attenuating all noise generating equipment that is over background noise levels which shall be in accordance with the</p>	<p>This condition relates to the construction of the original site complex and subsequent amendments to that initial approval. These works have previously been completed.</p>

requirements of the Environment Protection Authority Noise Control Manual.																																													
<div>31. The planned noise level for each of the aforementioned seven (7) sites shall meet the following standards.</div> <div><table><tr><th>Location</th><th>Noise level</th><th>Time period</th></tr><tr><td rowspan="5">Residential areas within Oberon</td><td>45 dB(A)</td><td>7:00am to</td></tr><tr><td>40 dB(A)</td><td>7:00pm</td></tr><tr><td rowspan="3">35 dB(A)</td><td>7:00pm to</td></tr><tr><td>10:00pm</td></tr><tr><td>10:00pm to</td></tr><tr><td></td><td></td><td>7:00am</td></tr></table><table><tr><th>Location</th><th>Noise level</th><th>Time period</th></tr><tr><td rowspan="5">Residential areas adjacent to industrial areas or main roads</td><td>50 dB(A)</td><td>7:00am to</td></tr><tr><td>45 dB(A)</td><td>7:00pm</td></tr><tr><td rowspan="3">40 dB(A)</td><td>7:00pm to</td></tr><tr><td>10:00pm</td></tr><tr><td>10:00pm to</td></tr><tr><td></td><td></td><td>7:00am</td></tr></table><table><tr><th>Location</th><th>Noise level</th><th>Time period</th></tr><tr><td rowspan="5">Dwellings within the industrial area</td><td>55 dB(A)</td><td>7:00am to</td></tr><tr><td>50 dB(A)</td><td>7:00pm</td></tr><tr><td rowspan="3">45 dB(A)</td><td>7:00pm to</td></tr><tr><td>10:00pm</td></tr><tr><td>10:00pm to</td></tr><tr><td></td><td></td><td>7:00am</td></tr></table><div><p>The above criteria shall be met at the closest external wall of any of the buildings nominated. Noise emanating from the factory premises is not to be significantly tonal or impulsive in nature.</p><p>Where the above criteria cannot be achieved, acoustic treatment shall be provided for the affected residence(s) (including the High School) which is acceptable to residents, to ensure that internal noise levels do not exceed 10 dB(A) below the relevant external noise level criterion.</p><p>For the purposes of this clause, the land considered to be industrial is shown on the plan in Map 1.</p></div></div> <div>Noted.</div>	Location	Noise level	Time period	Residential areas within Oberon	45 dB(A)	7:00am to	40 dB(A)	7:00pm	35 dB(A)	7:00pm to	10:00pm	10:00pm to			7:00am	Location	Noise level	Time period	Residential areas adjacent to industrial areas or main roads	50 dB(A)	7:00am to	45 dB(A)	7:00pm	40 dB(A)	7:00pm to	10:00pm	10:00pm to			7:00am	Location	Noise level	Time period	Dwellings within the industrial area	55 dB(A)	7:00am to	50 dB(A)	7:00pm	45 dB(A)	7:00pm to	10:00pm	10:00pm to			7:00am
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<div>32. During the construction period the L10 noise level due to construction activities shall not exceed the L90 background noise level by more than 5 dB(A).</div> <div><p>Where construction activity noises are audible at residential premises, construction shall be limited to the following times:</p><div><div>Monday to Friday</div><div>7:00am to 7:00pm</div><div>Saturday</div><div>8:00am to 1:00pm</div><div>No construction on Sundays and Public Holidays</div></div></div> <div>Noted</div>																																													

<p>33. An acoustic compliance report, prepared by a practising consultant in acoustics, accepted by the Environment Protection Authority, is to be submitted to The Oberon Council and Environment Protection Authority every month during the construction period. This report is to address and comment on all circumstances where noise emanating from the premises exceeds the noise criteria in condition 32. The report shall outline remedial measures taken.</p> <p>When all construction work is completed, the acoustic compliance report shall be presented to Council and the Environment Protection Authority as part of the first Environmental Management Report. This is to enable the developer to quickly identify noise problems and address them appropriately with competent professional advice and allow the Council and the EPA to effectively monitor noise pollution/emissions from the premises.</p>	<p>Noted. Applied during and immediately following the initial construction period.</p>
<p>34. The applicant or operator shall agree, within one (1) month from the date of consent, to a plan to monitor noise in a manner and at sites agreed by the EPA, in liaison with the Council, and operate them for three years.</p> <p>The applicant or the operator shall provide the results of this noise monitoring every six (6) months to the EPA and the Council or upon request from the EPA.</p>	<p>This condition relates to the construction of the original site complex and subsequent amendments to that initial approval. These works have previously been completed.</p>
<p>AIR QUALITY</p>	
<p>35. The applicant or operator is to liaise with the EPA to develop a pollution reduction programme for the existing timber processing facilities.</p> <p>Agreement to the pollution reduction programme shall be in place prior to operation approved under this consent being commenced.</p>	<p>This condition relates to the construction of the original site complex and subsequent amendments to that initial approval. These works have previously been completed.</p>
<p>36. The development shall be managed so as to minimise dust and other airborne materials and other air emissions, including odours, to people occupying or using adjoining premises. Measure shall be implemented to minimise the impact of emissions beyond the boundaries of the site as deemed necessary in the review of the annual Environmental Management Reports required by condition 49.</p>	<p>Part of the currently proposed development involves the incorporation of new buildings and covered areas so as to ensure that dust and air quality impacts are kept to a minimum.</p>
<p>SOIL AND WATER MANAGEMENT PLAN</p>	
<p>37. The applicant or operator is required to liaise with the Department of Land and Water Conservation in the preparation of a soil and water management plan. This plan is to be of a standard satisfactory to the Department of Land and Water Conservation, in consultation with the Council.</p>	<p>This condition relates to the construction of the original site complex and subsequent amendments to that initial approval. These works have previously been completed.</p>

38. The applicant or operator is to liaise with the Department of Land and Water Conservation and the Council during the implementation of the soil and water management plan. Inspections are to be arranged, on-site to inspect control devices at the following stages: <ul style="list-style-type: none"> • pre-factory construction • during construction • post construction 	This condition relates to the construction of the original site complex and subsequent amendments to that initial approval. These works have previously been completed.
39. All control works are to be of standard of construction acceptable to the Department of Land and Water Conservation.	Noted.
40. The applicant or operator is to install a minimum of two piezometers to allow monitoring of ground water quality and quantity down stream of the water reservoir and water treatment ponds in liaison with the Department of Land and Water Conservation.	Noted.
LANDSCAPING	
41. The applicant shall submit to the Council a landscape plan with the building application. This plan shall be properly drawn and labelled and show detailed proposals for the following: <ul style="list-style-type: none"> (a) landscaping of the four (4) metre high noise wall; (b) the maturity of the stock to be planted; and (c) an adequate automatic watering system, to the reasonable satisfaction of the Council. 	This condition relates to the construction of the original site complex and subsequent amendments to that initial approval. These works have previously been completed.
42. Landscaping (including installation of an adequate watering system) is to be carried out and maintained in accordance with the approved landscape plan, to the reasonable satisfaction of the Council.	Noted.
43. All landscaping areas are to be separated from adjoining driveways, manoeuvring areas and parking areas, by a square kerb approximately 150 mm in height, or alternative methods of construction, fences or other devices, to the reasonable satisfaction of the Council.	Noted.

PROPERTY ACQUISITION

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| <p>44. The applicant shall:</p> <p>(a) within three (3) years from the date of the consent:</p> <ul style="list-style-type: none">▪ purchase Karingal Flats if requested, in writing, by the owner;▪ pay not less than market value having regard to the existing use of the land prior to the date of development consent;▪ pay reasonable compensation of the cost of disturbance and relocation; and▪ if no agreement can be reached in regard to a request for purchase, pay reasonable costs, if any of the claimant in respect of expenses for legal advice and representation and expert witnesses in determining the value of the property and the terms of purchase; <p>(b) where agreement as to the acquisition details cannot be reached, between the applicant and the owner of Karingal Flats, within six months of the request to purchase, agree that either party may seek to have the matter arbitrated;</p> <p>(c) where the applicant's offer to purchase has not been accepted within six months of the date of the offer, cease to have an obligation under this clause.</p> | <p>This condition relates to the construction of the original site complex and subsequent amendments to that initial approval. These works have previously been completed.</p> |
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HAZARDS

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| <p>(45A) Prior to the commencement of any construction work associated with the construction of the dry fuel storage bunker, the Applicant shall prepare and submit for the approval of the Director-General the studies set out under a) to b) below. Construction shall not commence until approval has been given by the Director-General and, with respect to the Fire Safety Study, approval has also been given by the Commissioner of the NSW Fire Brigades.</p> <p>(a) A Fire Safety Study, covering all aspects detailed in the Department's Hazardous Industry Planning Advisory Paper No. 2 - Fire Safety Study Guidelines and the New South Wales Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems. The Fire Safety Study shall also be submitted to the NSW Fire Brigades for approval.</p> <p>(b) A Hazard and Operability Study, chaired by an independent, qualified person, approved by the Director-General prior to the commencement of the Study. The Study shall be carried out in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 8 - HAZOP Guidelines.</p> | <p>This condition relates to the construction of the original site complex and subsequent amendments to that initial approval. These works have previously been completed.</p> |
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<p>(45B) The Applicant shall update the existing site Fire Safety Study to include the relevant aspects of the modification and submit the updated study to the Director-General and the NSW Fire Brigades (or the Rural Fire Services if applicable) for approval. Construction other than preliminary works shall not commence until approval is given by the Director-General and the NSW Fire Brigades. In particular, the updated study should:</p> <ul style="list-style-type: none"> (a) review the presence of solvent vapours and dust in the plant areas (given the use of the coating materials and processes) and assign a hazardous area classification in accordance with AS 2430 <i>Classification of Hazardous Areas</i>. An outline of the safety requirements to comply with the hazardous area classification and risk minimisation measures such as use of appropriately rated electrical equipment and static bonding should be included [refer section 8 of Read-i-Cote Primer Material Safety Data Sheet (MSDS)]; (b) detail the changes to be made to the fire fighting system and the contaminated fire fighting water retention system; (c) demonstrate that the recommendations made in the MSDS for the materials to be used on site will be implemented; and (d) demonstrate that the ventilation system is capable of maintaining the 10% of the lower explosion limit (LEL) recommended in the MSDS for Read-i-Cote Primer. 	<p>This condition relates to the construction of the original site complex and subsequent amendments to that initial approval. These works have previously been completed.</p> <p>An updated Fire Engineering Report will be submitted to the NSW Fire & Rescue Service for approval.</p>
<p>ENVIRONMENTAL MANAGEMENT PLAN</p>	
<p>45. The applicant or operator shall prepare an Environmental Management Plan (EMP) to show how the MDF plants, particleboard plant, sawmill & planer, Redtan plant and associated facilities, will, once in operation, achieve the environmental performance of the Environmental Protection Authority and the Council. The EMP shall be submitted to the EPA for its approval in conjunction with the Council, the Department of Land and Water Conservation and the Department of Urban Affairs and Planning, at least 21 days before the new operations commence.</p>	<p>This condition relates to the construction of the original site complex and subsequent amendments to that initial approval. These works have previously been completed.</p>
<p>46. The applicant or operator shall employ an appropriately qualified, full time environmental officer, within three (3) months of the date of consent, to be responsible for ensuring all environmental safeguards proposed for the development and as required by this consent and other statutory approvals are enforced and monitored. These responsibilities shall also include not be limited to the preparation of and monitoring of the implementation of the EMP and EMR.</p>	<p>Borg Panels employ a full time 'Environment Officer'</p>

<p>47. The EMP is to cover, but not be limited to:</p> <ul style="list-style-type: none"> ▪ liquid and solid waste management ▪ metrological data ▪ odour emission control ▪ noise level control ▪ dust control ▪ soil and water management (including the stormwater system) ▪ complaints register ▪ ground water quality and quantity ▪ surface water quality ▪ the “essential service” (as defined by the Building Code of Australia) audit report and an emergency service plan audit report ▪ any changes proposed as a result of the monitoring programme <p>Analysis shall be carried out to “Standard Methods” by a N.A.T.A registered laboratory.</p>	<p>This condition relates to the construction of the original site complex and subsequent amendments to that initial approval. These works have previously been completed.</p>
<p>48. The applicant or operator shall prepare an Environmental Management Report (EMR) based on the results monitoring required in the EMP. The EMP shall be submitted to the EPA for its approval in conjunction with the Council, LaWC, and DUAP at the end of each twelve month period from the commencement of construction. The EMR shall:</p> <ul style="list-style-type: none"> ▪ present the results of the monitoring programme; ▪ compare the results of the monitoring programme with base line data and offer interpretation of results; ▪ outline any proposed changes to the EMP based on the results of monitoring; ▪ list any complaints received regarding the development and outline measures taken to address them. 	<p>This condition relates to the construction of the original site complex and subsequent amendments to that initial approval. These works have previously been completed.</p>
<p>49. Provide a complaints hotline 1 800 number to contact the applicant or operator for complaints and public enquiry immediately upon commencement of construction phase.</p> <p>The hotline is to be monitored every working day and all calls lodged, with details and action taken and a summary including in the annual Environmental Management Report.</p>	<p>There is a direct hotline for public enquiries and complaints. The hotline number is 1800 802 795.</p> <p>There were no community complaints lodged during the last completed EPL annual reporting year (01 May 2010 to 30 April 2011).</p> <p>There has been no community complaint lodged during the current EPL annual reporting year (since 01 May 2011).</p>
<p>50. Every five (5) years the applicant or operator shall have an independent audit of the environmental management reports by an independent person or organisation approved by the DUAP in consultation with the Council and submit it to the DUAP, EPA, LaWC and the Council.</p> <p>The report will be paid for by the applicant or operator.</p>	<p>Noted.</p>
<p>DISPUTES</p>	
<p>51. In the case of disputes in the implementation of the conditions of this consent the matter shall be referred to the Director-General for resolution.</p>	<p>Noted.</p>

ANNUAL PERFORMANCE REPORTING

52. The Applicant shall, throughout the life of the development, prepare and submit for the approval of the Director-General of the Department, an Annual Environmental Management Report (AEMR). The AEMR shall review the performance of the development against the conditions of this consent and other licences and approvals relating to the development. The AEMR shall include, but not necessarily be limited to:

- (a) details of compliance with the conditions of this consent;
- (b) a comparison of the environmental impacts and performance of the development against the environmental impacts and performance predicted in those documents listed under condition 1 of this consent;
- (c) details of any complaints received in relation to the operation, an overview of how these complaints were handled, and the results of any actions taken by the Applicant to address the complaint;
- (d) results of all environmental monitoring required under this consent and other approvals, including interpretations and discussion by a suitably qualified person; and
- (e) a list of all occasions in the preceding twelve-month period when environmental performance goals for the development have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident.

The Applicant shall submit a copy of the AEMR to the Director-General of the Department, EPA and Oberon Shire Council every year.

The Director-General may require the Applicant to address certain matters in relation to the environmental performance of the development, in response to review of the Annual Environmental Report and any comments received from Oberon Shire Council. Any action required to be undertaken shall be completed within such period as the Director-General of the Department may agree.

The last completed AEMR was prepared by CHH and covered the entire Oberon Timber Complex. This report was issued in March 2010 and covered the 2009 calendar year.

No AEMR was prepared for Borg Panels for the 2010 calendar year.

An electronic copy of the 2009 AEMR is included as Enclosure 7.