

# 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 21 AUGUST 2020

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## SCHEDULE 1

### Approval

**Application Number:** 06\_0159 granted concept plan and project approval by the then Minister for Planning on 1 May 2007

**For the following:** Visy Tumut Mill Expansion to increase paper manufacturing capacity

**Concept Plan:** Expansion of the existing paper manufacturing facility from 400,000 tonnes per year to 700,000 tonnes per year.

**Project:** Expansion of the existing paper manufacturing facility from 400,000 tonnes per year to 700,000 tonnes per year (excluding the use of non-standard fuels in the multi-fuel boiler).

**Modification 4** (to the Project Approval, now Development Consent)

**Modification Application:** MP06\_0159-Mod-4: Inclusion of Noise Limit Exemptions for Sensitive Receivers with Noise Agreements

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

**Consent Authority:** Minister for Planning and Public Spaces

**The Land:** 436 Gadara Road, Tumut  
Lots 5, 12, 14, 19, 42, 57, 61-64, 76, 84, 91-94, 103, 105-107, 115-119 and 138 DP 757228, Lots 211, 219-224, 229-230 and 235 DP 757252, Lot 1 DP 832090, Lot 4 DP 1004478, Lot 1 DP 1082770, Lots 102-103 DP 1035564, Lot 7002 DP 96829, Lot 1 DP 27482

## SCHEDULE 2

The development consent is modified as follows:

1. Throughout Schedules 1 to 5, replace the following terms in the first column with the new terms in the second column:

Proponent	Applicant
Secretary	Planning Secretary
shall	must

2. In Schedule 2, delete the definition of 'Department', 'Director-General's Report', 'Minister', 'Proponent', 'Secretary' and add the following definitions in alphabetical order:

Applicant	Visy Pulp and Paper Pty Ltd
Department	Department of Planning, Industry and Environment
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department, or delegate

3. In Schedule 2, under 'Modification 3' add the following Definition:

Modification 4    Modification 4 to 06\_0159 (MP06\_0159-Mod-4), accompanied by Statement of Environmental Effects – *Visy Tumut – Critical Wood Supply, Modification to project approval*. Prepared by GHD on behalf of Visy Industries Australia Pty Ltd. Dated May 2020.

### In Schedule 2, Part 1 – Administrative Condition

4. In Condition 1.1:
  - (a) Delete the 'and' in clause (g);
  - (b) Delete the period at the end of clause (h) and replace with ': and'; and
  - (c) Insert new clause (i) as follows:
    - (i) Modification 4.

### In Schedule 2, Part 2 – Specific Environmental Conditions

5. Insert new Condition 2.16A, after Condition 2.16 as follows:

2.16A    Notwithstanding condition 2.15 of this consent, the noise limits specified under that condition do not apply to any residence where a noise agreement is in place between the Applicant and the owner(s) of those residences in relation to noise impacts and/ or noise limits.

6. Insert new Condition 3.8A, after Condition 3.8 as follows:

3.8A    The Applicant must undertake a Noise Verification Study to the satisfaction of the Planning Secretary within the winter period (June, July, August). The Study must:

- a) be undertaken by a suitably qualified acoustic expert;
- b) validate the predictions made in the documents submitted in support of MP06\_0159-Mod-4; and
- c) demonstrate compliance with the noise limits in condition 2.15;

- d) describe the contingencies that would be implemented, and the timing for implementation, should any non-compliance be detected.

**End of modification  
(MP06\_0159-MOD-4)**