

Modification of Development Consent

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

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Pamela Morales
Principal Planner
Industry Assessments

Sydney

23 April 2024

SCHEDULE 1

Development consent:	SSD 7016 granted by the Executive Director – Key Sites and Industry Assessments on 29 May 2017
For the following:	Construction and operation of a particle board facility and continuation of, and alterations and additions to, the existing medium density fibreboard facility.
Applicant:	Borg Construction Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
The Land:	124 Lowes Mount Road, Oberon Lots 1 - 2 DP 1085563, Lot 31 DP 1230464, Lot 24 DP 1148073 and Lot 33 DP 1228591
Modification:	SSD-7016-Mod-5 Alterations to the approved mechanics workshop

SCHEDULE 2

This consent is modified as follows:

1. In the definition for Modification Assessments, insert new clause e) immediately after clause d) as follows:

e) SSD-7016-Mod-5 – Statement of Environmental Effects titled ‘Proposed S4.55 (1A) Modifications to Timber Manufacturing Facility Modification 5 Alterations to the mechanical workshop’, Rev 0, prepared by Borg Construction Pty Ltd, dated 16 November 2023 and accompanying documents.

In the Appendices

2. In Appendix A – Development Layout Plans, immediately after Figure 4, insert new Figure 5 as shown below.

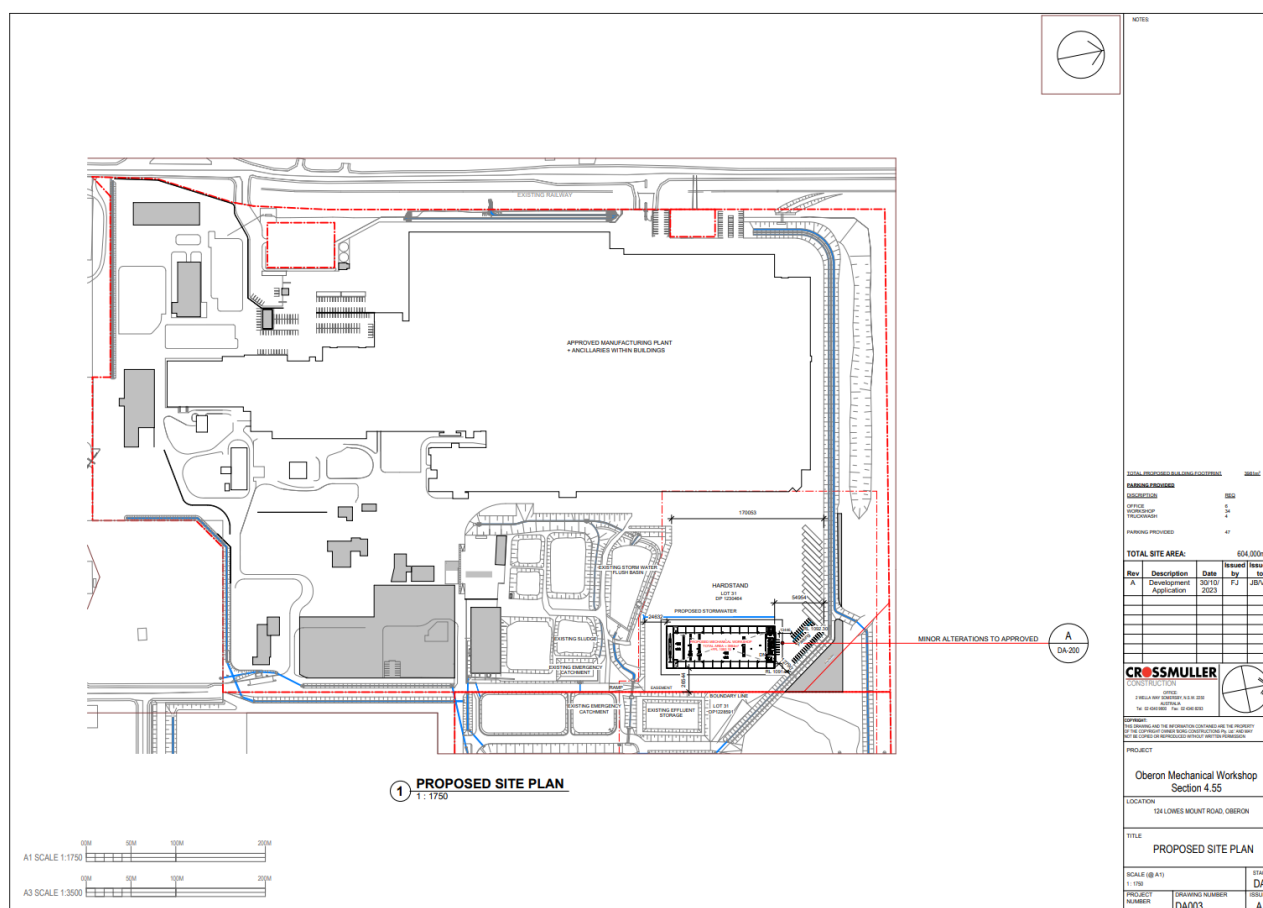


Figure 5: Modified Mechanics Workshop

Modification of Development Consent

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

As delegate of the Minister for Planning under delegation executed on 9 March 2022, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Joanna Bakopanos
Team Leader
Industry Assessments

Sydney

20 May 2022

SCHEDULE 1

Development Consent

Development Consent: SSD 7016 granted by the Executive Director – Key Sites and Industry Assessments on 29 May 2017

For the following: Construction and operation of a particle board facility and continuation of, and alterations and additions to, the existing medium density fibreboard facility.

Modification 4

Modification Application: SSD-7016-Mod-4
Additions and alterations to the existing timber processing facility including reclamation of the remaining spring fed dam, relocation and expansion of the existing mechanic's workshop and improvements to the site's water treatment plant

Applicant: Borg Construction Pty Ltd

Consent Authority: Minister for Planning and Public Spaces

The Land: 124 Lowes Mount Road, Oberon
Lots 1 - 2 DP 1085563, Lot 31 DP 1230464, Lot 24 DP 1148073 and Lot 33 DP 1228591

SCHEDULE 2

This consent is modified as follows:

1. In the definition for Modification Assessments, insert new point d) immediately after point c) as follows:
 - d) SSD-7016-Mod-4 – Statement of Environmental Effects titled '*Proposed S4.55(1A) Modifications to Timber Manufacturing Facility Modification 4 – Improved Layout*', Rev 00, prepared by Borg Construction Pty Ltd, dated 19 October 2021 and accompanying documents and as amended by additional information provided in a letter titled '*Borg Timber Processing Facility Expansion, Oberon-Mod-4 (SSD-7016-Mod-4) Request for additional information*' prepared by Borg Construction Pty Ltd and dated 24 February 2022.

In Schedule 2 – Part B: Environmental Performance

2. In Condition B33 sub-clause (b), delete the word “and” after the semi-colon.
3. In Condition B33 sub-clause (c), delete the period after the words “and the EPL” and insert instead the word “; and”.
4. Insert new Condition B33 sub-clause (d), as follows:
 - (d) description of the groundwater extraction methods from the infilled Spring Fed Dam and maintenance procedures for infrastructure associated with groundwater collection and storage.
5. Insert new Condition B33B after Condition B33A as follows:

B33B. Prior to commencement of the construction works associated with SSD-7016-Mod-4, the Applicant must update the Spring Fed Dam Reclamation Management Plan required under Condition B33A, to incorporate the dam reclamation works described under SSD 7016-Mod-4 and its management, to the satisfaction of the Secretary. The updated plan must be prepared in accordance with the requirements of Condition B33A, and must incorporate the following:

 - (a) description of additional infrastructure that would be installed to facilitate permanent groundwater collection and storage of groundwater inflows from the Spring Fed Dam; and
 - (b) details of the measures and procedures to be implemented, including quality testing procedures, to ensure backfill material used for the reclamation works does not contaminate groundwater.

In the Appendices

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

Attachment A: Plans

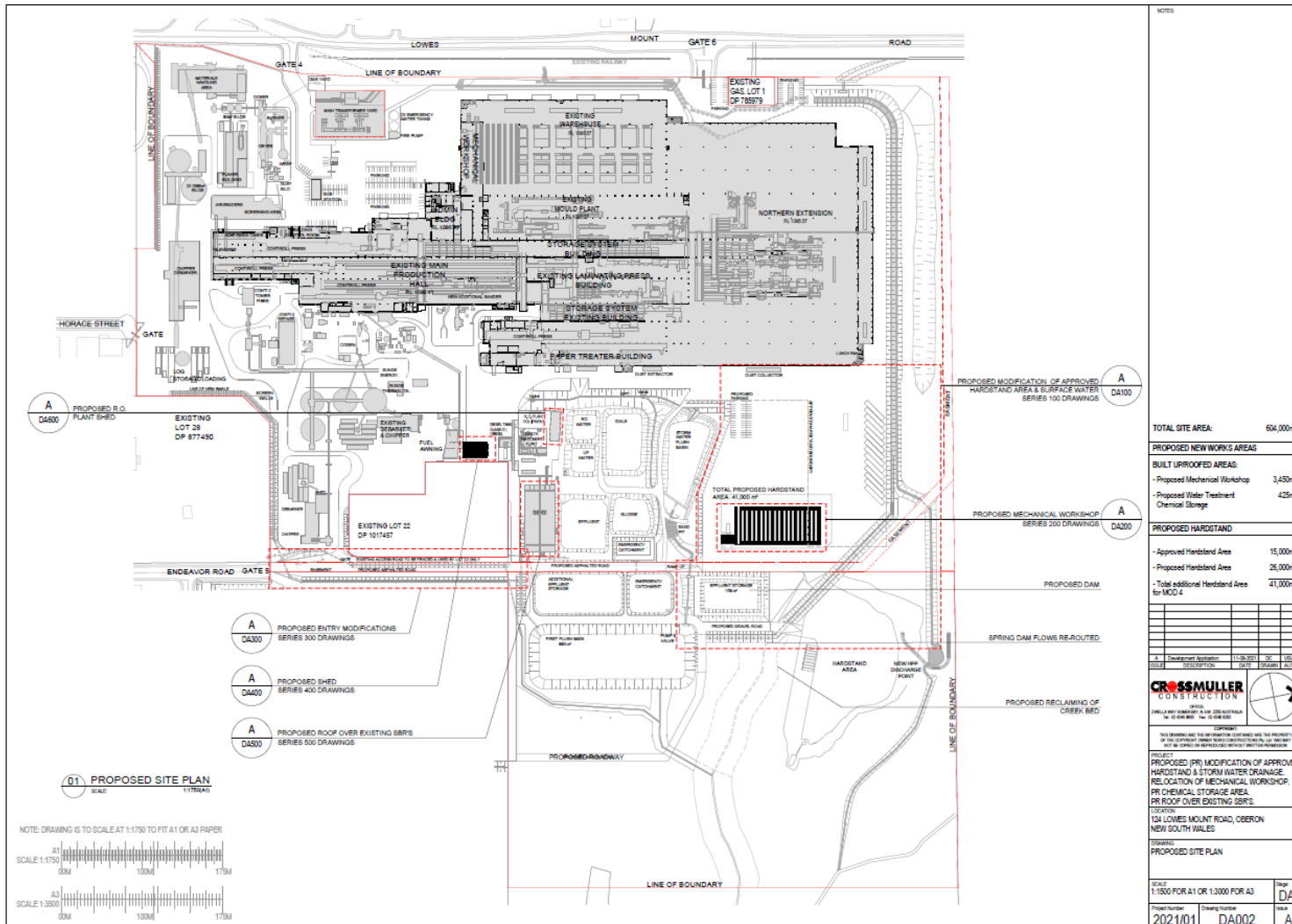


Figure 1: Site Plan

Modification of Development Consent

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

As delegate of the Minister for Planning and Public Spaces, under delegation executed on 9 March 2020, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Ritchie
Director
Industry Assessments

Sydney 22 MAY 2020

EF20/1586

SCHEDULE 1

Development Consent

Development Consent: SSD 7016 granted by the Executive Director – Compliance, Industry and Key Sites on 29 May 2017

For the following: Construction and operation of a particle board facility and continuation of, and alterations and additions to, the existing medium density fibreboard facility.

Modification 3

Modification Application: SSD-7016-Mod-3 – Additional Material Handling Equipment, extension to Northern Warehouse, changes to the site surface water system and construction of further hardstand

Applicant: Borg Construction Pty Ltd

Consent Authority: Minister for Planning and Public Spaces

The Land: 124 Lowes Mount Road, Oberon
Lots 1 - 2 DP 1085563, Lot 31 DP 1230464, Lot 24 DP 1148073
and Lot 33 DP 1228591

SCHEDULE 2

This consent is modified as follows:

1. In the definition for Modification Assessments, insert new point c) immediately after point b) as follows;
 - c) SSD-7016-Mod-3 – Statement of Environmental of Environmental Effects titled *Proposed S4.55 Modifications to Timber Manufacturing Facility Modification 3 Improved Recycling*, Rev 00 prepared by Borg Construction Pty Ltd, dated 31 March 2020 and accompanying documents

In Schedule 2 – Part B: Environmental Performance and Management

2. In Condition B19(c) delete the period and insert “; and”.
3. In Condition B19, after condition (c), insert new condition (d) as follows:
 - (d) details of the noise attenuation measures for the materials handling equipment approved for installation and operation under SSD-7016-Mod-3.
4. Insert new Condition B20B, after Condition B20A as follows:

B20B Within three months of commissioning the materials handling equipment approved for installation and operation under SSD-7016-Mod-3, the Applicant must undertake a Noise Verification Study for the Development to the satisfaction of the Secretary. The Study must:

 - (a) be undertaken by a suitably qualified expert;
 - (b) include an analysis of compliance with noise limits specified in Condition B16;
 - (c) include an outline of management actions to be taken to address any exceedances of the limits specified in Condition B16; and
 - (d) describe the contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

In the Appendices

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

Attachment A

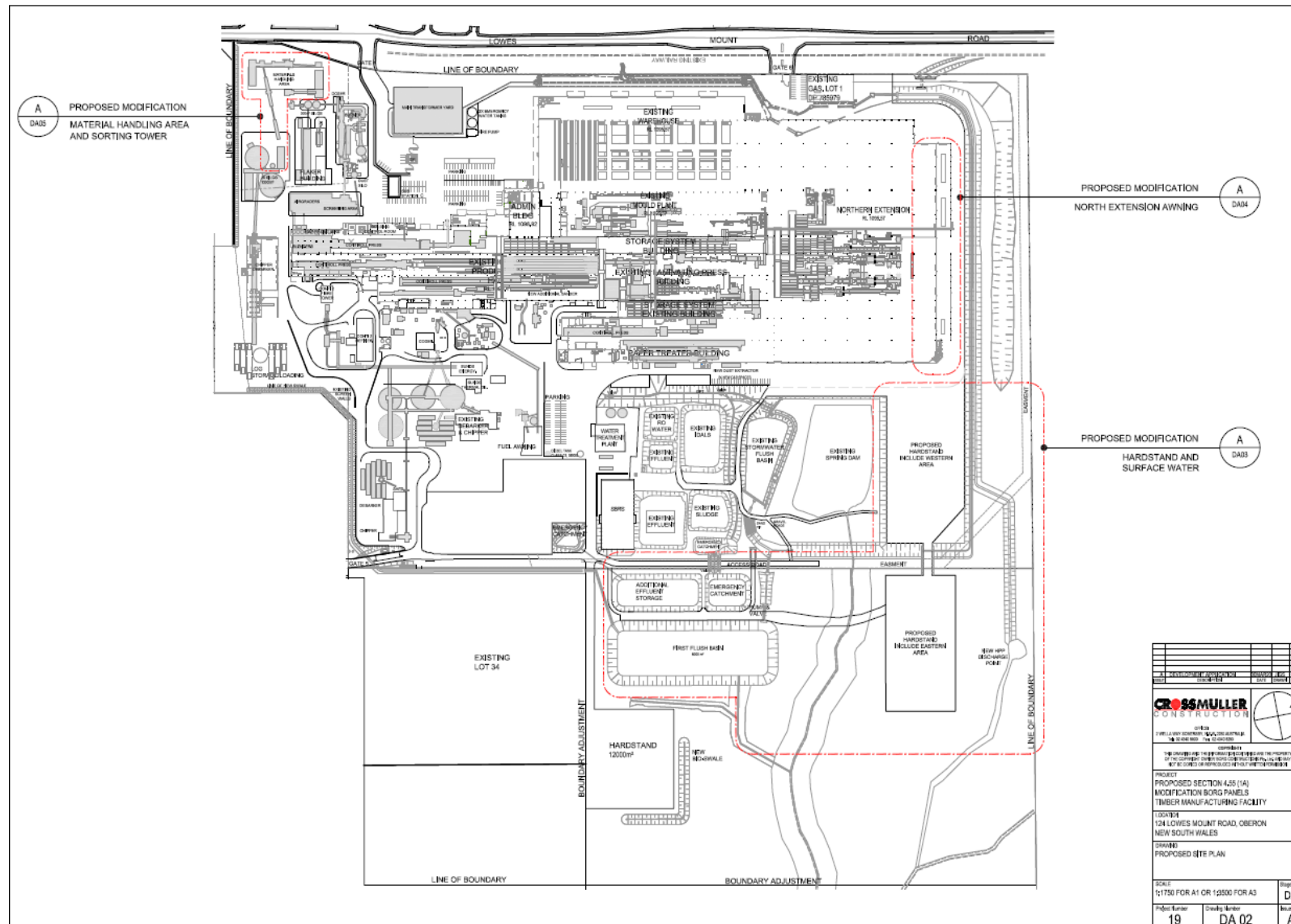


Figure 1 –Site Plan

**End of modification
(SSD 7016 MOD 3)**

Modification of Development Consent

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

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

Chris Ritchie
Director
Industry Assessments

Sydney 29 NOVEMBER 2019

File: EF19/24545

SCHEDULE 1

Consent No:	SSD-7016-Mod-2
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 facility
Date of Original Consent:	29 May 2017
Modification:	SSD-7016-Mod-2 – installation of an electricity generating gas turbine and ancillary equipment

SCHEDULE 2

This consent is modified as follows:

1. Delete the definition for Department, Minister, Modification Assessments and insert the following definition in alphabetical order:

Department	Department of Planning, Industry and Environment
Minister	Minister for Planning and Public Spaces (or delegate)
Modification Assessments	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: (a) SSD 7016 MOD 1 - Statement of Environmental Effects titled <i>Proposed S96 Modifications to Timber Manufacturing Facility</i> prepared by Borg Construction Pty Ltd, dated 19 January 2018 as amended by Response to Submissions titled <i>Proposed S96 Modifications to Timber Manufacturing Facility</i> prepared by Borg Construction Pty Ltd, dated 7 June 2018, updated drawings titled <i>Proposed Section 96 Modification Borg Panels Timber Manufacturing Facility</i> , Issue C, dated 30/04/2018 and letter from Borg Construction Pty Ltd in response to Department of Industry Submission dated 2 August 2018 (b) SSD-7016-Mod-2 – Statement of Environmental Effects titled <i>Proposed S4.55 Modifications to Timber Manufacturing Facility</i> , Rev 00 prepared by Borg Panels Pty Ltd, dated 8 August 2019 and accompanying documents

In Schedule 2 – Part B: Environmental Performance and Management

2. In Condition B19(a), delete the word “and” after the words “and the EPL;”.
3. In Condition B19 (b), delete the period and insert instead “; and”.

4. In Condition B19, after condition (b), insert new condition (c), as follows:
 - (c) details of the noise attenuation measures for the gas turbine and ancillary equipment associated with the particleboard material handling area.
5. Insert new Condition B20A, after Condition B20, as follows:

B20A. Within three months of the commissioning of the gas turbines and ancillary equipment, the Applicant must undertake a noise verification study for the Development to the satisfaction of the Secretary. The study must:

 - (a) be undertaken by a suitably qualified expert; and
 - (b) include an analysis of compliance with noise limits specified in Condition B16;
 - (c) include an outline of management actions to be taken to address any exceedances of the limits specified in Condition B16; and
 - (d) describe the contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.
6. Insert new Condition B37A, after Condition B37, as follows:

B37A. The Applicant must implement all recommendations (1 to 3 inclusive) of the *Preliminary Hazard Analysis of the Natural Gas Pipeline and Turbine at Borg Timber Panel Manufacturing Facility in Oberon NSW*, prepared by Planager and dated 5 August 2019.
7. Insert new Condition B38A, after Condition B38, as follows:

B38A. Prior to commencement of works associated with SSD-7016-Mod-2, or within such further period as the Planning Secretary may agree, the Fire Safety Study described in Condition B38(a) are to be updated in the same manner as they were prepared to incorporate the works associated with SSD-7016-Mod-2.
8. Insert new Condition B39A, after Condition B39, as follows:

B39A. Prior to commissioning the works associated with SSD-7016-Mod-2, or within such further period as the Planning Secretary may agree, the pre-commissioning studies described in condition B39 (a) to (b) inclusive, are to be updated in the same manner as they were prepared to incorporate the works associated with SSD-7016-Mod-2.

In the Appendices

9. In Appendix A – Development Layout Plans, delete Figure 1 and replace with new Figure and insert new Figure 5, as shown in Attachment A of this modifying instrument.

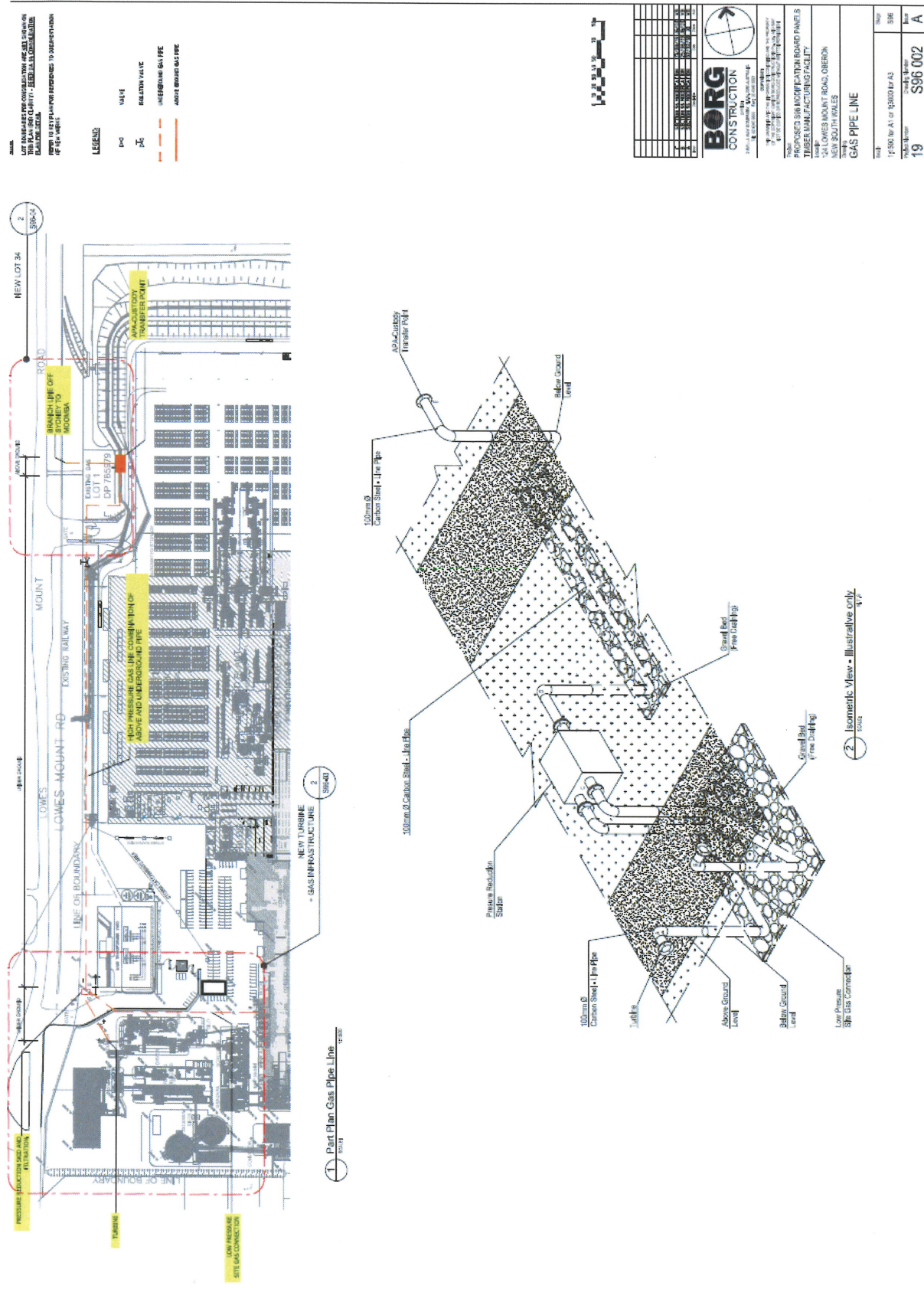


Figure 5: Gas Pipeline (SSD-7016-Mod-2)



Our ref.: SSD 7016 MOD 1

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:

DILW	Department of Industry – Lands and Water
Modification Assessments	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 <i>Proposed S96 Modifications to Timber Manufacturing Facility</i> prepared by Borg Construction Pty Ltd, dated 19 January 2018 as amended by Response to Submissions titled <i>Proposed S96 Modifications to Timber Manufacturing Facility</i> prepared by Borg Construction Pty Ltd, dated 7 June 2018, updated drawings titled <i>Proposed Section 96 Modification Borg Panels Timber Manufacturing Facility</i>, Issue C, dated 30/04/2018 and letter from Borg Construction Pty Ltd in response to Department of Industry Submission dated 2 August 2018
Secretary	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 ssessments.
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.

ATTACHMENT A: Plans

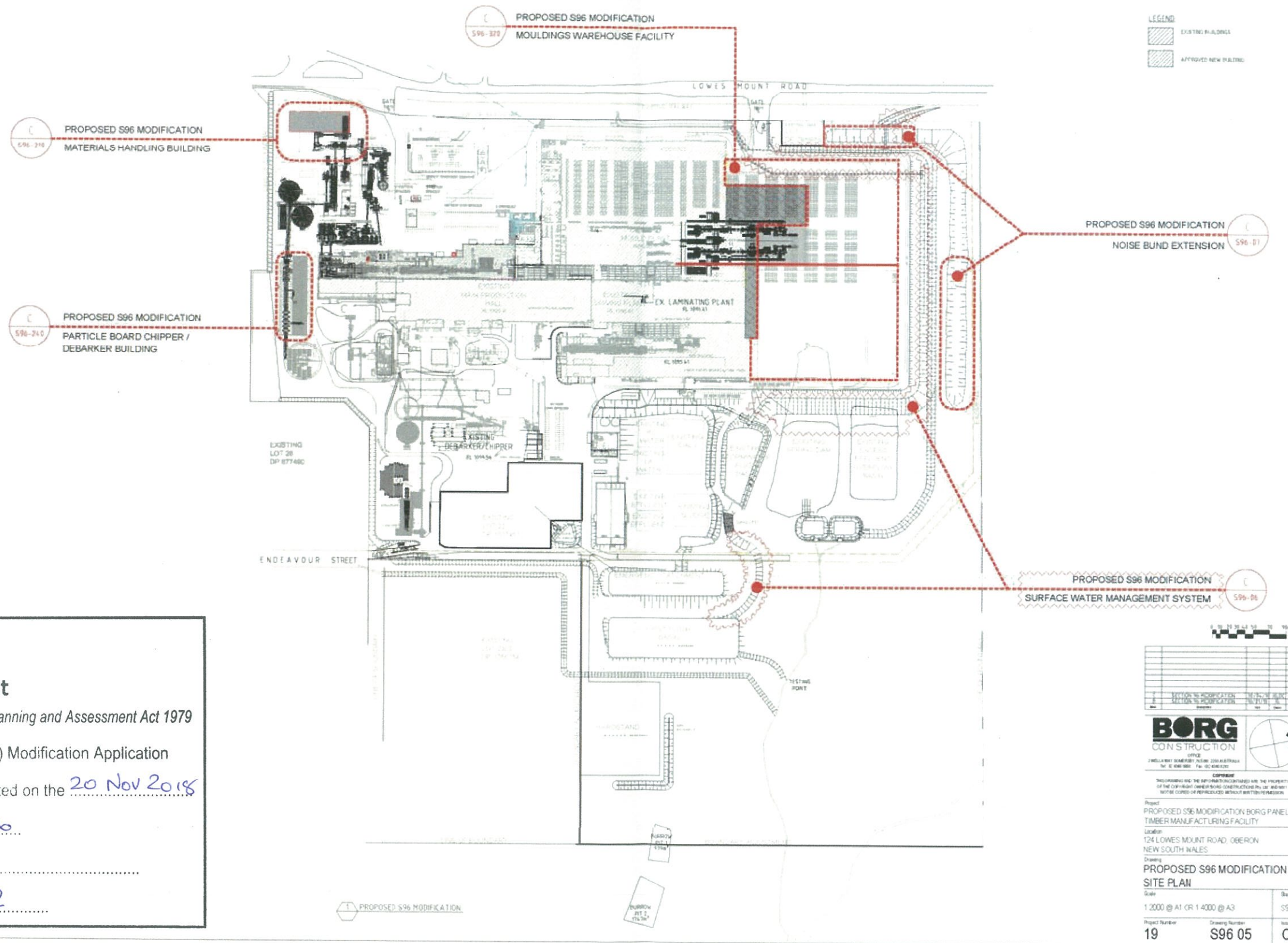


Figure 1: Site Plan

NSW GOVERNMENT | **Planning & Environment**

Issued under the Environmental Planning and Assessment Act 1979

Approved Section 4.55 (LA...) Modification Application

No. MOD 1 granted on the 20 Nov 2018

in respect to SSD 7016

Signed [Signature]

Sheet No. 2 of 2

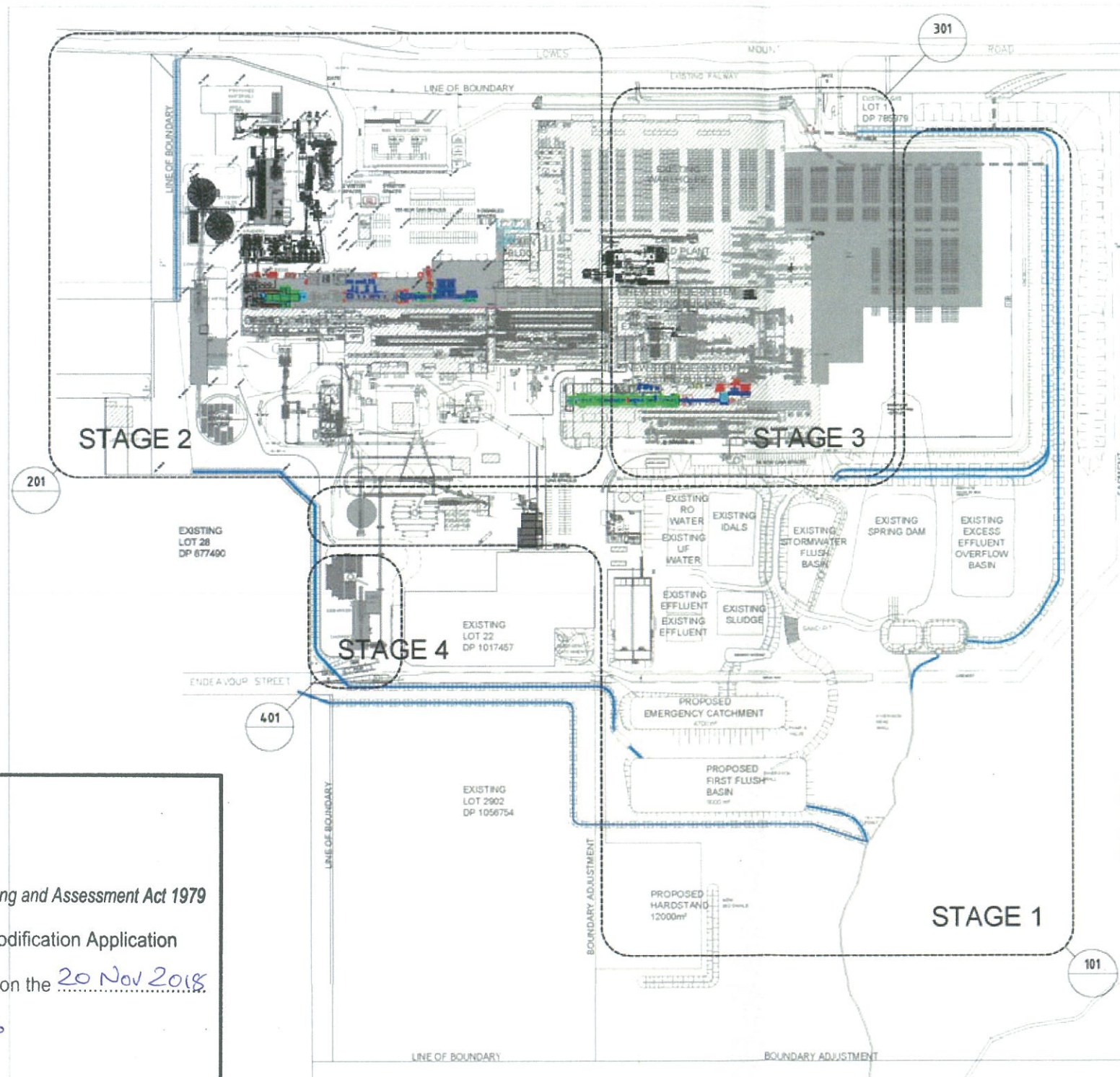


Figure 2: Staging Plan