

Mr Victor Bendevski
Borg manufacturing
2 Wella Way
Somersby NSW 2250

-via email-
bendevskiv@borgs.com.au

Dear Mr Bendevski

**Notice of Determination of Section 4.55(1A) Modification Application
Borg Panels Timber Panel Processing Facility Expansion (SSD 7016 MOD 1) - Oberon**

I am writing to inform you that the above modification application was approved on 20 November 2018, by the Director, Industry Assessments as delegate of the Minister for Planning under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (the Act).

The notice of modification and approved stamped plans are enclosed for your records. All documents associated with the application are available on the Department's website at: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9058.

The conditions in the notice of modification are required to prevent, minimise, and/or offset adverse environmental impacts.


Reviews/Appeals

Certain appeal and review rights are available to applicants and objectors following determination of a modification application. In this case, you have a right to appeal the determination on its merits to the Land and Environment Court under section 8.9 of the Act.

You also have the right to request a review of the determination in accordance with section 8.2 of the Act.

For further enquiries, please contact Pamela Morales on (02) 9274 6386 or via email at pamela.morales@planning.nsw.gov.au. Please mark all correspondence regarding the proposal to the attention of the contact officer.

Yours sincerely,



29/11/2018

Kane Winwood
Team Leader
Industry Assessments

Modification of Development Consent

Section 4.55(1A) of the Environmental Planning and Assessment Act 1979

As delegate for the Minister for Planning, under delegation executed on 11 October 2017, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Chris Ritchie
Director
Industry Assessments

Sydney 20 NOVEMBER 2018

File: EF18/1902

SCHEDULE 1

Application No: SSD 7016
Applicant: Borg Construction Pty Ltd
Consent Authority: Minister for Planning
Development: Construction and operation of a particle board facility and continuation of, and alterations and additions to, the existing medium density fibreboard density
Date of Original Consent: 29 May 2017
Modification: SSD 7016 MOD 1 – Site layout changes

SCHEDULE 2

This consent is modified as follows:

1. Delete the definition for DPI and Secretary and insert the following definition in alphabetical order:

DILLW
Modification Assessments
Department of Industry – Lands and Water
The document assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act:

 - SSD 7016 MOD 1 - Statement of Environmental Effects titled *Proposed S96 Modifications to Timber Manufacturing Facility* prepared by Borg Construction Pty Ltd, dated 19 January 2018 as amended by Response to Submissions titled *Proposed S96 Modifications to Timber Manufacturing Facility* prepared by Borg Construction Pty Ltd, dated 7 June 2018, updated drawings titled *Proposed Section 96 Modification Borg Panels Timber Manufacturing Facility*, Issue C, dated 30/04/2018 and letter from Borg Construction Pty Ltd in response to Department of Industry Submission dated 2 August 2018
Planning Secretary under the EP&A Act, or nominee

In Schedule 2 – Part A: Administrative Conditions

2. In Condition A2(d), delete the word "and" after the semicolon.
3. In Condition A2(e), delete the period after the words "Appendix C" and replace with ", and".
4. Insert new condition A2(f) as follows:
 - (f) Modification A assessments.
5. Delete Heading 'Modification of Existing Development Consent' and Condition A26.

In Schedule 2 – Part B: Environmental Performance and Management

6. In Condition B32(a), delete the word "DPI" after the words "EPA and" and replace with "DILW".
7. Insert new subheading and new Condition B30A, after Condition B30:

Works on Waterfront Land

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

8. Insert new subheading and Condition B33A, after Condition B33:

Spring Fed Dam Reclamation Management Plan

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

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

In Schedule 2 – Part C: Environmental Management, Reporting and Auditing



9. In Condition C2(f), delete the word "and" after the semicolon.
10. In Condition C2(g), delete the period after the words "Condition B58" and replace with ", and".
11. Insert new Condition C2(h), as follows:
 - (h) Spring Fed Dam Reclamation Management Plan (Condition B33A).

In Schedule 3 – Conditions of Development Consent DA 27/95 To Be Modified as Specified Below.

12. Delete Schedule 3.

In the Appendices

13. In Appendix A – Development Layout Plans, delete Figures 1 and 2 and replace with new Figures 1 and 2 as shown in Attachment A of this modifying instrument.


Planning & Environment
 Issued under the *Environmental Planning and Assessment Act 1979*
 Approved Section 4.55 (1A.) Modification Application
 No. MOD 1 granted on the 20 Nov 2018
 in respect to SSD 7016
 Signed 
 Sheet No. 2 of 2

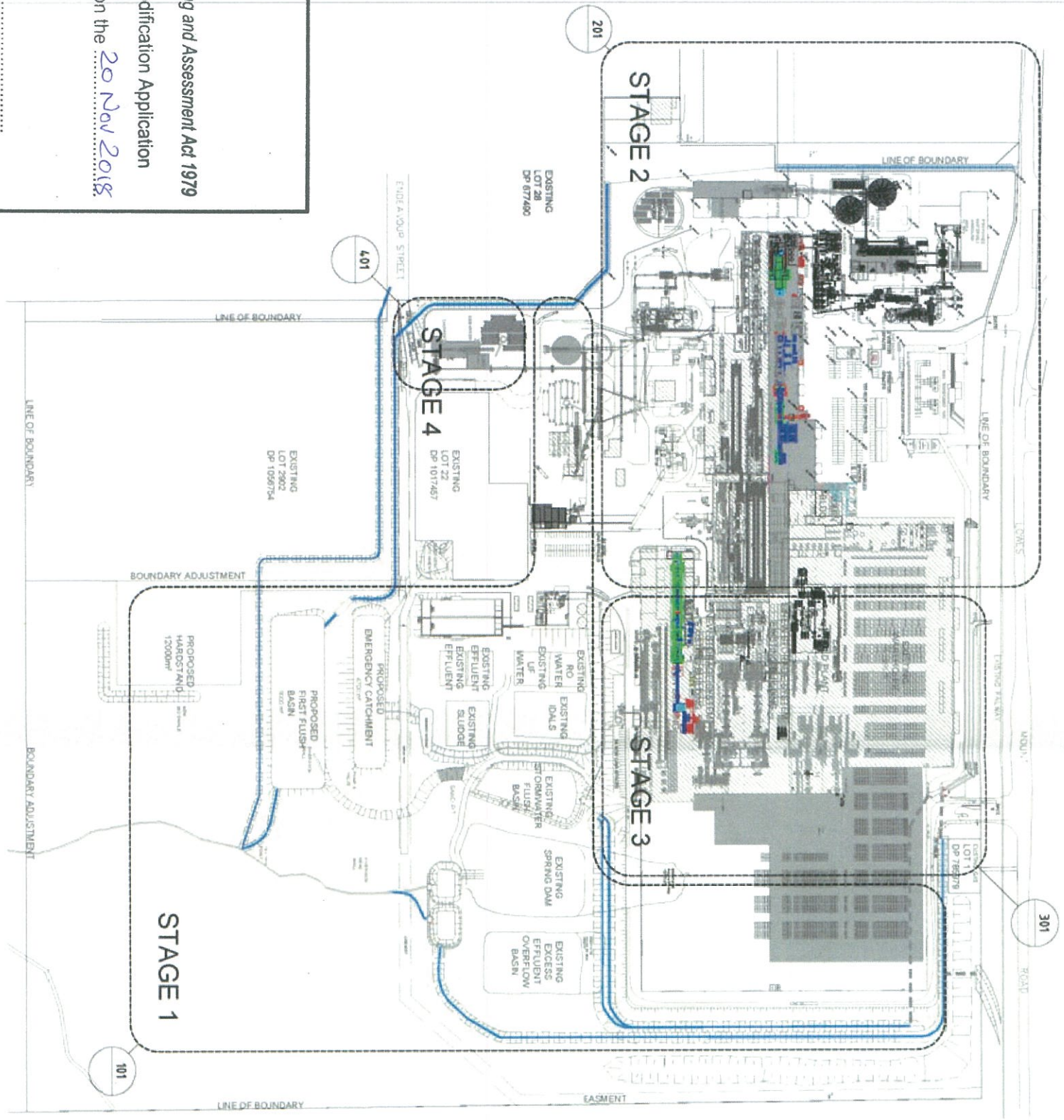


Figure 2: Staging Plan




BORG CONSTRUCTION
 11/150 @ A1
 CC 03
 B

STAGING SITE PLAN
 APPENDIX 1 (1/20) @ A1
 19

LOT 1 (DP 78278)
 LOT 28 (DP 877490)
 LOT 22 (DP 1017467)

EXISTING
 PROPOSED

LINE OF BOUNDARY
 BOUNDARY ADJUSTMENT