

## **Responses given to Prime News on Adelong truck curfew**

*Response following Tumut Shire Council meeting which looked at this issue*

The Department in early 2010 issued a media statement which we think answers your question about the curfew issue.

It is available at

<http://www.planning.nsw.gov.au/DesktopModules/MediaCentre/getdocument.aspx?id=195>

This media statement remains our current position.

*Response given to follow-up questions after advice above was queried, particularly regarding the ability of council to request a change to the curfew*

There are two conditions in place regarding the Adelong truck curfew, one on the 1998 development consent for the construction of the mill and the other on the 2007 approval for the expansion of the mill.

The 1998 condition allows the Department's Director-General, in consultation with the council, to change the curfew where such a restriction poses unacceptable impacts on alternate routes.

The 2007 condition reaffirms the curfew but does not allow the Director-General to change the curfew.

Both conditions remain in force.

While Council may be able to ask the Director-General to change the curfew under the 1998 condition, it is unable to do so under the 2007 condition; only Visy would be able to do this.

As such, to change the curfew, it's the Department's view that Visy would need to seek a modification to the 2007 condition, and that were such an application to be lodged it should be accompanied by an application to also modify the 1998 condition. This would ensure there is a single assessment process for the proposal. Both applications would require a full merit assessment, including community consultation.