

# Concept Approval

## Section 75O of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* determine:

- a) to approve the concept plan referred to in Schedule 1, subject to the modifications in Schedule 2;
- b) pursuant to section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*, that the Tumut Mill Expansion (excluding the multi-fuel boiler (non-standard fuel) component) project requires no further environmental assessment;
- c) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, that the multi-fuel boiler (non-standard fuel) project requires further environmental assessment under Part 3A of the Act;



Frank Sartor MP  
Minister for Planning

Sydney

1/5/

2007

File No: 9043050

### SCHEDULE 1

**Application No:** 06\_0159

**Proponent:** Visy Pulp and Paper Pty Ltd

**Approval Authority:** Minister for Planning

**Land:** Lots 5, 12, 14, 19, 42, 57, 61, 62, 63, 64, 76, 84, 91, 92, 93, 94, 103, 105, 106, 107, 115, 116, 117, 118, 119, 138 in DP No. 757228; Lots 211, 219, 220, 221, 222, 223, 224, 229, 230 and 235 in DP No. 757252; Lot 1 in DP No. 832090; Lot 4 in DP No. 1004478; Lot 1 in DP No. 1082770; Lots 102 and 103 in DP No. 1035564; Lot 7002 in DP No. 96829 and Lot 1 DP 27482; 436 Gadara Road, Tumut, Tumut local government area

**Proposal:** Visy Tumut Mill Expansion to Increase Paper Manufacturing Capacity

**Major Project:** The proposal is declared a Major Project under section 75B(1)(a) of the *Environmental Planning and Assessment Act 1979*, because it is a project of a kind described in clause 4(b)

**Concept Plan Authorisation:**

On 24 July 2006, the Minister for Planning authorised the submission of a concept plan for the proposal.

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## KEY TO CONDITIONS

<b>1. ADMINISTRATIVE CONDITIONS</b>	<b>5</b>
Terms of Concept Approval	5
Limits of Approval	5
<b>2. PROJECT APPLICATIONS AND SPECIFIC REQUIREMENTS</b>	<b>5</b>
Tumut Mill Expansion	5
Multi-Fuel Boiler (non-standard fuel)	5
<b>3. COMPLIANCE MONITORING AND TRACKING</b>	<b>6</b>
Compliance Tracking Program	6
<b>4. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT</b>	<b>6</b>
Complaints Procedure	6
Provision of Electronic Information	7
<b>5. ENVIRONMENTAL MANAGEMENT</b>	<b>7</b>
Operational Environmental Management System	7
<b>6. ENVIRONMENTAL REPORTING</b>	<b>7</b>
Incident Reporting	7
Annual Performance Reporting	8

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## **SCHEDULE 2**

<b>Act, the</b>	<i>Environmental Planning and Assessment Act, 1979</i>
<b>Conditions of Approval</b>	The Minister's conditions of approval for the project.
<b>Council</b>	Tumut Shire Council
<b>DECC</b>	Department of Environment and Climate Change
<b>Department, the</b>	Department of Planning
<b>Director-General, the</b>	Director-General of the Department of Planning (or delegate).
<b>Director-General's Approval</b>	<p>A written approval from the Director-General (or delegate).</p> <p>Where the Director-General's Approval is required under a condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.</p>
<b>Director-General's Report</b>	The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act.
<b>DPI</b>	Department of Primary Industries
<b>DWE</b>	Department of Water and Energy
<b>EA</b>	<i>Visy Pulp and Paper Proposed Mill Expansion, Tumut NSW, Final Environmental Assessment, prepared by Visy Pulp and Paper Pty Ltd and dated January 2007</i>
<b>Existing Plant</b>	Plant operating under the instrument of consent for development application 6/98.
<b>Minister, the</b>	Minister for Planning
<b>Proponent</b>	Visy Pulp and Paper Pty Ltd
<b>Publicly Available</b>	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
<b>Site</b>	Land to which Major Projects Application 06_0159 applies.
<b>Submissions Report</b>	<i>Visy Pulp &amp; Paper Proposed Mill Expansion, Tumut NSW, Submissions Report, prepared by Visy Pulp and Paper Pty Ltd and dated March 2007</i>

## **1. ADMINISTRATIVE CONDITIONS**

### **Terms of Concept Approval**

- 1.1 The Proponent shall carry out the project generally in accordance with the:
- a) Major Projects Application 06\_0159;
  - b) *Visy Pulp and Paper Proposed Mill Expansion, Tumut NSW, Final Environmental Assessment*, prepared by Visy Pulp and Paper Pty Ltd and dated January 2007;
  - c) *Visy Pulp & Paper Proposed Mill Expansion, Tumut NSW, Submissions Report*, prepared by Visy Pulp and Paper Pty Ltd and dated March 2007;
  - d) the *Statement of Commitments* prepared by Visy Pulp and Paper Pty Ltd and dated 18 April 2007;
  - e) the conditions of this approval.
- 1.2 In the event of an inconsistency between:
- a) the conditions of this approval and any document listed from condition 1.1a) and 1.1e) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
  - b) any document listed from condition 1.1a) and 1.1e) inclusive, and any other document listed from condition 1.1a) and 1.1e) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 If there is any inconsistency between this concept approval and any project approval granted for the project, this concept approval shall prevail to the extent of the inconsistency.

### **Limits of Approval**

- 1.4 This concept approval shall operate from the date the approval is endorsed by the Minister.
- 1.5 This concept approval shall lapse five years after the date the approval is endorsed by the Minister, unless works the subject of the project approval for the Tumut Mill Expansion (excluding the multi-fuel boiler component) are physically commenced on or before that date.

## **2. PROJECT APPLICATIONS AND SPECIFIC REQUIREMENTS**

### **Tumut Mill Expansion**

- 2.1 The Tumut Mill Expansion, with the exception of the multi-fuel boiler (non-standard fuel) component, requires no further environmental assessment and is the subject of a separate instrument of approval.

### **Multi-Fuel Boiler (non-standard fuel)**

- 2.2 Pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the following environmental assessment requirements apply with respect to the multi-fuel boiler (non-standard fuel) component:
- a) a detailed project-specific Statement of Commitments, consistent with the Statement of Commitments prepared for the concept plan, with a clear indication of any new or amended commitments relating to the project must be provided;
  - b) a demonstration that the project is consistent with the requirements of this approval and generally consistent with the scope and intent of the concept outlined in the documents under condition 1.1 of this approval must be included;
  - c) a Non-standard Fuel Assessment must be undertaken in accordance with the DECC's *Guidance Note: Assessment of Non-standard Fuels (2005)* which shall include but not necessarily limited to:
    - i) a comprehensive assessment of the composition and characteristics of each fuel stream;
    - ii) chemical characterisation of all proposed non-standard fuels;
    - iii) description of pollution control equipment with a demonstration that Best Available Techniques have been employed where possible;
    - iv) a detailed testing regime for proposed fuels specifying testing methodology, monitoring and contaminant thresholds; and

- v) proposed quality assurance and quality control procedures related to non-standard fuels on site and at supplier sites.
- d) an updated **Air Quality Impact Assessment**, must be prepared in accordance with *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW* (EPA, 2005), reflecting the finalised design, fuel composition and fuel source ratio. The assessment must demonstrate predicted compliance with the relevant NSW statutory emission limit and where no such limit exists demonstrate at a minimum predicted compliance with the emission limits described in the *EU Waste Incineration Directive* (2000); and
- e) detailed information regarding the installation and commissioning of the multi-fuel boiler must be provided.

### 3. COMPLIANCE MONITORING AND TRACKING

#### Compliance Tracking Program

- 3.1 The Proponent shall develop and implement a **Compliance Tracking Program** to track compliance with the requirements of this concept approval and all related project approvals. The Program shall include, but not necessarily be limited to:
- a) provisions for periodic review of the compliance status of the project and its component parts;
  - b) provisions for periodic reporting of compliance status to the relevant approval authority;
  - c) a program for independent environmental auditing of the development, in accordance with *ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing*;
  - d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance;
  - e) provisions and framework that clearly demonstrate the regulatory interactions between approval instruments and licences, and those relevant to the existing mill and its operations.

Note: The Proponent may, on examining the regulatory interactions between approval instruments and licences, seek to modify their development consent for the existing plant in order to provide greater cohesion between instruments.

### 4. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

- 4.1 The Proponent shall continue to participate with the Community Consultative Committee. Subject to confidentiality, the Proponent shall submit all documents required under this approval to the Community Consultative Committee and make available such documents for public inspection on request.

#### Complaints Procedure

- 4.2 Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation):
- a) a telephone number on which complaints about construction and operational activities at the site may be registered;
  - b) a postal address to which written complaints may be sent; and
  - c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public, and which clearly indicates the purposes of the sign.

- 4.3 The Proponent shall record details of all complaints received through the means listed under condition 4.2 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint;

- b) the means by which the complaint was made (telephone, mail or email);
- c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- d) the nature of the complaint;
- e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request.

#### **Provision of Electronic Information**

- 4.4 The Proponent shall establish and maintain a new website, or dedicated pages within its existing website for the provision of electronic information associated with the development. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:
- a) information on the development, each of its project components and the current implementation status of each;
  - b) a copy of this concept approval and all related project approvals;
  - c) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the development;
  - d) a copy of each monitoring program and each environmental management required under this concept approval or under each relevant project approval;
  - e) details of the outcomes of reviews and audits of the development and each of its project components undertaken in accordance with the Compliance Tracking Program referred to under condition 3.1; and
  - f) details of a contact point(s) to which community complaints or inquiries may be directed, including a telephone number, a postal address and an email address.

Note: This condition does not require the provision of draft documentation. Only finalised documentation shall be provided.

### **5. ENVIRONMENTAL MANAGEMENT**

#### **Operational Environmental Management System**

- 5.1 The Proponent shall develop an **Operational Environmental Management System** to outline the general environmental management practices and procedures to be followed during the operation of each project associated with this concept approval. The System shall be prepared in accordance with *ISO14001:2004 – Environmental Management Systems* and shall aim to provide a single, consistent environmental management framework to be applied to each project and across projects.
- 5.2 The Operational Environmental Management System required under condition 5.1 of this concept approval shall be supplemented with specific Operational Environmental Management Plans for each project to meet the requirements of each project approval.

### **6. ENVIRONMENTAL REPORTING**

#### **Incident Reporting**

- 6.1 The Proponent shall notify the Director-General of any incident relating to a project associated with this concept approval which has actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of becoming aware of the incident. The Proponent shall provide full written details of the incident to the Director-General within seven days of the date on which the incident occurred.

- 6.2 The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 6.1 of this approval, within such period as the Director-General may require.

### **Annual Performance Reporting**

- 6.3 The Proponent shall, throughout the life of the project, prepare and submit for the approval of the Director-General, an **Annual Environmental Management Report (AEMR)**. The AEMR shall be for each project associated with this concept approval and be consolidated with the AEMR for the existing plant. It shall review the performance of the each project against the Operation Environmental Management Plan (refer to in the relevant project approval), the conditions of this approval and other licences and approvals relating to the projects associated with this concept approval and those relating to the existing plant. The AEMR shall include, but not necessarily be limited to:
- a) details of compliance with the conditions of this approval;
  - b) a copy of the Complaints Register (refer to condition 4.3 of this approval) for the preceding twelve-month period (exclusive of personal details), and details of how these complaints were address and resolved;
  - c) identification of any circumstances in which the environmental impacts and performance of the project during the year have not been generally consistent with the environmental impacts and performance predicted in the documents listed under condition 1.1 of this approval, with details of additional mitigation measures applied to the project to address recurrence of these circumstances ;
  - d) results of all environmental monitoring required under this approval 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 project 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 Proponent shall submit a copy of the AEMR to the Director-General every year, with the first AEMR to be submitted no later than twelve months after the commencement of operation of the project. The Director-General may require the Proponent to address certain matters in relation to the environmental performance of the project in response to review of the Annual Environmental Report. Any action required to be undertaken shall be completed within such period as the Director-General may require. The Proponent shall make copies of each AEMR available for public inspection on request.

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