

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

Determination of Development Application (Consolidated version)

Pursuant to Section 91 of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Urban Affairs and Planning, as required by Section 91 of the *Environmental Planning and Assessment Act 1979*, determine the development application referred to in Schedule 1 by granting consent to that application subject to the conditions set out in Schedule 2 (File S91/02574/004)

The reasons for the imposition of conditions are to protect the environment and minimise adverse impact, to modify details of the development the subject of the development application, and to provide for environmental monitoring and reporting of the future performance of the development

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

As modified by MOD 5, approved February 2012

As modified by MOD 6, approved November 2014

As modified by MOD 7, approved August 2015

Craig Knowles, MP
Minister for Urban Affairs and Planning

Sydney, 5 October 1995

SCHEDULE 1

Application made by:	CSR Ltd
To:	Minister for Urban Affairs and Planning
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; [Lot 2902, DP 1056754](#)

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.

ABBREVIATIONS AND INTERPRETATION

Applicant	Any person or entity obliged or entitled to act on this consent
Department Development	Department of Planning and Environment The development as described in DA 27/95 and the scope of which is described in the documents listed under condition 1 of this consent and any subsequent modifications made to DA 27/95.
Secretary Council	Secretary of the Department, or nominee The Oberon Council
DA	development application
EPA	Environment Protection Authority
EIS	environmental impact statement
EMP	environmental management plan
EMR	environmental management report
MDF	medium density fibre board
NOW	NSW Office of Water

SCHEDULE 2

CONDITIONS OF DEVELOPMENT CONSENT

1. The applicant shall carry out the development generally in accordance with:
 - (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, MOD 4 MOD 5, MOD 6 and MOD 7, and the accompanying Environmental Impact Statement (EIS), titled *Oberon Timber Facilities Expansion*, prepared by ERM Mitchell McCotter, dated 24 July 1995;
 - (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/1506; 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:
 - (c) supplementary information, provided by ERM Mitchell McCotter, dated 12 September 1995;
 - (d) supplementary drawings numbered CSR4401/1000395A; CSR4401/100/0396A; and CSR4401/280/0395;
 - (e) supplementary information submitted by Jeld-Wen Fibre of Australia, dated 16 March 2001;
 - (f) supplementary drawings numbered JW01/SP01A and JW01/SP02A, submitted by Jeld-Wen Fibre of Australia, dated 28 March 2001;
 - (g) supplementary information submitted by Jeld-Wen Fibre of Australia, dated 20 April 2001;
 - (h) supplementary drawings numbered JW01/SPO3A and JW01/SP04A, submitted by Jeld-Wen Fibre of Australia, dated 20 April 2001;
 - (i) supplementary information submitted by Brightwater Engineers Ltd, titled *CHH Oberon Bio-Fuel Proposal – Boiler Fuel System Upgrade and Expansion*, dated 9 July 2002;
 - (j) supplementary information submitted by Brightwater Engineers Ltd, titled *CHH Oberon – Development Consent*, dated 9 September 2002;
 - (k) Supplementary information submitted by Brightwater Engineers Ltd, titled *CHH Oberon – Development Consent*, dated 16 October 2002;
 - (l) supplementary information submitted by Brightwater Engineers Ltd, titled *Carter Holt Harvey – Oberon NSW Calc 0162 Fuel Storage Bin Fire Protection*, prepared by CGL Fire Technologies and dated 16 October 2002;
 - (m) supplementary information submitted by Brightwater Engineers Ltd, titled *CHH Oberon*, dated 2 December 2002; and
 - (n) supplementary drawing, numbered A177-00/10005, submitted by Brightwater Engineers Ltd, dated 28 February 2002 information submitted by Brightwater Engineers Ltd, titled *CHH Oberon – Development Consent*, dated 9 September 2002;

- (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 – *JELD-WEN Coatings – Coatings Manufacturing Process Modification*, dated 2004;
- (p) supplementary information submitted by Debra Watson (Environmental Manager, Oberon Timber Complex) dated 21 March 2005 titled *JELD-WEN chemical list update* and 30 March 2005 titled *JELD-WEN Paint Manufacturing Ingredients*;
- (q) application to modify a development consent submitted on 2 April 2008 and accompanying Statement of Environmental Effects, titled *Proposed Paint Coating Line at Carter Holt Harvey Oberon Mouldings Operation*, prepared by Carter Holt Harvey, dated April 2008.
- (r) application to modify a development consent submitted 7 July 2011 and accompanying *Environmental Assessment Factory Extensions (Borg Panels & JenWen)*, prepared by The Design Partnership, dated 21 September 2011, and the following associated plans and documents as submitted to the Department:
 - i. Plans numbered A00 Rev C; A01 Rev L; A02 Rev J; A03 Rev L; A03A Rev C; A04 Rev H; A05 Rev H; A06 Rev D; A07 Rev E, prepared by Borg Construction (various dates);
 - ii. Document titled *Oberon Stormwater Management Strategy* prepared by Parsons Brinckerhoff, dated June 2011.
 - iii. Stormwater drawings numbered 1000 to 1007 inclusive, prepared by Parsons Brinckerhoff, dated 26 May 2011, as amended by stormwater drawing numbered 1006, prepared by Parson Brinckerhoff, dated 8 November 2011
 - iv. Sediment and Erosion Control drawings numbered C01-B to C04-B prepared by Eclipse, dated 8 October 2011.
- (s) application to modify a development consent submitted 20 June 2014 and accompanying *Environmental Assessment Factory Extensions (Woodchem Australia Pty Ltd)*, prepared by the Design Partnership, dated 16 June 2014, and associated plans and drawings numbered DA01, DA02, DA03 and DA04 prepared by Borg Group and dated 6 June 2014.
- (t) application to modify a development consent submitted on 14 November 2014 and accompanying Environmental Impact Statement Factory Extensions (Borg Panels & JeldWen, Oberon), prepared by the Design Partnership, dated November 2014, and associated plans and drawings numbered DA01, DA02, DA03, DA04, DA05, DA06, DA07, DA08, DA09, DA10 prepared by Borg Group and dated April 2015.

In the event of an inconsistency between a condition of this consent and the documents listed above, the conditions of consent shall prevail to the extent of the inconsistency.

- 1A. The applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or decommissioning of the development.
- 1B. The applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
 - (a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this approval; and

- (b) the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.
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.
 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.
 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.
 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.
 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.
 7. An application for approval, pursuant to Section 17A of the *Pollution Control Act* is to be made to the Environmental Protection Authority for a licence under the *Clean Air Act*, *Clean Waters Act* and *Noise Control Act*, as applicable.
 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.
- 8A. Any exterior lighting installed as part of any modification to this approval must not cast light onto any adjoining property.

DESIGN AND CONSTRUCTION

9. Liquid fuel and chemical storage areas shall be constructed and bunded in accordance with the requirement of the *Dangerous Goods Act, 1975*.
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.
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 **NOW**.
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.

13. Measures shall be implemented and monitored to minimise dust generation and soil erosion during construction to the satisfaction (of) the **NOW** in conjunction with the Council (SEE SOIL & WATER MANAGEMENT).
 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.
 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.
 16. During construction phase the applicant or operator shall:
 - (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.
- (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.

Notes:

- *Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for any building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.*

- 16B. The Finished Floor Level of a floor slab of any building erected as part of any modification to this approval must not be constructed below 1094 metres AHD.

A report from a Registered Surveyor verifying compliance must be submitted to the Council after the floor slab has been poured and before work commences on any part of the building above slab level.

TRANSPORT

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.
18. Except as provided by condition 17, all heavy vehicle access to the plant shall be via town bypass roads, when available.
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 **Secretary**, pay an amount towards the costs of construction.

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 *Environmental Planning and Assessment Act, 1979*.
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.
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.
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.

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](#).

TRADE WASTE

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.

The Trade Waste Agreement shall be prepared in liaison with the [NOW](#) and the Environment Protection Authority.

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.

STORMWATER MANAGEMENT

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 [NOW](#) and implemented from the commencement of site works covered under this DA. The Plan should address the following issues, but not be limited to:
 - (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.

[26A. Before the commencement of any stormwater infrastructure work approved under modification application number DA 27/95 MOD 5, the applicant shall update The Stormwater Management Plan in consultation with the NOW.](#)

- 26B. Within 3 months of the approval of any modification to this consent that involves the construction of a building or work, the Stormwater Management Plan shall be updated to the satisfaction of the Secretary.
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.
- 27A. The Applicant shall ensure that stormwater management for the permanent and temporary hardstand areas for MOD 7 are designed in accordance with *Managing Urban Stormwater – Soils and Construction* (Landcom 2004).

SECTION 94AA CONTRIBUTIONS

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.
- (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.
- (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.

CONTRIBUTIONS FOR WATER/SEWER

29. The applicant shall pay to the Council a sum of \$110,000 for upgrading of the water supply system as required under the *Water Supply Authorities Act, 1987*.

NOISE CONTROL

30. The applicant shall implement appropriate design measures to meet the EPA criteria for noise control.
31. 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:
- (a) the existing background noise level L90 dB(A) and the predicted noise levels at:
 - (i) the nearest likely affected residence;
 - (ii) the closest residential premises in Herborn Street;
 - (iii) the Oberon High School at the closest external wall;
 - (iv) the closest residence in Tasman Street;
 - (v) the closest rural residence west of the factory premises;
 - (vi) the closest rural residence north of the factory premises; and
 - (vii) the closest rural residence east of the factory premises; and
 - (b) the method of attenuating all noise generating equipment that is over background noise levels which shall be in accordance with the

requirements of the Environment Protection Authority Noise Control Manual.

32. The planned noise level for each of the aforementioned seven (7) sites shall meet the following standards.

Location	Noise level	Time period
Residential areas within Oberon	45 dB(A)	7:00am to 7:00pm
	40 dB(A)	7:00pm to 10:00pm
	35 dB(A)	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 7:00pm
	45 dB(A)	7:00pm to 10:00pm
	40 dB(A)	10:00pm to 7:00am

Location	Noise level	Time period
Dwellings within the industrial area	55 dB(A)	7:00am to 7:00pm
	50 dB(A)	7:00pm to 10:00pm
	45 dB(A)	10:00pm to 7:00am

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.

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.

For the purposes of this clause, the land considered to be industrial is shown on the plan in Map 1.

33. 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).

Where construction activity noises are audible at residential premises, construction shall be limited to the following times:

Monday to Friday 7:00am to 7:00pm
 Saturday 8:00am to 1:00pm
 No construction on Sundays and Public Holidays

34. 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.

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.

35. 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.

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.

- 35A. The Applicant shall ensure that acoustic panelling and insulation is used in the construction of the debarker enclosure.

AIR QUALITY

36. The applicant or operator is to liaise with the EPA to develop a pollution reduction programme for the existing timber processing facilities.

Agreement to the pollution reduction programme shall be in place prior to operation approved under this consent being commenced.

37. 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.

- 37A. Unless otherwise agreed to by the EPA, the Applicant must ensure that the stockpiling of any sawdust on Lot 2902, DP 1056754 is:
- (a) only for a period of up to 24 months; and
 - (b) no more than three (3) metres in height and enclosed on three sides so as to prevent the mobilisation of sawdust by wind, unless the stockpiles are fully covered by a tarpaulin.

SOIL AND WATER MANAGEMENT PLAN

38. The applicant or operator is required to liaise with the **NOW** in the preparation of a soil and water management plan. This plan is to be of a standard satisfactory to the **NOW**, in consultation with the Council.

39. The applicant or operator is to liaise with the **NOW** 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:

- pre-factory construction
- during construction
- post construction

40. All control works are to be of standard of construction acceptable to the **NOW**.

41. 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 **NOW**.

- 41A. Before the commencement of any work under approved under modification application number DA 27/95 MOD 5, the applicant shall review and update the soil and water management plan to the satisfaction of the NOW. The updated plan must include specifications for erosion and sediment control, vegetation management and stormwater control.
- 41B. The applicant must obtain a Controlled Activity Approval under the Water Management Act 2000 for any works in or within 40m of a watercourse.
- 42C. The applicant must obtain a licence under the Water Act 1912 or Water Management Act 2000 (whichever is relevant) from the NSW Office of Water for any work that will or is likely to intercept or extract groundwater.
- 41D. The Applicant shall ensure that erosion sediment control structures for the temporary hardstand area (Lot 2902, DP 1056754) are constructed in accordance with *Managing Urban Stormwater: Soils and Construction, Vol. 1* (Landcom 2004).

LANDSCAPING

42. 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:
- (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.
43. 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.
44. 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.
- 44A. Any existing landscaping that is removed from along the western boundary adjacent to Lowes Mountain Road as a result of any modification to this approval must be replaced to the satisfaction of the Council.
- 44B. Additional landscaping shall be carried out to the satisfaction of Council along the eastern boundary adjacent to the resin production facility prior to the issue of an Occupation Certificate for MOD 6.

PROPERTY ACQUISITION

45. The applicant shall:
- (a) within three (3) years from the date of the consent:
 - 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;
- (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;
- (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.

HAZARDS

(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 Secretary the studies set out under a) to b) below. Construction shall not commence until approval has been given by the Secretary and, with respect to the Fire Safety Study, approval has also been given by the Commissioner of the NSW Fire Brigades.

- (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.
- (b) A Hazard and Operability Study, chaired by an independent, qualified person, approved by the Secretary 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.

(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 Secretary 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 Secretary and the NSW Fire Brigades. In particular, the updated study should:

- (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 *Classification of Hazardous Areas*. 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 Readi-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 Readi-Cote Primer.

45C. Before the commencement of any work under any modification to this approval, the applicant shall review and update the Fire Safety Study to the satisfaction of the Secretary and the NSW Fire Brigade.

ENVIRONMENTAL MANAGEMENT PLAN

46. 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 **NOW** and the **Department**, at least 21 days before the new operations commence.
47. 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.
48. The EMP is to cover, but not be limited to:
- 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

Analysis shall be carried out to “Standard Methods” by a N.A.T.A registered laboratory.

49. 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, **NOW**, and **the Department** at the end of each twelve month period from the commencement of construction. The EMR shall:
- 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.
50. Provide a complaints hotline 1 800 number to contact the applicant or operator for complaints and public enquiry immediately upon commencement of construction phase.

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.

51. 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 Department in consultation with the Council and submit it to the Department, EPA, NOW and the Council.

The report will be paid for by the applicant or operator.

DISPUTES

52. In the case of disputes in the implementation of the conditions of this consent the matter shall be referred to the Secretary for resolution.

LOT CONSOLIDATION

- 52A. The applicant must obtain a Subdivision Certificate for the consolidation of lot 25 DP 1148073 and lot 21 DP 1017457.

ANNUAL PERFORMANCE REPORTING

53. The Applicant shall, throughout the life of the development, prepare and submit for the approval of the Secretary 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 Secretary of the Department, EPA and Oberon Shire Council every year.

The Secretary 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 Secretary of the Department may agree.

ACCESS TO INFORMATION

54. From the commencement of the construction of the project, the Proponent shall make the following information publicly available on its website:
- (a) a copy of all current statutory approvals;
 - (b) a copy of the current plans and programs required under this approval;
 - (c) a summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this approval;
 - (d) a complaints register, which is to be updated on a monthly basis;
 - (e) a copy of the most current Annual Environmental Management Report;
 - (f) a copy of any Independent Environmental Audit, and the Proponent's response to the recommendations in any audit; and
 - (g) any other matter required by the Secretary.