

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

**DETERMINATION OF A DEVELOPMENT APPLICATION  
PURSUANT TO SECTIONS 91 AND 91AB OF THE  
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

I, the Minister for Urban Affairs and Planning, under Sections 91 and 91 AB of the Environmental Planning and Assessment Act, 1979 (“the Act”) determine the development application (“the application”) referred to in Schedule 1 by granting consent to the application subject to the conditions set out in Schedule 2.

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

Craig Knowles MP  
**Minister for Urban Affairs and Planning**

Sydney,

1998

File No. S96/00598

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**SCHEDULE 1**

**Application made by:** Visy Paper Pty Limited

**To:** Minister for Urban Affairs and Planning

**In respect of land being:** *Parish of Gilmore* - Lots 61 & 82 in DP No.757229  
*Parish of Gadara* - Lots 5, 7, 12, 14, 19, 42, 46, 47, 48, 49, 50, 61, 62, 63, 64, 76, 77, 83, 84, 91, 92, 93, 94, 103, 105, 106, 107, 115, 116, 117, 118, 119, 129, 130, 131, 132, 133, 134, 135, 138, and Part Lots: 4, 8, 9, 73, 74, 78 in DP No.757228: Lot 2 in DP No.598661: Lot 1 in DP No.45454: Lots 211, 219, 220, 221, 222, 223, 224, 229, 230, and 235 in DP No.757252: Lot Part B in DP No.364539: Lot D in DP No. 364540: Lots 3 & 4 in DP No.793196: and Lot 1 in DP No.832090.

Also land within the property boundary as indicated in Figure 4.1 in the EIS, Crown Land reserved for road purposes vested in the Crown, plus parts of the Cootamundra-Tumut Railway plus Public Transport Commission easements.

Also Crown Land at the proposed water supply river off-take as indicated in Figure 7.1 of the EIS and the Snowy Mountains Highway Reserves in the Shire of Tumut from the proposed Tumut River off-take to the proposed mill site as indicated in Figures 7.1 and 4.1 of the EIS.

**For the development of:**

Stage 1 being the construction and operation of an integrated kraft pulp and paper mill, woodyard, associated wastewater irrigation scheme and associated infrastructure including a water supply pipeline linking the Tumut River near Tumut with the proposed mill.

Stage 2 being an increase in production from 300,000 tonnes of finished product per year to a maximum of 450,000 tonnes of finished product per year.

**Development Application:**

No. 6/98 lodged with the Department of Urban Affairs and Planning on 10 February, 1998 accompanied by the environmental impact statement entitled "Proposed Kraft Pulp and Paper Mill at Tumut, NSW" comprising the Main Report and Volumes 1-3, dated February, 1998 and prepared by Nolan-ITU Pty Ltd.

## **ABBREVIATIONS AND INTERPRETATION**

The Department.....	Department of Urban Affairs and Planning
The Director-General.....	Director-General of the Department of Urban Affairs and Planning
The Council.....	Tumut Shire Council
The Applicant .....	Visy Industries Pty Ltd
DLWC.....	Department of Land & Water Conservation
EPA.....	Environment Protection Authority
RTA.....	Roads and Traffic Authority
RAC.....	Rail Access Corporation
Subject Land.....	Land to which this consent applies
DA.....	Development Application
EIS.....	Environmental Impact Statement
The Act.....	Environmental Planning and Assessment Act, 1979
The Regulation.....	Environmental Planning and Assessment Regulation, 1994
L <sub>A10</sub> .....	Noise level exceeded for 10% of the time
dB.....	Decibel
EMP.....	Environmental Management Plan
HAZOP.....	Hazard and Operability Study
PHA.....	Preliminary Hazard Analysis
BAT.....	“Best Available Technology”
MACT.....	Maximum Achievable Control Technology
NESHAP.....	
USEPA.....	United States Environment Protection Agency
AS.....	Australian Standard
LPG.....	Liquid Petroleum Gas

## **SCHEDULE 2**

### **CONDITIONS OF CONSENT**

#### **GENERAL**

1. Development shall be carried out as described in:
  - (a) Development Application (DA) No.6/98;
  - (b) the environmental impact statement prepared by Nolan ITU Pty Ltd and dated February, 1998; and
  - (d) in accordance with the conditions and management strategies prepared and approved under the conditions of Schedule 2.
2. In the event of an inconsistency between this consent and DA 6/98 (and accompanying EIS), this consent shall prevail.

#### **STAGED DEVELOPMENT**

3. Pursuant to section 91AB(2) of the Act, this consent is issued for Stage 1 of the development.
4. Pursuant to section 91AB(2) of the EP&A Act, a further consent shall be obtained for Stage 2 of the development.
5. A consent granted in accordance with Condition 4 does not require a further development application under section 77 of the EP&A Act. However, any such consent will be subject to the Applicant preparing report(s) to the requirements of the Director-General on the environmental performance of Stage 1 of the development and additional information relating to Stage 2 operations. The Director-General shall consult with relevant Government authorities and the community and consider any submissions prior to the granting of a consent for Stage 2 of the development.

#### **OTHER STATUTORY REQUIREMENTS**

- 6(a). The Applicant shall meet the requirements of all public authorities having statutory responsibilities for environment protection, pollution control, and land and water conservation approvals and licences in respect of the mill and associated waste disposal streams encompassed by DA No.6/98.
- 6(b). The Applicant shall obtain from the Environment Protection Authority all necessary statutory approvals and licensing under the Protection of the Environment Operations Act 1997 and any approvals for construction under the Pollution Control Act 1970, Clean Air Act, 1970, Clean Waters Act 1970 and the Noise Control Act 1975, prior to the commencement of construction.

#### **COMMENCEMENT**

7. The Applicant shall notify the Department, EPA, DLWC and the Council in writing of the dates of commencement of construction and of operation of the mill and of completion of commissioning.

### **COMMISSIONING COMPLIANCE REPORTS**

8. The Applicant shall submit for the approval of the Director-General a Conditions Compliance Report in two stages.
  - (a) The first stage shall be submitted one month prior to the commencement of substantial construction and shall demonstrate that all conditions of consent and other regulatory requirements applicable at this stage have been complied with.
  - (b) The second stage of the report shall be submitted 1 month prior to commencement of operations and shall demonstrate that all conditions of consent and other regulatory requirements applicable at this stage have been complied with.

### **ENVIRONMENTAL OBJECTIVE**

9. In preventing or controlling any polluting emissions or discharges from the mill, the Applicant shall apply “Best Available Technology (BAT)” to the fullest extent practicable as it relates to the type of plant, in consultation with the EPA.

### **ENVIRONMENTAL MANAGEMENT PLANS**

#### *Construction Environmental Management Plan*

10. Prior to commencement of construction, the Applicant shall prepare a construction specific Environmental Management Plan (EMP) to the satisfaction of the Director-General following consultation with relevant Government Agencies and Tumut Shire Council. The EMP shall be prepared in accordance with the EIS, the conditions of this approval, all relevant Acts and Regulations and accepted best practice management procedures. The EMP shall cover specific environmental management objectives and strategies for the main environmental elements and shall address but not be limited to:
  - a) identification of the statutory and other obligations which the Applicant is required to fulfill during construction including all approvals and consultations/agreements required from authorities and other stakeholders, and key legislation and policies which control the Applicant’s construction of the project;
  - b) definition of the role, responsibility, authority, accountability and reporting of all personnel (including sub-contractors) relevant to compliance with the EMP;
  - c) measures to avoid the occurrence of adverse environmental impacts and measures to provide positive environmental offsets to unavoidable adverse environmental impacts during construction;

- d) environmental management procedures for all construction processes which are important for the quality of the environment in respect of permanent and/or temporary works;
- e) monitoring, inspection and test plans for all activities and environmental qualities which are important to the environmental management of construction including performance criteria, specific tests, protocols (e.g. frequency and location) and procedures to follow including procedures for notifying all relevant authorities should non-compliance with construction related standards specified in the EMP arise;
- f) requirements to undertake environmental audits to ensure that the EMP is working and steps the Applicant intends to take to ensure that all plans and procedures are being complied with;
- g) delegation of responsibility for breaches of the EMP or pertinent environmental legislation by sub-contractors regarding the receipt of any Penalty Infringement Notices issued by the EPA; and
- h) community consultation and notification strategy (including the local community, Council and all relevant authorities) and complaint handling procedures.

Operational Environmental Management Plan

11. Prior to commencement of operations, the applicant shall prepare a project specific Environmental Management Plan (EMP) to the satisfaction of the Director-General following consultation with relevant Government Agencies and Tumut Shire Council. The EMP shall specifically cover the environmental management objectives, strategies and monitoring for the operation of the mill and be prepared in accordance with the EIS, the conditions of this approval, all relevant Acts and Regulations and accepted best practice management procedures.

The EMP shall address but not be limited to:

- a) identification of the statutory and other obligations which the Applicant is required to fulfill during operation including all approvals and consultations/agreements required from authorities and other stakeholders, and key legislation and policies which control the Applicant's implementation of the project;
- b) definition of the role, responsibility, authority, accountability and reporting of all personnel (including sub-contractors) relevant to compliance with the EMP;
- c) measures to avoid the occurrence of adverse environmental impacts and measures to provide positive environmental offsets to unavoidable adverse environmental impacts;
- d) environmental management procedures for all operational processes which are important for the quality of the environment in respect of permanent and/or temporary works;
- e) monitoring, inspection and test plans for all activities and environmental qualities which are important to the environmental management of the

- project including performance criteria, specific tests, protocols (e.g. frequency and location) and procedures to follow including procedures for notifying all relevant authorities should non-compliance with any limits or performance standards specified in the EMP arise;
- f) requirements to undertake environmental audits to ensure that the EMP is working and steps the Applicant intends to take to ensure that all plans and procedures are being complied with;
  - g) delegation of responsibility for breaches of the EMP or pertinent environmental legislation by sub-contractors regarding the receipt of any Penalty Infringement Notices issued by the EPA; and
  - h) community consultation and notification strategy (including the local community, Council and all relevant authorities) and complaint handling procedures.
12. Both the construction and operational EMP's shall be reviewed on an annual basis by the preparation of an environmental report which analyses the results of monitoring required in the EMP's. The report shall review the performance of the plant against the relevant EMP, the conditions of this consent, and other licences and approvals relating to the construction and operation of the plant. The first construction report shall be submitted one year from the date of this consent, and subsequent reports shall be submitted on the anniversary of this date or such other period as the Director-General may agree.

To enable ready comparison with the Environmental Impact Statement's predictions, diagrams and tables, the report shall include, but not be limited to, the following matters:

- (a) a review of the effectiveness of environmental management of the plant in terms of EPA and DLWC requirements;
- (b) results of environmental monitoring in respect of air, water and noise pollution, which includes interpretation and discussion by a suitably qualified person;
- (c) discussion on the actual performance of the mill when compared with EIS predictions;
- (d) a listing of any variations obtained to approvals applicable to the subject area during the previous year;
- (e) a record of all heavy vehicle movements (3 tonne tare or greater) into and out of the site annually from the proposed development; and
- (f) set out environmental management targets for the next year.

The applicant shall comply with all reasonable requirements of the Director-General in respect of any measures arising from, or recommended by, the environmental report within such time as the Director-General may determine.

## **HAZARD MANAGEMENT**

- 13A. The Applicant shall implement the recommendations contained in the preliminary hazard analysis prepared for the pulp and paper mill by Environmental Audits of Australia dated 2 January, 1998 unless otherwise modified by this consent.

### **Pre - Construction**

13. At least one month prior to the commencement of construction (except for construction of preliminary works that are outside the scope of the hazard studies) of the proposed development, or within such further period as the Director-General or her nominee may agree, the Applicant shall prepare and submit for the approval of the Director-General the following studies:

(a) *Fire Safety Study*

This study shall cover all aspects detailed in the Department's Hazardous Industry Planning Advisory Paper No. 2, *Fire Safety Study Guidelines*. The study shall also be submitted for the approval of the New South Wales Fire Brigades and the Council. The study shall take into account the New South Wales Government *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*, and include but not be limited to:

1. an outline of all fire prevention, protection and fire fighting measures;
2. details of the type, capacity and proposed location of all appliances and the reasons for their suitability;
3. details of the availability for fire fighting water, location of connections, and rates of application supported by full hydraulic calculations; and
4. the provision of any other fire prevention and fire fighting measures and methods.

(b) *Hazard And Operability Study*

A Hazard and Operability Study (HAZOP) of the boilers and other process operations utilising dangerous goods, chaired by an independent qualified person approved by the Director-General. The study should be carried out in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 8, *HAZOP Guidelines*.

(c) *Final Hazard Analysis*

A final hazard analysis of the proposed development should be prepared in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 6, *Guidelines for Hazard Analysis*. Particular attention should be paid to the storage and use of LPG.

(d) *Construction Safety Study*

A construction safety study prepared in accordance with Hazardous Industry Planning Advisory Paper No. 7, *Construction Safety Study Guidelines*.

(e) *Transport of Hazardous Materials*



The Applicant shall prepare to the satisfaction of the Director-General a hazardous goods route transportation study to identify, analyse and assess the risk impact of using alternative routes. The study shall recommend the most appropriate transport route (to be incorporated into the traffic management plan) including environmental and risk mitigating measures. The recommended transport route shall be approved by the Director-General in consultation with the Council prior to the commencement of operations.

### **Pre-Operation**

14. At least two months prior to the commencement of operation of the proposed development, or within such further period as the Director-General may agree, the Applicant shall prepare and submit for the approval of the Director-General:

- (a) *Emergency Plan*

A comprehensive emergency plan and detailed emergency procedures for the proposed development. This plan should include detailed procedures for the safety of people in areas outside the development. The plan should be in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 1, *Industry Emergency Planning Guidelines*.

- (b) *Safety Management System*

A comprehensive safety management system, covering all operations on-site and associated transport activities involving hazardous materials. The system should clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures. Records must be kept on-site and should be available for inspection by the Director-General upon request. The Safety Management System should be developed in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 9, *Safety Management*.

### **Incident Reporting**

15. Within 24 hours of any incident associated with the operation and/or transport of the proposed development and with an actual or potential significant off-site impacts on people or the biophysical environment, a report shall be supplied to the Department outlining the basic facts. A further detailed report shall be prepared and submitted following investigations of the causes and identification of necessary additional preventative measures.

### **Hazard Audit**

16. Twelve months after the commencement of operations of the proposed development or within such further period as the Director-General may agree, the Applicant shall carry out a comprehensive hazard audit of the proposed development and submit a report on the audit to the Director-General. This audit is to be carried out at the Applicant's expense by a duly qualified independent person or team to be approved by the Director-General. Further audits will be

required every three years or as may be requested by the Director-General. Hazard audits should be carried out in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 5, *Hazard Audit Guidelines*.

## **Operational**

17. The proposed LPG storage area should be designed in accordance with Australian Standard AS-1596.
18. All hazardous goods road tanker unloading areas shall have bunding to the size of the total quantity of the largest road tanker.
19. All dangerous goods vehicles delivering bulk dangerous goods to the site are to include brake interlocks or an alternative safety procedure to the satisfaction of the Director-General.

## **NOISE MANAGEMENT**

### Construction Noise and Operational Noise

- 20(a). The Applicant shall monitor all non-Applicant owned residences likely to be affected by construction or operation noise levels more than 5dB(A) <sub>LA10</sub> above background noise levels to the satisfaction of the Environment Protection Authority from the commencement of construction and during the operation of the mill.
- 20(b) The Applicant shall acoustically treat any non-Applicant owned residence affected by the construction or operation noise levels more than 5dB(A) <sub>LA10</sub> above background noise levels under prevailing weather conditions (excluding temperature inversions) for longer than 6 months if requested by the owner to the satisfaction of the EPA.
- 21(a). Any construction activity resulting in noise emission levels greater than 5 dB(A) above background, or resulting in tonal or impact noise likely to cause annoyance at the nearest residence shall be limited to the following hours:  
  
7:00 a.m. to 6:00 p.m. - Monday to Friday  
8:00 a.m. to 1:00 p.m. - Saturdays  
There should be no construction activities on Sundays and public holidays.
- 21(b) Notwithstanding 21(a) above, construction activity resulting in noise emission levels greater than 5 dB(A) above background at the nearest residence may be permitted outside the times specified in 21(a) following;
  1. written approval by the EPA; or alternatively
  2. in accordance with an agreed Schedule of Works approved by the EPA following consultation with the community consultative committee.
22. Prior to the commencement of construction, the Applicant shall prepare in consultation with the EPA and Tumut Shire Council, and for the approval of the Director-General, a Construction Noise Management Plan. The Management Plan

shall demonstrate that all practical noise mitigation methods have been incorporated to minimise construction noise emissions. The plan should be incorporated into the EMP required by Condition 10 of this consent and should include but not be limited to the following:

- (a) predicted construction noise levels at sensitive receivers;
- (b) location, type and timing of implementation of any specific physical and managerial measures for controlling construction noise, i.e. scheduling of noisy activities; selection of appropriate plant and equipment, temporary shielding of individual equipment and insulation of residential houses upon agreement;
- (c) response measures for dealing with exceedences;
- (d) procedures to inform residents of construction activities likely to affect their acoustic amenity;
- (e) contact points for residents; and
- (f) complaints handling systems including reporting of complaints and response actions.

23. The Applicant shall ensure that noise emissions from the operation of the mill shall:

- (a) not exceed an  $L_{A10(15\text{minute})}$  noise emission limit of 40 dB(A) during the day (7am to 10pm) at the nearest residential receiver; and
- (b) not exceed an  $L_{A10(15\text{minute})}$  noise emission limit of 38 dB(A) during the night (10pm to 7am) at the nearest residential receiver.

The noise emission limits in both (a) and (b) apply for prevailing meteorological conditions, except under conditions of temperature inversions.

Any variations to the above hours of noise limits to be subject to EPA approval.

24. Should monitoring indicate increased levels of noise emissions due to temperature inversions, the Applicant shall:

- (a) document noise reports which identify increased emission levels or patterns of temperature inversions;
- (b) effect ameliorative measures in consultation with the EPA; and
- (c) amend and include the adopted ameliorative measures in the Noise Management Plan required by Condition 25 of this consent.

25. Prior to the commencement of operations, the Applicant shall prepare in consultation with the EPA and Tumut Shire Council, and for the approval of the Director-General an Operational Noise Management Plan. The Management Plan shall demonstrate that all practical design and noise mitigation methods have been incorporated to minimise operational noise emissions. The plan should be included in the EMP required by Condition 11 of this consent and include but not be limited to the following:

- (a) information on the measures to be undertaken to achieve the noise levels specified in Condition 23;

- (b) complaints handling systems, noise monitoring, reporting of complaints and response actions; and
- (c) measures for dealing with low frequency noise and extreme noise incidences.

## **AIR QUALITY**

### Emissions to Air

26. In preventing or controlling polluted air emissions from the mill, the Applicant shall apply “Best Available Technology (BAT)” for this type of pulp and paper mill to achieve, at a minimum, compliance with the provisions of the USEPA’s NESHAP limits (MACT I, II, and III) to the satisfaction of the EPA.

### Air Quality Management Plan

27. Prior to the commencement of operations, the Applicant shall prepare an Air Quality Management Plan in consultation with the EPA and Council and to the satisfaction of the Director-General. The Plan which should be incorporated into the operational EMP required by Condition 11, shall detail air quality safeguards and procedures for dealing with all emission discharges, dust control and monitoring for odour.

## **EROSION AND SEDIMENT CONTROL**

28. Prior to the commencement of construction, the Applicant shall prepare an Erosion and Sediment Control Plan showing detailed run-off and erosion control measures for both construction and operational phases of the development. The plan shall be prepared in consultation with the Council and the EPA and for the approval of the Department of Land and Water Conservation. The Plan shall be incorporated into the EMPs required by Conditions 10 & 11 and shall include but not be limited to the following:
- i) the provision and maintenance of temporary measures during construction to prevent sediment and polluted waters discharging from the site; and
  - ii) the provision and maintenance of permanent measures during the operation of the development to prevent sediment and polluted waters discharging from the site.

The Plan shall be prepared in accordance with DLWC’s Technical Handbook *Urban Erosion and Sediment Control* by Hunt (1992) and implemented to the satisfaction of the EPA in consultation with DLWC.

29. All access roads and tracks should be constructed, designed and maintained in consultation with DLWC, and in accordance with the “Guidelines for the planning, construction and maintenance of tracks”, Soil Conservation Service (1994). The Applicant shall comply with any requirements emanating from the guidelines as applicable.

30. Forestry operations on the subject land must be carried out in accordance with “Forest code of practice for plantations on private lands in the South West slopes region of NSW”.
31. Any construction works within 40 metres of the bed or bank of Sandy Creek shall be designed and carried out to the satisfaction of DLWC.
32. To avoid erosion and contamination of groundwater, any earthwork structures for the storage of wastewater, diluted wastewater such as contaminated runoff from the irrigation area, and uncontaminated run-off, shall be designed, constructed and maintained to the satisfaction of DWLC.

## **WASTEWATER MANAGEMENT**

33. The Applicant shall ensure that the discharge of treated wastewater from the mill into Sandy Creek or any of its tributaries will:
  - (a) have an average frequency of one in ten years or less;
  - (b) be only as permitted by the EPA; and
  - (c) will be fully recorded in terms of discharge amount, duration of discharge, and flow conditions in Sandy Creek at time of discharge.
34. Prior to the commencement of operations, the Applicant shall prepare a Waste Water Management Plan in consultation with the Council, EPA, and DLWC and for the approval of the Director-General. The Plan should be incorporated into the EMP required by Condition 11 of this consent and shall detail all measures to address potential land and waste management issues which will ensure the sustainable use of land. The Plan shall identify additional land capable, as applicable, of accommodating the irrigation of effluent to the satisfaction of the Director-General. The plan should also include but not be limited to:
  - (a) crop management;
  - (b) irrigation scheduling;
  - (c) nutrient budgets;
  - (d) salinity management measures;
  - (e) site drainage control measures;
  - (f) comprehensive soil details of areas proposed for irrigation; and
  - (g) measures to ensure ongoing maximisation of water recycling and/or reuse.
35. Should monitoring indicate that a watertable rise in either the shallow or deep piezometers exceeds an average 10 cm per year over a five year period, and/or that the watertable under the effluent irrigation area has risen within two (2) metres of the land surface, the Applicant shall carryout investigations in consultation with DWLC to determine the cause. If the cause is found to be the irrigation scheme, the Applicant shall develop and implement methods for preventing further rises to the satisfaction of the DLWC.
36. Prior to the commencement of operation, the Applicant shall, to the satisfaction of the Director-General prepare a program to monitor groundwater salinity levels in consultation with DLWC to the satisfaction of the EPA. If significant increases in salinity levels are found to be attributable to the irrigation scheme, the Applicant

shall as relevant develop and implement methods for avoiding adverse impacts upon present or future beneficial uses of the area or adjoining streams to the satisfaction of the EPA and DLWC.

37. The Applicant shall not make unavailable to receive effluent those lands identified in the EIS for irrigation of effluent, or the contingency land for irrigation of effluent identified in the Waste Management Plan without the prior written consent of the Minister or his nominee.

## **SURFACE WATER AND STORAGE**

38. Prior to the commencement of operations, the Applicant shall prepare in consultation with the EPA and DWLC a Surface Water Management Plan to the satisfaction of the Director-General. The plan shall be incorporated into the operational EMP required by Condition 11 and provide details of management measures to be taken during both the operation of the plant for the collection, treatment and disposal of surface water including details of:

- a) areas potentially subject to contaminated stormwater runoff;
- b) measures to prevent pollution of adjacent watercourses;
- c) proposed bunding for fuel, lubricants and chemical storage areas;
- d) total run-off detention for flood mitigation; and
- e) provision for the treatment of fire water on site, to prevent direct discharge to adjoining watercourses.

39. The Applicant shall ensure that the fresh water storage dam and winter storages are constructed with a 600mm thick remoulded, recompacted clay liner with a permeability of less than  $1 \times 10^{-9}$  m/s.
40. The Applicant shall make provision to ensure that all uncontaminated surface runoff water leaves the site to the satisfaction of the DLWC.

## **SOLID WASTE MANAGEMENT**

41. Prior to the commencement of operations, the Applicant shall prepare a Solid Waste Management Plan in consultation with the Council and the EPA for the approval of the Director-General. The plan should be incorporated into the Operational EMP required by Condition 11 and include but not be limited to:

- (a) details regarding the continued viability of solid wastes returning to the pulping process;
- (b) details regarding ongoing analysis and monitoring for solids being disposed by landfill;
- (c) details of priority investigations into the beneficial reuse of purge fly ash and purge lime mud; and
- (d) other measures to reduce the amount of waste going to the Council's landfill sites.

42. Prior to the commencement of construction, the Applicant shall provide the Council with an estimate of the quantity of construction waste expected at the

Council's landfill sites. Measures for dealing with construction waste shall also be included in the Construction EMP required by Condition 10.

43. Prior to the commencement of construction, the Applicant shall consult with the Council regarding landfill charges for trade waste from the mill and the provision of recycling facilities.

## **ACCESS AND TRAFFIC MANAGEMENT**

### Access

44. Prior to the commencement of on-site works (except for preparatory earthworks or other works deemed necessary to enable pre-alignment or other preliminary works to be undertaken), the Applicant shall design and construct a right angled, three way intersection capable of accommodating turning movements for B-Doubles funded by the State Government. The intersection design shall also incorporate adequate site distance in both directions and turning lane facilities for both in bound and out bound vehicles. The intersection shall be located on a straight section of the Snowy Mountains Highway adjoining land owned by the Applicant. The intersection (to be funded by the NSW State Government) shall be located, designed and constructed to the satisfaction of the RTA and the Director-General.
45. Prior to the commencement of on-site works (except for preparatory earthworks or other works deemed necessary to enable pre-alignment or other preliminary works to be undertaken), the Applicant shall design and construct a bitumen sealed standard road (to be funded by the NSW State Government) linking the intersection required by Condition 44 with the mill site. The road shall be designed and constructed to accommodate the geometric and pavement requirements for B-Doubles. The road should be kept watered to keep dust down prior to sealing being completed.

### Traffic

46. Upon completion of the intersection and access road as required in Conditions 44 and 45, all vehicular access to the site including all trucks and visitor and employee vehicles, shall be via the new intersection and access road unless in the event of an emergency.
47. The Applicant shall ensure that there will be no night time (10pm to 7am) semi-trailer or B-Double truck movements to and from the plant via the Snowy Mountains Highway through Adelong, except where, on the advice of the Director-General in consultation with the Council, such a restriction poses unacceptable impacts on alternative routes.
48. The Applicant shall ensure that there will be no semi-trailer or B-Double truck movements to and from the plant via MR 280 north of Adelong (except for the disposal of waste at Adelong Landfill) unless the road is upgraded and given B-Double status.
49. The Applicant shall ensure that the transport of waste to:

- (a) the Tumut landfill is restricted to the Snowy Mountains Highway (SH4) and Boonderoo Rd; and
  - (b) the Adelong landfill is restricted to the Snowy Mountains Highway (SH4) and MR280.
50. Prior to the commencement of operations, the Applicant shall prepare a Traffic Management Plan in consultation with the Council, RTA, and the EPA and to the satisfaction of the Director-General. The Plan which shall be incorporated into the Operational EMP required by Condition 11 of this consent shall include but not be limited to:
- (a) records of all vehicles heavy vehicles (3 tonne tare or greater) entering and leaving the site including details of times and access routes used;
  - (b) measures to reduce sleep disturbance impacts in built up areas including reduced speed limits, prohibition on the use of exhaust brakes, and the provision of air bag suspension to heavy vehicles;
  - (c) measures to reduce other impacts in built up areas including restricting heavy vehicle movements to main roads through townships, limiting parking within townships, and the cleaning of trucks; and
  - (d) measures to ensure that the provisions of the Traffic Management Plan and Conditions 46-49 are implemented, i.e. education of drivers and any contractual agreements with operators of heavy vehicles which regularly service the site.

## **LOCAL ROADS**

51. The Applicant shall participate in the formulation of local roads maintenance requirements to ensure that funding identified for local road infrastructure associated with the operation of the mill is directed to those roads considered by Council, in consultation with the Director-General, likely to be significantly and directly affected by the operation of the mill.

## **REGIONAL ROAD INFRASTRUCTURE INITIATIVES**

52. The Applicant shall participate as required by the Director-General in any relevant committee/s established to investigate transport infrastructure initiatives in the region.

## **RAIL TRANSPORT**

53. Within 6 months prior to the commencement of operations, the Applicant shall, in consultation with RAC, Freight Rail, potential service providers and the Council undertake joint investigations as to the feasibility of re-opening the Cootamundra to Tumut Railway Line and/or other suitable lines with a view to transporting raw material (including waste paper and timber residues from Tumut) and finished product. The outcome of the investigations shall



be submitted to the Director-General for incorporation into any wider investigation of rail transport options co-ordinated by the Director-General.

## **LANDSCAPING AND VEGETATION MANAGEMENT**

54. The Applicant shall prepare a Landscape Plan to be integrated with the Native Vegetation Management Plan required by Condition 55 in consultation with the Council, the DLWC, NPWS and the Gilmore Landcare Group. The Plan shall be prepared by a suitably qualified and experienced professional and submitted for the approval of the Council prior to the commencement of construction. The Plan shall be incorporated into the EMP's required by Conditions 10 & 11 and include but not be limited to:
- (a) the existing landform of the site and the final landform when all proposed work is completed;
  - (b) proposals for the irrigation areas and softwood plantations;
  - (c) planting species, their purpose, maintenance requirements, irrigation requirements and illustration of typical visual character;
  - (d) location of all hard and soft landscaping features; and
  - (e) programs for staged work and maintenance of all landscaping and rehabilitation works.

All site works shall be undertaken in accordance with the Plan and shall be supervised by a qualified professional Engineer or other suitably qualified person.

55. Prior to the commencement of operations, the Applicant shall prepare a Native Vegetation Management Plan for the proposed property in consultation with and to the satisfaction of DWLC for all areas of retained vegetation, native planting, buffer areas and planted corridors. The Applicant shall ensure that:
- (a) retained native vegetation is appropriately fenced and signposted to exclude stock;
  - (b) large hollow bearing trees shall be retained wherever possible;
  - (c) native vegetation buffers are retained 50 metres to each side of Sandy Creek and 20 metres to each side of major drainage depressions; and
  - (d) indigenous plant species shall be used in any site revegetation and any landscape planting associated with the mill site and access roads.

The Plan shall be incorporated into the Operational EMP required by Condition 11.

56. Prior to the commencement of construction, the Applicant shall prepare in consultation with and to the satisfaction of DLWC and NPWS, a Native Vegetation Management Plan for all areas of retained native vegetation. The plan shall outline measures to be adopted by the Applicant to protect and enhance the existing conservation value of native vegetation and to improve the long term viability of native vegetation as flora and fauna habitat. The Plan shall be incorporated into the EMP's required by Condition's 10 & 11.

## **MONITORING**

### Comprehensive Monitoring program

57. Prior to the commencement of operations, a detailed monitoring program shall be prepared in consultation with the EPA and DWLC and submitted for approval by the Director-General. The program shall cover all aspects of environmental performance (both operational and organisational), and compliance with the reporting requirements and all conditions of consent, including Conditions 58 to 70. The program shall include all measures for monitoring stack and fugitive emissions, noise, water quality and waste management. The program which should be incorporated into the operational EMP required by Condition 11 shall include but not be limited to:
- (a) provisions for monitoring the implementation and effectiveness of the management plans required by this consent;
  - (b) sampling locations, sampling frequencies and parameters to be tested;
  - (c) characteristics of the existing environment, in particular, the existing ambient air levels; and
  - (d) timing of monitoring reports.

All monitoring analysis is to be undertaken by a suitably accredited NATA registered laboratory, or as otherwise agreed by the EPA.

### Air Quality

58. Prior to the commencement of construction, the Applicant shall, to the satisfaction of the EPA, install a meteorological stations/s. The number of monitoring stations and the parameters to be measured shall be developed in consultation with the EPA.
59. Prior to the commencement of operations, the Applicant shall establish an ambient monitoring station/s to the satisfaction of the EPA. The number of monitoring stations and the parameters to be measured shall be developed in consultation with the EPA.
60. The Applicant shall install continuous emission monitoring systems (CEMS) to monitor the combined exhaust gases from the stack. Monitoring of emissions from the recovery boiler, lime kiln and the powder boiler including oxygen, temperature, nitrogen oxides, acid gases, opacity, carbon monoxide, total reduced sulfides, sulphur oxides, and total volatile organic compounds shall be undertaken to the satisfaction of the EPA.
61. Within 12 months of the commencement of operations, and annually thereafter, the Applicant shall:
- (a) undertake a regulatory source emission test (including emissions of TCDD) on the recovery boiler, lime kiln and the power boiler; and
  - (b) undertake an odour audit including a leak detection and repair (LDAR) program for all fugitive odour/VOC sources that are collected and ducted to each of the boilers.

### Groundwater Monitoring

62. Prior to the commencement of operations, the Applicant shall prepare in consultation with DLWC and the EPA and to the satisfaction of the DWLC, a groundwater monitoring strategy to assess any changes in groundwater quality and depth of both shallow and deep aquifers. The strategy shall include the installation by the Applicant of shallow and deep piezometers in areas which are representative of irrigated pasture, irrigated trees, non-irrigated buffers, and untreated areas. The piezometers shall be located following consultation with DWLC. The Applicant shall also install piezometers at off-site locations following consultation DWLC.
63. Prior to the commencement of operations, the Applicant shall install piezometers in the vicinity of the winter storages as directed by DWLC to monitor for any groundwater mounding as a result of leakage from the storages. If significant leakage is found to occur the applicant shall immediately prepare and implement measures to prevent further leakage to the satisfaction of DWLC.
64. Following installation, the Applicant shall provide DWLC with details of the location, depth, construction method and materials, and strata encountered of all piezometers for inclusion in the State Groundwater Data System under existing Bore Licence 40BL186472.
65. Within 12 months of the commencement of operations, and annually thereafter, the Applicant shall submit to DLWC an interpreted report on the groundwater monitoring program. The report shall contain copies of all raw data collected. The Applicant shall comply with all reasonable requirements of DWLC should it be deemed necessary to revise the groundwater monitoring strategy.

### Soils Monitoring

66. The Applicant shall undertake an annual soils monitoring program in all areas used for effluent irrigation to the satisfaction of DWLC. The following tests shall be made in accordance with standards outlined in the NSW Agriculture publication Abbott, T.S. (ed) "Soil Testing Service - Methods and Interpretation". The program shall include but not be limited to the following tests:
  - (a) pH (CaCl<sub>2</sub>) salinity as E<sub>c</sub> 1:5;
  - (b) exchangeable cations;
  - (c) total nitrogen;
  - (d) organic carbon;
  - (e) available phosphorous and phosphorus sorption;
  - (f) exchangeable sodium percentage; and
  - (g) emersion aggregate tests (EAT).

The monitoring parameters set out in (a) to (g) shall be reviewed through consultation between the Applicant and DLWC two years following

commissioning and, on the basis of good performance, the monitoring interval may, on the advice of DLWC, be increased.

67. If the soil monitoring program indicates that effluent irrigation is having an adverse impact on the sustainability of soils within the irrigation area, then the Applicant shall prepare an amended plan of effluent disposal to the satisfaction of the DWLC.

#### Water Quality

68. From the commencement of operations, and for such further periods as agreed necessary by the Applicant and the EPA, the Applicant shall undertake to the satisfaction of the EPA:
  - (a) toxicity testing of irrigation re-use water; and
  - (b) event based surface water monitoring, particularly during direct discharges from effluent ponds to Sandy Creek.

#### Monitoring Report

69. All monitoring results arising from these conditions of consent shall be submitted annually to the EPA, DLWC, the Council and the Community Consultative Committee established under Condition 72.
70. Upon request, the Applicant shall make available to the Director-General all monitoring results arising from these conditions of consent.

### **INDEPENDENT ENVIRONMENTAL AUDITING**

71. Twelve months after the approved commissioning period, the Applicant shall make arrangements for and bear the total cost of an independent and comprehensive environmental audit for the development. The environmental audit is to be carried out by a duly qualified independent person or team to be approved and appointed by the Director-General in consultation with the Council, DWLC and EPA. Further independent audits are to be conducted every twelve months or as directed by the Director-General

The independent environmental audit shall be undertaken to the requirements of the Director-General in consultation with EPA and Council and cover all aspects of monitoring and environmental performance, both operational and organisational, and compliance with reporting requirements and all conditions of this consent. The audit report shall be made available to the Director-General, Council and the Community Consultative Committee.

The Applicant shall comply with all reasonable requirements of the Director-General in respect of any measures arising from or recommended by the independent environmental audit and within such time as the Director-General shall agree.

## **COMMUNITY CONSULTATION**

72. Prior to the commencement of construction, the Applicant shall establish a Community Consultative Committee. The Committee should include representatives of the Council and the local community and monitor compliance with conditions of this consent during the term of the development. Upon request, representatives of Government agencies will attend.

The Chairperson and procedures for the Committee including frequency of meetings shall be determined by the Committee.

73. Prior to the commencement of construction, the Applicant shall establish, operate, maintain and promote a telephone service that allows members of the public to directly contact nominated employees to report incidents of unacceptable noise or air quality impacts.
74. From the commencement of construction, the Applicant shall maintain a complaints register which shall be used to record details of all complaints received from members of the public and actions taken by the Applicant in response to such complaints to the requirements of the Director-General.
75. The Applicant shall audit the effectiveness of the service and the degree of public satisfaction with the complaints service to the requirements of the Director-General.
76. The Applicant shall provide the Council and EPA with a copy of the complaints register every 3 months from the commencement of construction and within seven days of the end of each 3 month period. The data for each quarter shall be accompanied by an internal audit report of the system.

## **ARCHAEOLOGY AND HERITAGE**

77. The Applicant shall ensure that all the recommendations of the Cultural Heritage Assessment described in Supplementary Report 3-3 of the EIS are implemented to the satisfaction of the Director-General.
78. Prior to construction, and in consultation with the Tumut/ Brungle LALC and NPWS, the Applicant shall submit to the satisfaction of NPWS,
- (i) measures to ensure that all scarred trees and campsites identified (Supplementary Report 3-3 of the EIS, Recommendation A2) as being outside the mill site but within the subject land, are not disturbed; and
  - (ii) further consideration of (Supplementary Report 3-3 of the EIS, Recommendation A4) the need to have all scarred trees fenced and protected.
79. Prior to the construction of the water supply pipeline, the Applicant shall undertake an archaeological and ecological assessment of the route in consultation with and for the approval of NPWS and the Director-General.

80. In the event that Aboriginal artefacts are identified on the site during development through earthworks, construction or operation of the mill, the Applicant shall contact the NPWS and cease work in the relevant location pending investigation and assessment of their heritage value.
81. The Applicant shall ensure that any supplementary investigation of Aboriginal sites are undertaken by a qualified archaeologist.

### **FIRE FIGHTING CONTROL**

82. Within 3 months of on site construction works commencing, the Applicant shall maintain a Category 1, four wheel drive Fire Tanker with 3,600 litre water carrying capacity on site. The tanker shall have the ability to provide high water flow and pressure to standard fire hose lines.
83. For the purposes of local fire control, the Applicant shall make available the tanker required by Condition 82 to the Gilmore Bush Fire Brigade should it be required.
84. Within 6 months after the commencement of operations, the Applicant shall ensure:
  - (a) that a minimum of ten staff that have received Rural Fire Service basic fire fighter (BF) standard training are available should they be required; and
  - (b) that a minimum of one staff member with advanced fire fighting (AF) standard competency training is available should he/she be required.
85. The Applicant shall ensure the maintenance of bush fire fighting equipment at all times in accordance with current bush fire control and safety practice and in consultation with Tumut Shire Council's Fire Control Officer.

### **RENTAL HOUSING**

86. The Applicant shall liaise with the Council to monitor local housing demand during the construction stage of the mill, and in the event of shortage of rental accommodation, provide additional temporary accommodation facilities for use by its construction workforce.

### **WATERWAY CROSSINGS**

87. Prior to the commencement of any on-site works, the Applicant shall consult with NSW Fisheries to ensure that any road, causeway or pipe crossings of waterways span the entire waterway to prevent increases in stream velocities and blockages of fish passages.

### **ENVIRONMENTAL OFFICER**

88. The Applicant shall appoint Officer responsible for environmental management and reporting whose qualifications are acceptable to the Director-General to be responsible for ensuring that all environmental safeguards proposed for the development in the EIS and as required by this consent and other statutory approvals, are enforced and monitored from the commencement of construction.

### **LIGHTING**

89. The Applicant shall design all lighting, roadwork's and carparking to ensure that the site lighting is positioned to minimise reflectivity and light spill and that lights of vehicles are contained within the site as far as practicable to the satisfaction of the Council.

### **COOLING TOWER**

90. The construction and operation of the proposed cooling tower must comply with Australian Standard AS 3666 - 1995 and with the microbial control provisions of the Public Health Act, 1991 and Regulation.

### **COMPLIANCE WITH DANGEROUS GOODS ACT**

91. The premises shall comply with the requirements of the Dangerous Goods Act 1975, as administered by WorkCover Authority and the EPA, and if necessary be licensed under this Act.

### **DISPUTE RESOLUTION**

92. In the event that the Applicant and the Council or a Government agency, other than the Department of Urban Affairs and Planning, cannot agree on the specification or requirements applicable under this consent, the matter shall be referred by either party to the Director-General or if not resolved, to the Minister for Urban Affairs and Planning, whose determination of the disagreement shall be final and binding on the parties.

### **TRAFFIC NOISE**

93. The Applicant shall treat windows and consider appropriate acoustic barriers at the residences of Mr and Mrs Beale (Lot 4, DP 57228) and Mr F Dutton (Lot 1, DP 744422) if requested by the owners after commissioning of the pulp and paper mill to reduce traffic noise affects generated by the mill to the satisfaction of the EPA.

### **PUBLIC NOTIFICATION OF WASTEWATER DISCHARGE**

94. The Applicant shall give public notice of any impending wastewater discharge from its wastewater storages as well as notifying all persons downstream of the site to the Tumut River who use water from Sandy or Gilmore Creeks for domestic purposes.

## TRUCK SCHEDULING

95. The Applicant shall prior to commencing operations at the pulp and paper mill submit to the Director-General an assessment of the measures to be taken to minimise night time truck movements to and from the mill in a Truck Scheduling Report and shall incorporate such of the measures as required by the Director-General into the Traffic Management Plan required by Condition 50. The Scheduling Report shall be reviewed each 2 years or such longer period as determined by the Director-General.

## PROCESS WATER RE-USE

96. The Applicant shall report on a review of process water use in the mill two years after commencement of operation of the mill to the requirements of the Director-General. The review is to include consideration of improved recycling rates and reduced generation of wastewater. The Applicant shall then report each 3 years or at such longer period as determined by the Director-General.

## ACQUISITION OF LAND

*Note: In Conditions 97 to 99 "land" means the whole of a lot in a current plan registered at the Land Titles Office as at the date of this consent.*

- 97(a) If any landowner (as at the date of this consent) who is specified in the schedule hereunder so requests, the Applicant shall negotiate an option to purchase those properties at a price to be determined as provided in Conditions 98 -101.

### Schedule

<b>Lot/DP</b>	<b>Owner/s</b>
23/757228	G.N.Adams
45/757228	G.N.Adams
53/757228	G.N.Adams
79/757228	G.N.Adams
2/932090	J.Howe
54/757228	J.Howe
69/757228	J.Howe
70/757228	J.Howe
75/757228	J.Howe
20/757228	Lagoon Pastoral Company Co P/L
4/757228	Lagoon Pastoral Company Co P/L
F/364540	Lagoon Pastoral Company Co P/L
4/793196	N.E & C.D McMahan
102/757288	G.C & P.A Whatman
108/757228	G.C & P.A Whatman



86/757288	G.C & P.A Whatman
87/757288	G.C & P.A Whatman
88/757288	G.C & P.A Whatman
89/757288	G.C & P.A Whatman
113/757288	G.C & P.A Whatman

- (b) Within 3 months of the date of this consent an independent valuation of the scheduled properties is to be undertaken at the Applicant's expense and, upon receipt of the valuation, an option to purchase shall be offered to the landowner.
  - (c) The landowner and the Applicant shall negotiate the terms of any option to purchase in good faith within six (6) months of the offer to purchase being received by the landholder or, alternatively, any other form of agreement acceptable to the parties.
  - (d) In the event of any dispute over the valuation of the landowner's property which is unresolved after twelve (12) months of the offer being received, either party may make an application under Condition 99.
  - (e) The landowner may exercise an option to purchase at their discretion up to two years after the commencement of operations of the mill.
  - (f) Should the landowner fail to exercise the option within two year period following the commencement of operations then the Applicant's obligations under this Condition cease.
98. In respect of a request purchase land arising under Condition 97, the Applicant shall pay the owner the acquisition price which shall take into account and provide payment for:
- (i) a sum not less than the current market value of the owner's interest in the land used for its existing use at the date of this consent and all improvements thereon at this date as if the land was unaffected by the development proposal.
  - (ii) the owner's reasonable compensation for disturbance allowance and relocation costs within the Tumut, Tumbarumba and Gundagai Local Government Areas.
  - (iii) the owner's reasonable costs for obtaining legal advice and expert witnesses for the purposes of determining the acquisition price of the land and the terms upon which it is to be acquired.
99. In the event that the Applicant and any owner referred to in Condition 97 cannot agree within the time limit upon the acquisition price of the land and/or the terms upon which it is to be acquired, then:
- (i) either party may refer the matter to the Director-General or his/her nominee, who shall request the President of the Australian Institute of

Valuers and Land Economists to appoint a qualified independent valuer, suitably qualified in compensation issues, who shall determine, after consideration of any submissions from the land owner and the Applicant, the acquisition price.

- (ii) in the event that the independent valuer requires guidance on any contentious legal, planning or other issues, the independent valuer shall refer the matter to the Director-General or his/her nominee, who if satisfied that there is need for a qualified panel, shall arrange for the constitution of the panel. The panel shall consist of:
- 1) the appointed independent valuer,
  - 2) the Director-General, or his/her nominee,  
and/or
  - 3) the President of the Law Society of NSW or his/her nominee.

The qualified panel shall, on the advice of the valuer, determine the issue referred to it and advise the valuer.

100. The Applicant shall bear the costs of any valuation or survey assessment requested by the Director-General in accordance with Condition 99.
101. Nothing in this consent precludes the Applicant from negotiating with any landowner the acquisition of property necessary for the operation of the mill.

**Note:** This approval does not relieve the Applicant of the obligations to obtain any other approval under the Local Government Act, 1998, as amended, or under any other Act.