

# Modification of Minister's Approval

## Section 75W 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 modification of the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.



**Daniel Keary**  
**A/ Executive Director**  
**Infrastructure and Industry Assessments**

Sydney 25<sup>th</sup> SEPTEMBER 2015

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### **SCHEDULE 1**

**Approval:** MP 05\_0120 granted by the then Minister for Planning on 20 July 2007

**For the following:** Construction of a new paper mill at Orora's Matraville Plant (Project) B9

**On land comprising:** 1891 Botany Road, Matraville

**Modification:** MP 05\_0120 Mod 5:

- Demolition of the B7 building;
- Amendment to the subdivision plan; and
- Relocation of an existing site access from McCauley Street 30m south.

**Proponent:** Orora Pty Ltd

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## SCHEDULE 2

The project approval is modified by:

1. in Schedule 1, replacing all the Abbreviations and Interpretation terms in the Definitions table as follows:

BCA	Building Code of Australia
Construction	Excavation and building works
Council	Randwick City Council
Day	The period from 7am – 6pm Monday to Saturday, and 8am – 6pm Sunday and Public Holidays
Demolition	Knocking down, removal and/or relocation of existing buildings and infrastructure
Department	Department of Planning and Environment
EA	<i>New Botany Paper Mill Project B9 Environmental Assessment Report</i> , SKM, December 2006
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPL	Environment Protection Licence for the Project under the <i>Protection of the Environment Operations Act 1997</i>
Evening	The period from 6pm – 10pm Monday to Saturday
Minister	Minister for Planning
MP 05_0120 Mod 5	Modification request 05_0120 Mod 5 with supporting documents titled Modification Report – Demolition of B7 and Minor Subdivision, dated November 2014, prepared by Jacobs Group (Australia) Pty Ltd and Submission Report – Modification #5, dated 29 May 2015, prepared by Jacobs Group (Australia) Pty Ltd
Night	The period from 10pm – 7am Monday to Saturday, and 10pm – 8am Sunday
NOW	NSW Office of Water
OEH	Office of Environment and Heritage
Project	Construction of a new paper mill at Orora's Matraville plant (Project B9)
Secretary	Secretary of the Department, or delegate
Submissions Report	<i>New Botany Paper Mill Project B9, Response to Submissions from the Exhibition of the Environmental Assessment</i> , SKM, 8 April 2007
Proponent	Orora Pty Ltd
Site	Land to which application applies
Statement of Commitments	The Proponent's Revised Statement of Commitments contained in <i>New Botany Paper Mill Project B9, Response to Submissions from the Exhibition of the Environmental Assessment</i> , SKM, 8 April 2007.

2. in Schedules 2 and 3, replacing all references to "Director-General" with "Secretary".
3. in Schedule 2, deleting the last word "and" in Condition 2 e) and deleting Condition 2 f) and replacing with the following:
  - f) Modification request 05\_0120 Mod 3 with supporting documents titled New Paper Mill Modification Report #3 – Completion of McCauley Street and Botany Road / McCauley Street Intersection, dated 12 October 2012, and prepared by Sinclair Knight Merz Pty Ltd;

- g) Modification request 05\_0120 Mod 4 with supporting documents titled New Paper Mill Modification Report #4 – Completion of McCauley Street and Botany Road / McCauley Street Intersection and use of B-Doubles on McCauley Street, dated January 2013, and prepared by Sinclair Knight Merz Pty Ltd;
  - h) Modification request 05\_0120 Mod 5 with supporting documents titled Modification Report – Demolition of B7 and Minor Subdivision, dated November 2014, prepared by Jacobs Group (Australia) Pty Ltd and Submission Report – Modification #5, dated 29 May 2015, prepared by Jacobs Group (Australia) Pty Ltd and statement of commitments for MP 05\_0120 Mod 5 contained in Appendix B; and
  - i) conditions of this approval.
4. in Schedule 3, after Condition 9, insert new Condition 9A as follows:
- 9A. The Proponent shall prepare a Surface Water Management Plan for the works associated with MP 05\_0120 Mod 5. The Plan shall:
- a) be prepared in consultation with NOW and submitted to and approved by the Secretary prior to the commencement of demolition of the B7 Building; and
  - b) outline the measures to minimise water entering the demolition area and outline the capture and treatment of any runoff from the demolition area.
5. in Schedule 3, after Condition 10A, insert new Condition 10B as follows:
- 10B. Within three months of completing the demolition of the B7 Building, unless otherwise agreed to by the Secretary, the Proponent shall prepare a detailed Stage 2 Noise Barrier Design Plan. The Plan shall:
- a) be prepared in consultation with Council and the EPA and submitted to and approved by the Secretary;
  - b) demonstrate that compliance with the noise limits in Table 1 of Condition 10 can be achieved; and
  - c) include a detailed design of the barrier, including how it would be visually treated to reduce and mitigate any visual impacts, such as the provision of landscaping on its northern side.
- Note: The mitigation of noise associated with the demolition of the B7 Building is addressed under Condition 13A.*
6. in Schedule 3, after Condition 10B, insert new Condition 10C as follows:
- 10C. Within nine months of completing the demolition of the B7 Building, unless otherwise agreed to by the Secretary, the Proponent must complete the construction of the Stage 2 Noise Barrier.
7. in Schedule 3, renumber existing Conditions 13A and 13B to Conditions 13B and 13C, respectively.
8. in Schedule 3, after Condition 13, insert new Condition 13A as follows:
- 13A. The Proponent shall update the existing staged Construction Noise Management Plan required by Condition 13 to address the noise associated with the demolition of the B7 Building. The updated Plan shall:
- a) be prepared in consultation with the EPA;
  - b) be submitted to and approved by the Secretary prior to the commencement of demolition of the B7 Building; and
  - c) consider the mitigation measures outlined in the documents submitted in support of MP 05\_0120 Mod 5.

9. in Schedule 3, after Condition 14, insert new Condition 14A as follows:
- 14A Within three months of the installation of the Stage 2 Noise Barrier, the Proponent shall submit a Noise Verification Study to the Secretary. This study shall:
- a) be undertaken by a suitably qualified acoustical expert and in accordance with the *NSW Industrial Noise Policy*;
  - b) validate the predictions made in the EA and supporting documents for MP 05\_0120 Mod 5;
  - c) demonstrate compliance with the noise limits in Table 1 of Condition 10; and
  - d) describe the contingencies that would be implemented, and the timing for implementation, should non-compliances be detected.
10. in Schedule 3, after Condition 20C, insert new Condition 20D as follows:
- 20D. The Proponent shall remove the redundant driveway on McCauley Street in consultation with Council and design, construct and maintain the relocated McCauley Street driveway in accordance with AS2890.1.2004 and in consultation with Council.
11. in Schedule 3, after Condition 21, insert new Condition 21A as follows:
- 21A. The Proponent shall update the existing Traffic Management Plan for the site required by Condition 21 to include the demolition activities associated with MP 05\_0120 Mod 5. The Plan shall be prepared in consultation with Council and RMS, and submitted to the Secretary prior to the commencement of demolition of the B7 Building.
12. in Schedule 3, after Condition 26, insert new Condition 26A as follows:
- 26A. The Proponent shall update the existing Waste Management Plan for the site required by Condition 26 to include the works associated with MP 05\_0120 Mod 5. The Plan shall:
- a) be submitted to the Secretary prior to the commencement of demolition of the B7 Building; and
  - e) include procedures to ensure the removal, handling and disposal of asbestos would be undertaken in accordance with the relevant guidelines, standards and legislation.
13. in Schedule 4, after Condition 29, insert new Condition 29A as follows:
- 29A. The Proponent shall prepare and implement a Construction and Demolition Environmental Management Plan that incorporates the requirements of Conditions 9A, 13A, 21A and 26A. This Plan shall be submitted to and approved by the Secretary, prior to the commencement of works associated with 05\_0120 Mod 5.
14. in Appendix A, delete Figures 1 to 5 and insert new Figures 1 and 2 which illustrates the approved project and subdivision layout.
15. inserting new Appendix B, after Appendix A, which includes the Proponent's statement of commitments for 05\_0120 Mod 5.
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# ATTACHMENT A – PLANS

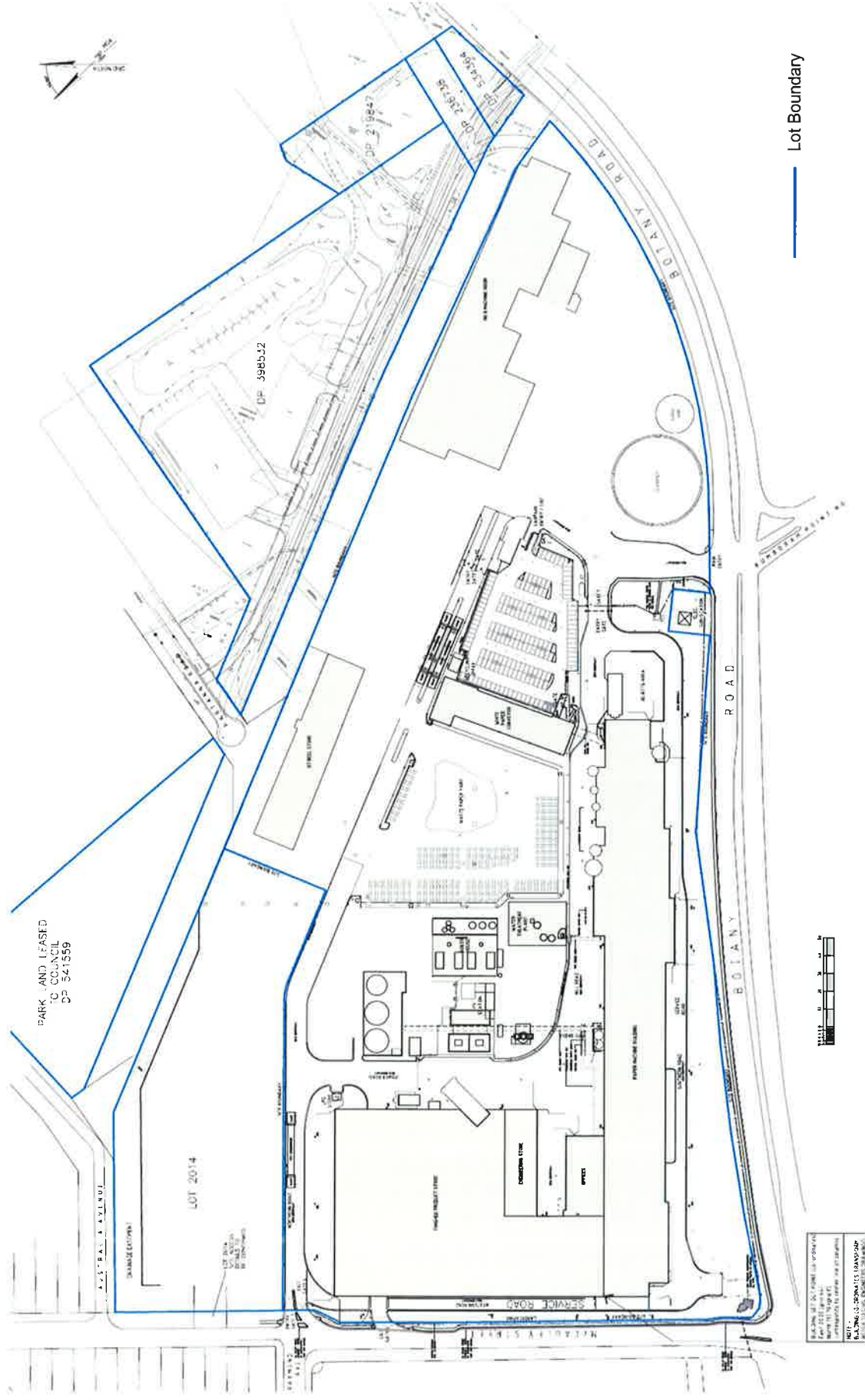


Figure 1: Site Plan





## ATTACHMENT B – STATEMENT OF COMMITMENTS

Aspect	When
<b>General</b>	
A Demolition Management Plan would be prepared before demolition commences.	Pre-demolition
<p>The demolition of the B7 building would comply with appropriate standards and guidelines.</p> <ul style="list-style-type: none"> <li>• Work Health and Safety Act 2011</li> <li>• Occupational Health and Safety (Hazardous Substances) Regulation 2001</li> <li>• Occupational Health and Safety (Asbestos Removal Work) Regulation 2001</li> <li>• WorkCover NSW Code of Practice for the Safe Removal of Asbestos</li> <li>• Australian Standard 2601 (2001) – Demolition of Structures</li> <li>• Protection of the Environment Operations Act 1997</li> <li>• Protection of the Environment Operations (Waste) Regulation 2005</li> <li>• Relevant Office of Environment &amp; Heritage / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.</li> <li>• Randwick City Council Asbestos Policy (adopted 13 September 2005)</li> <li>• Waste Classification Guidelines (DEC 2009)</li> </ul>	Pre-demolition
<b>Noise</b>	
<p>Prior to commencing the demolition activities, the existing staged CNVMP would be updated to include demolition activities. This would detail how work is to be carried out to minimise the impacts of noise and vibration on adjacent properties.</p> <p>Measures to reduce potential noise impacts should include general controls such as:</p> <ul style="list-style-type: none"> <li>• Compliance with standard construction hours: 7am – 6pm (Monday-Friday), 8am-1pm (Saturday) and at no time Sundays and public holidays, unless otherwise approved through a DNVMP approved by the Department of Planning.</li> <li>• Notifying the nearest noise receptors of the works plan and expected levels of noise well in advance of the works occurring, and responding to residents comments when planning noisy activities.</li> <li>• Timetabling to minimise noise impacts - this may include time and duration restrictions and respite periods, and should be considered after consultation with affected receivers.</li> <li>• Maintaining equipment in efficient working order.</li> <li>• Using quieter construction methods where possible.</li> <li>• Where acceptable from an Occupational Health and Safety perspective, using quieter alternatives to reversing alarms (such as spotters, closed circuit television monitors and 'smart' reversing alarms).</li> <li>• Dealing promptly with all noise complaints received.</li> <li>• Machinery would not be turned on prior to the work hours outlined above. This would include the daily maintenance activities and/or 'warming up' of engines.</li> </ul>	Pre-demolition & demolition

Aspect	When
<ul style="list-style-type: none"> <li>Where it has been identified as necessary (eg in response to community complaints), noise monitoring would be undertaken to check that the noise mitigation measures are effective.</li> </ul> <p>Further construction noise mitigation methods are contained in Tables 4 to 10 of the <i>Interim Construction Noise Guideline</i> (DECC, 2009). The final CNVMP would be completed in conjunction with the selected contractor and submitted for approval to DP&amp;E prior to commencement of the works.</p>	
<ul style="list-style-type: none"> <li>To provide a full assessment of the required barrier height and location, a noise monitoring survey and detailed assessment for the noise barrier management plan would be completed for the site once the B7 building is demolished.</li> </ul>	Post-demolition
<ul style="list-style-type: none"> <li>Based upon the outcomes of the monitoring, the location and height of an optimal noise wall would be determined.</li> </ul>	Post-demolition
<ul style="list-style-type: none"> <li>An updated Noise Barrier Design Plan would be submitted to DP&amp;E once the location and height of the new noise wall had been determined.</li> </ul>	Post-demolition
<b>Air quality</b>	
The Construction Air Quality Management Plan would be updated and include specific activities and mitigation measures relating to demolition of the B7 building.	Pre-demolition & demolition
Residents within 200 metres of the B7 building would be notified of the days when major mechanical demolition of the B7 building is to occur. The notification distance would be reviewed after the first day of major demolition and may be either increased or decreased depending on the amount and dispersion of dust.	Pre-demolition & demolition
Major mechanical demolition of the B7 building would not occur during periods of high winds or when winds could potentially disperse dust in to residential areas.	Demolition
Dust generated from the handling and management of demolition rubble would be monitored – and if found to be excessive, water sprays would be installed to reduce dust levels.	Demolition
All trucks transporting dust generating material would be covered.	Demolition
<b>Traffic</b>	
All heavy vehicles drivers would be inducted into the site Drivers Code of Conduct.	Pre-demolition
All heavy vehicle routes would avoid local roads and residential areas where possible.	Demolition
RCC would be consulted on the final design and operation of relocated driveway during the development approval process for any new development on the McCauley Street precinct.	During approval of any new development
The final design of the relocated access would include measures to ensure that heavy vehicles can only enter and exit the McCauley Street precinct from the south.	During approval of any new development
<b>Waste</b>	
The Construction Waste Management Plan would be updated.	Pre-demolition and demolition
The removal, handling and disposal of asbestos would be undertaken in accordance with appropriate guidelines, standards and legislation by an appropriately licensed contractor.	Demolition
An Asbestos Management Plan would be developed and implemented.	Pre-demolition and demolition
All waste material requiring disposal would be disposed off at an appropriately licensed landfill.	Demolition
All wastes that are economically feasible to be reused or recycled would be.	Demolition



**Table 1 Timing of mitigation milestones**

<b>Issue</b>	<b>Timing</b>
Initial modelling of noise wall options	Completed
Implementation of the interim noise wall	Currently underway. Earth mounds completed, container wall finalised prior to demolition commencing.
Permanent noise mitigation options survey and feasibility studies including community consultation.	Targeted noise monitoring studies are to be undertaken prior to, during and after demolition of B7. Feasibility studies to be commenced when final monitoring surveys are completed.
Development of a site Noise Barrier Design Plan	Within six months of completing demolition, a Stage 2 Noise Barrier Design Plan would be submitted to EPA/DP&E for approval.
Construction of final noise wall	Within three months of approval of the Stage 2 Noise Barrier Design Plan construction of the noise wall would commence.

<b>Aspect</b>	<b>When</b>
<b>Soil &amp; Water</b>	
A Surface Water Management Plan would be developed to limit the volume of water entering the demolition area and to capture and treatment any runoff from the demolition area.	Pre-demolition and demolition
All chemicals, fuels and oils would be stored in appropriately designed bunded areas.	Demolition
All waste management and storage areas would be design to capture and treat runoff.	Demolition