

# Modification of Development Consent

## Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning under delegation executed on 14 September 2011, we the Independent Planning Commission of New South Wales (the Commission) approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



John Hann  
Member of the Commission (Chair)



Russel Miller AM  
Member of the Commission

Sydney 18 June 2019

### SCHEDULE 1

|                            |  |
|----------------------------|--|
| Application Number:        | 06_0228  |
| Applicant:                 | Shoalhaven Starches Pty Ltd                        |
| Consent authority:         | Minister for Planning                              |
| Development:               | Shoalhaven Starches Expansion Project              |
| Date of original approval: | 29 January 2009                                    |
| Modification:              | 06_0228 MOD 16 – Flour, Starch and Gluten Increase |

### SCHEDULE 2

This consent is modified as follows:

#### General

1. Throughout Schedules 1 to 4, replacing the following terms with new terms:

|                  |                     |
|------------------|---------------------|
| Proponent        | Applicant           |
| Project          | Development         |
| Project Approval | Development Consent |
| Approval         | Consent             |
| NOW              | DILW                |
| DPI              | DILW                |

#### In the Definitions List:

2. Deleting the following definitions:

|         |   |
|---------|---|
| Project | The development described in the EA, which includes the continued implementation of all existing and approved development on site, as modified by MP 06_0228 MOD 1, MP 06_0228 MOD 2, MP 06_0228 MOD 3, MP 06_0228 MOD 4, MP 06_0228 MOD 5, MP 06_0228 MOD 6, MP 06_0228 MOD 7, MP 06_0228 MOD 8, MP 06_0228 MOD 9, MP 06_0228 MOD 10, MP 06_0228 MOD 11, MP 06_0228 MOD 12, MP 06_0228 MOD 13, MP 06_0228 MOD 14 and MP 06_0228 MOD 15 |
|---------|---|

Proponent Shoalhaven Starches Pty Ltd, or its successors

3. Inserting the following definitions in alphabetical order:

|             |  |
|-------------|--|
| Applicant   | Shoalhaven Starches Pty Ltd, or its successors   |
| Development | The development described in the EA, which includes the continued implementation of all existing and approved development on site, as modified by MOD 1, MOD 2, MOD 3, MOD 4, MOD 5, MOD 6, MOD 7, MOD 8, MOD 9, MOD 10, MOD 11, MOD 12, MOD 13, MOD 14, MOD 15 and MOD 16 |
| DILW        | Department of Industry – Lands and Water   |
| RtS         | Response to Submissions  |

4. Replacing the following definition:

Statement of Commitments The Applicant's commitments in the EA and MOD 1, MOD 2, MOD 3, MOD 4, MOD 5, MOD 6, MOD 7, MOD 8, MOD 9, MOD 10, MOD 11, MOD 12, MOD 13, MOD 14, MOD 15 and MOD 16

**In Schedule 2: Administrative Conditions:**

5. Inserting new Condition 2q) after Condition 2p) as follows:

- q) modification application 06\_0228 MOD 16, accompanying Statement of Environmental Effects and plans dated June 2018, prepared by Cowman Stoddart Pty Ltd (see Appendix 2P), RtS dated 16 October 2018 and additional air quality assessment information dated 25 September 2018, 12 October 2018, 13 December 2018 and 19 February 2019.

6. Inserting new Condition 2A c) after Condition 2A b) as follows:

- c) revised statement of commitments for noise in Appendix 6.

7. Replacing Condition 6(1)(a) with the following:

6(1)(a) more than 1,112,800 tonnes of industrial grade flour per year; and

8. Inserting new Conditions 8D and 8E after Condition 8C as follows:

- 8D. Prior to the issue of an Occupation Certificate for the buildings constructed in accordance with MOD 16, the Applicant must provide a Final Safety Certificate to Council for the fire safety measures detailed in the Fire Safety Schedule for each building.
- 8E. At least once every 12 months, the Applicant must provide an annual Fire Safety Statement in relation to the fire safety measures detailed in the Fire Safety Schedule to Council and NSW Fire and Rescue.

**In Schedule 3: Specific Environmental Conditions**

9. Deleting Condition 6B.

10. In Condition 9Ba), replacing the words 'in accordance with the requirements in Table B' with the following:

in accordance with the requirements in the EPL

11. In Condition 9Bc), replacing the words 'with the limits in Table C' with the following:

with the limits in the EPL

12. Inserting new Conditions 9D to 9G after Condition 9C as follows:

## Emissions – Boiler 8, Gluten and Starch Dryers

- 9D. The Applicant must ensure the 15-megawatt (MW) coal fired boiler (boiler 8) is designed and constructed with a flue gas stack discharge height of 54 metres.
- 9E. Prior to the commencement of construction of the 15 MW coal fired boiler, the Applicant must prepare a Best Practice Management Report, to the satisfaction of the EPA and the Planning Secretary. The report must:
- include manufacturers specifications and emission performances for the 15 MW coal fired boiler;
  - benchmark the final boiler design against best management practice including:
    - reference available literature in Australia and internationally;
    - identify best practice measures for minimising emissions to air, with consideration to pre-combustion, combustion and post-combustion techniques;
    - demonstrate that all identified feasible and reasonable best practice mitigation measures are incorporated into the final boiler design;
    - include robust justification where identified best practice mitigation measures are not incorporated into the final boiler design;
    - demonstrate that the final boiler discharge concentrations are consistent with best practice emission performances.
- 9F. The Applicant must ensure emissions from the 15 MW coal fired boiler (boiler 8) comply with the limits in the EPL, unless otherwise agreed with the EPA and the Planning Secretary.
- 9G. Within 6 months of commencing operation of MOD 16, the Applicant must monitor and report on air emissions from all gluten and starch dryers on the site. The Applicant must:
- monitor emission discharge concentrations for oxides of nitrogen (NO<sub>x</sub>);
  - provide a report of the monitoring results to the EPA and the Planning Secretary;
  - compare the emission concentrations and rates from monitoring with the predictions in the Air Quality Impact Assessment prepared by GHD for MOD 16;
  - where emission concentrations and rates from monitoring are higher than the predictions, advise if the monitoring results significantly change the outcomes of the Air Quality Impact Assessment prepared for MOD 16.
13. In Condition 10B, replacing the words ‘*Public Health Act 2010*’ with the following:
- Public Health Amendment (Legionella Control) Regulation 2018.
14. Replacing ‘Table 2: Project Noise Limits’ in Condition 12 with the following:

*Table 2: Project Noise Limits*

| Location  | Day/Evening/Night<br>LA <sub>eq</sub> (15 minute) dB(A) | Night<br>LA <sub>1</sub> (1 minute) dB(A) |
|---|---|---|
| 1 - Terara on the south side of the Shoalhaven River      | 38  | 48  |
| 2,3 & 4 - Nowra on the south side of the Shoalhaven River | 38  | 48  |
| 5 - Meroo Street, Bomaderry                               | 42  | 52  |
| 6 - Other residential locations in Bomaderry              | 40  | 50  |
| R1 – 390 Bolong Road Bomaderry                            | 40  | -   |
| R2 – Pig (Burruga) Island                                 | 40  | -   |
| R3 – 39 Hanigans Lane Bomaderry                           | 40  | -   |
| R4 – 1 Bryant Street Terara                               | 40  | -   |

*Note: To interpret the locations referred to Table 2, see the maps in Appendix 4. Noise generated by the development is to be measured in accordance with the relevant requirements of the EPA’s Noise Policy for Industry 2017.*

15. In Condition 13A, replacing the words ‘MOD 9 and MOD 10’ with:

of the Development and each modification.

16. In Condition 13Ac), inserting the following words after 'piling works':

- c) including scheduled respite periods

17. Inserting Condition 19B after Condition 19A as follows:

- 19B. The Applicant shall update the Erosion and Sediment Control Plan required under Condition 19 to detail management measures for construction works associated with MOD 16. The updated plan must be provided to the Secretary, prior to the commencement of construction of MOD 16.

18. Inserting new Condition 20Ca) after Condition 20C as follows:

- e) Prior to commencement of construction of the specialty products building described in MOD 16, the Applicant shall conduct further investigations to determine the location of an underground storage tank (UST). The Applicant must provide a report of the investigations to the Planning Secretary, with recommendations to manage or remove the UST and any associated contamination. The Applicant must implement the recommendations of the contamination investigation, prior to construction of the specialty products building and provide evidence to the satisfaction of the Planning Secretary.

19. In Condition 21, inserting the following additional words, after 'commencement of construction':

The plan must include specific measures to manage Acid Sulphate Soils during construction of the grain intake pit and piling works described in MOD 16.

20. Inserting Condition 25e) after Condition 25d) as follows:

- e) be updated to include the additional measures identified in the capacity assessment for MOD 16, including management of sludge inventory, increased alkalinity supplementation and a review of factory process efficiencies to identify and manage sources of hydraulic and organic load peaks.

21. Inserting Condition 26Ae) after Condition 26Ad) as follows:

- e) demonstrate the development will not unduly increase the dependence on emergency services.

22. In Condition 26E, replacing '2.0%' with '0.2%'.

23. In Condition 31, inserting the following additional words, after 'Bolong Road':

and the car parking on the BOC gas site.

24. Inserting new Condition 32B after Condition 32A as follows:

- 32B. The Applicant shall construct a carpark with an all-weather aggregate surface on the BOC gas site to replace the number of spaces lost for construction of the indoor substation, as part of MOD 16. The Applicant shall construct the car park in accordance with the RtS and provide works-as-executed drawings to Council, within three months of completion of the car park.

25. In Condition 35C, inserting the following additional words, after 'modification to Council':

The plan shall include procedures for regular cleaning of dirt and debris off Bolong Road along the length of the site.

26. In Condition 36c, inserting the following additional words, after 'for the Project as modified':

and the Site.

27. In Condition 43c, deleting the words 'DWE's Guidelines for Controlled Activities – Vegetation Management Plans' and replacing with the following:

DILW's Guidelines for Vegetation Management Plans on Waterfront Lands (2018).

28. In Condition 43d, first bullet, inserting the following additional words after "on the environmental farm":

and planting along the frontage of the BOC gas site;

29. Inserting new Condition 43F after Condition 43E as follows:

43F. The Applicant must construct boiler 8, the cogeneration plant and lime silos using non-displacement piles to rock and visually monitor the Shoalhaven River bank during construction.

30. Inserting new Condition 46D after Condition 46C as follows:

46D. The Applicant must plant screening vegetation in front of the indoor substation at the BOC gas site, prior to commencement of operation of the indoor substation.

#### **In Schedule 4: Environmental Management, Reporting & Auditing**

31. In Condition 2, inserting the following additional words after 'duration of the project':

as modified.

32. Replacing Condition 2A and Condition 2B with the following:

#### **Incident Notification, Reporting and Response**

2A. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 7.

#### **Non-Compliance Notification**

2B. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance.

2C. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

2D. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

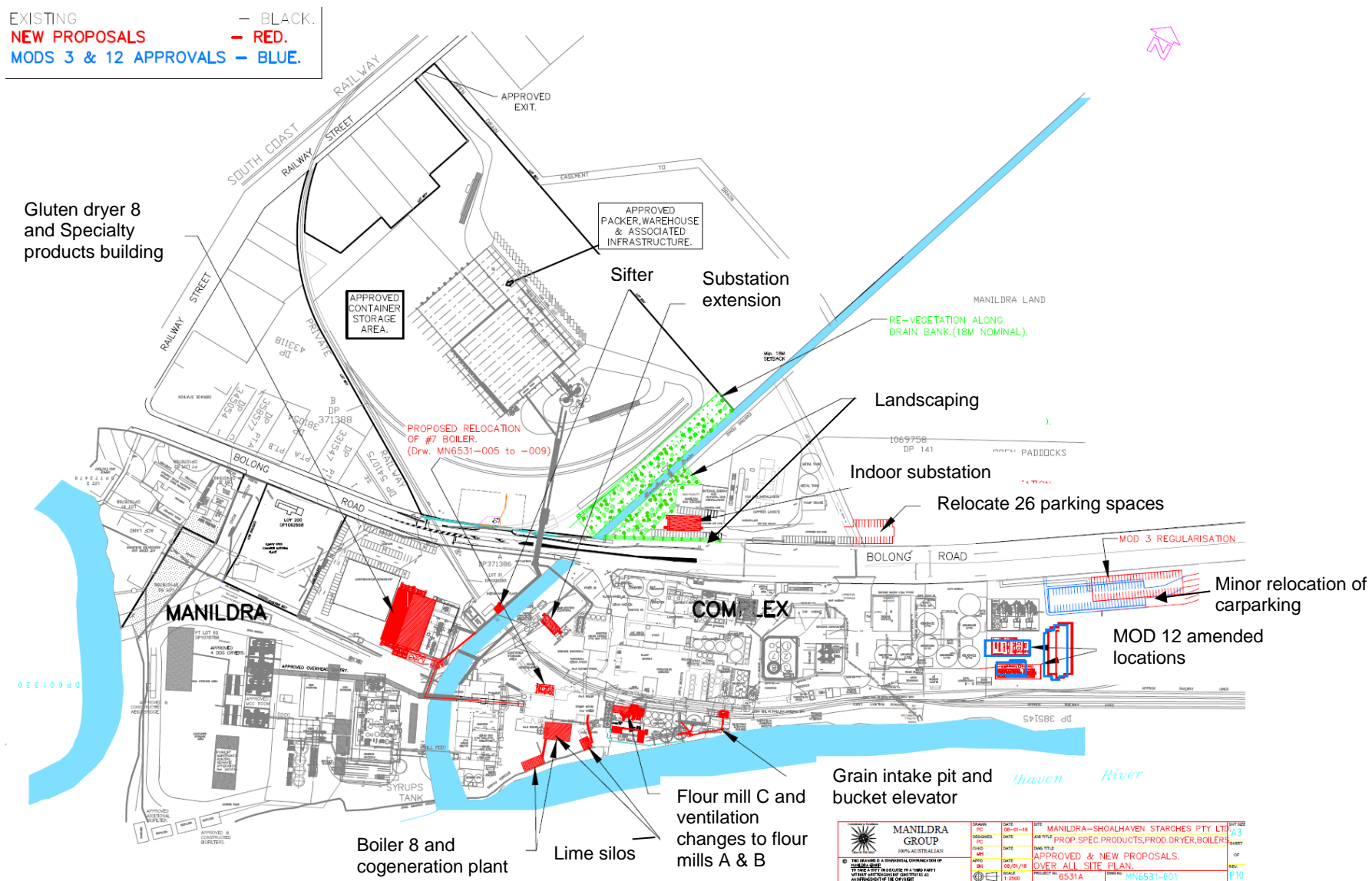
#### **In the Appendices:**

33. Replacing Appendix 1 with a new Schedule of Land table.
34. Inserting new Appendix 2P after Appendix 2O.
35. Inserting new Appendix 6 – Updated Statement of Commitments
36. Inserting new Appendix 7 – Incident Notification and Reporting Requirements.

## APPENDIX 1 – SCHEDULE OF LAND

| Site Area  | Lot    | DP/FP   |
|--|--------|---------|
| <b>Factory</b>   | 1      | 838753  |
|  | A      | 334511  |
|  | B      | 334511  |
|  | B      | 376494  |
|  | 62     | 1078788 |
|  | 201    | 1062668 |
|  | 1      | 385145  |
|  | 241    | 1130535 |
|  | 143    | 1069758 |
|  | 21     | 1000265 |
|  | X      | 421658  |
|  | 1      | 221337  |
|  | 2      | 221337  |
|  | A      | 371386  |
| <b>Packing Plant</b>                                     | 16     | 1121337 |
|  | 2      | 538289  |
|  | A      | 371387  |
|  | A      | 371388  |
|  | B      | 371388  |
| <b>Paper Mill</b>  | 1      | 130968  |
|  | A      | 384559  |
|  | 192    | 130968  |
|  | 1      | 531429  |
| <b>Wastewater Treatment Plant and Environmental Farm</b> | 4      | 610696  |
|  | 1      | 131008  |
|  | 1      | 842231  |
|  | 2      | 842231  |
|  | 3      | 235705  |
|  | 1      | 235705  |
|  | 2      | 235705  |
|  | Part 2 | 854837  |
|  | 4      | 1109510 |
|  | 22     | 811233  |
|  | 23     | 811233  |
|  | 141    | 1069758 |
|  | 164    | 4469    |
|  | 2      | 854764  |
|  | 210    | 6131    |
|  | 211    | 6131    |
|  | PT 212 | 6131    |
|  | 213    | 6131    |
|  | 214    | 6131    |
|  | 248    | 6131    |
|  | 2      | 955009  |
|  | 42     | 751268  |
|  | 63     | 751268  |
|  | PT 2   | 854837  |
|  | 3      | 1109510 |
|  | 2      | 1109510 |
|  | 4      | 1109510 |
|  | 2      | 833181  |
| <b>Overhead Bridge – Bolong Road Reserve</b>             | 2      | 538289  |
| <b>Fire Services</b>                                     | 241    | 1130535 |

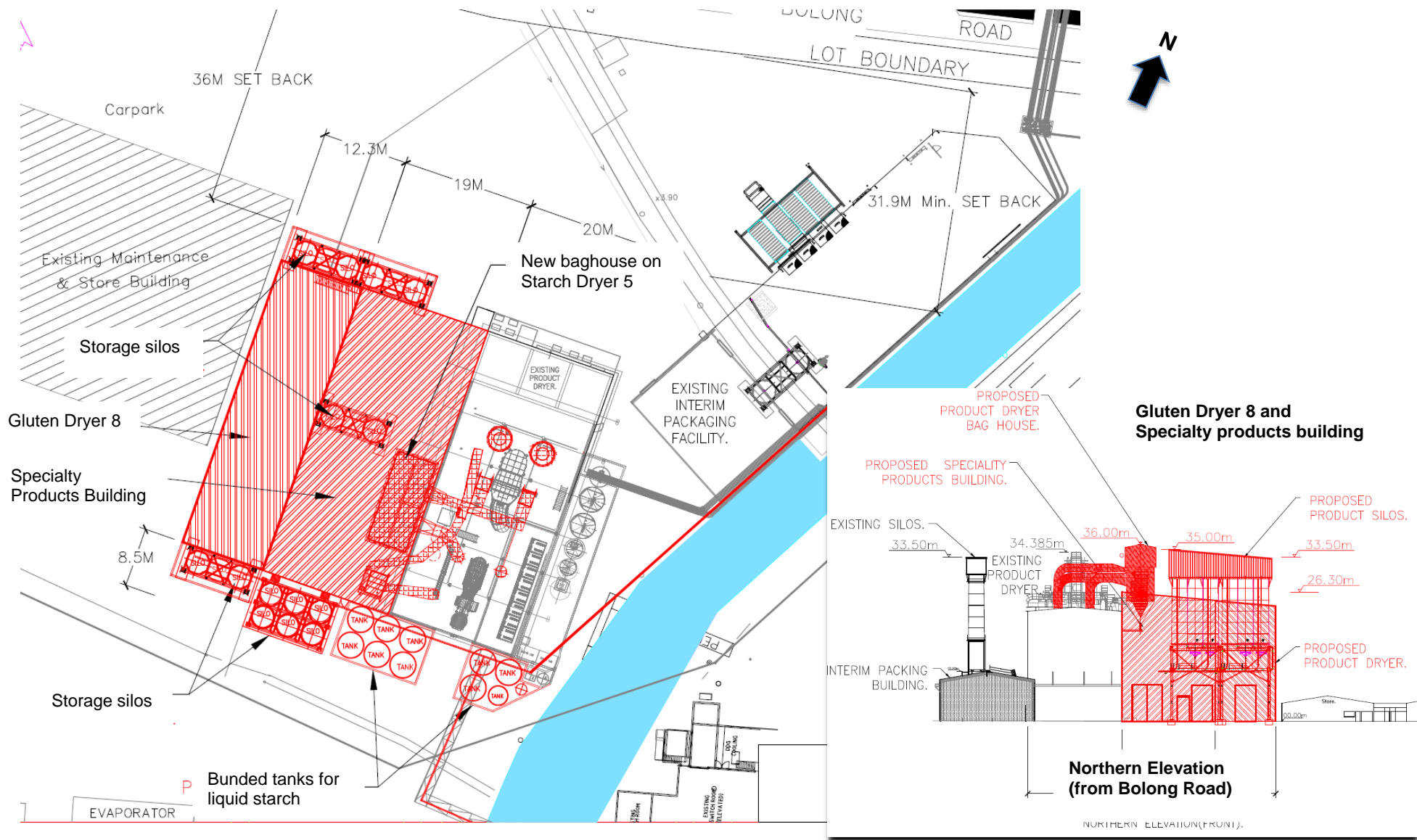
EXISTING – BLACK.  
NEW PROPOSALS – RED.  
MODS 3 & 12 APPROVALS – BLUE.



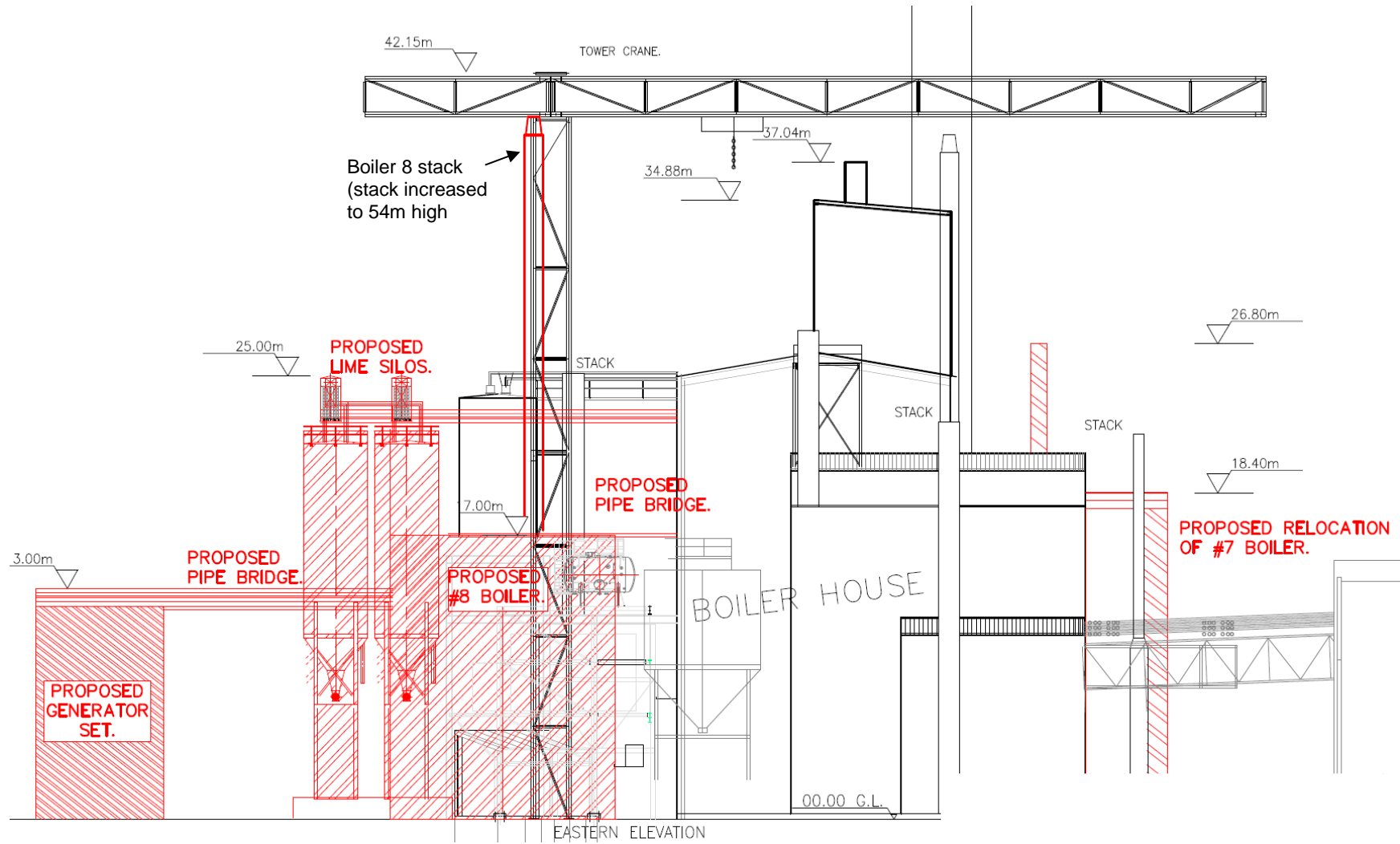
### Location of MOD 16 Components







MOD 16 - Gluten Dryer 8, Specialty Products Building and Storage Silos



MOD 16 - Boiler 8, Cogeneration Plant, Lime Silos and Relocation of Boiler 7

## APPENDIX 6: UPDATED STATEMENT OF COMMITMENTS - NOISE

Table 43

### Noise Management Measures – Operations

| <i>Noise Management Measure - Operations</i>  |   |
|---|---|
| <p>For this project the residential noise emission target is set at 15 dB(A) below the EPL target limits at the reference locations as follows:</p> <p>The LA10 (15 minute) sound pressure level contribution generated from the Ethanol Upgrade project must not exceed the following levels when measured at or near the boundary of any residential premises:</p> <ul style="list-style-type: none"> <li>– 23 dB(A) at locations in Terara on the south side of the Shoalhaven River.</li> <li>– 23 dB(A) at locations in Nowra on the south side of the Shoalhaven River.</li> <li>– 27 dB(A) at locations in Meroo Street, Bomaderry.</li> <li>– 25 dB(A) at other locations in Bomaderry.</li> </ul> <p>Shoalhaven Starches commits to designing and building the proposed works to ensure the proposal does not exceed the above emission targets.</p> <p>In order to achieve these noise design targets, Shoalhaven Starches commits to the following noise control measures:</p> |   |
| <ul style="list-style-type: none"> <li>• Product Dryer –</li> </ul>   | <p>Equipment to be housed in a building that will be constructed of Ultrapanel having an Rw of not less than 35. The upper 3 floors of the building and the roof are to be constructed of material having an Rw of not less than 17 (Colourbond or similar).</p> <p>Any equipment that has a sound power level above 80 dB(A) is to be enclosed in a separate room with the walls and ceiling/floor having an Rw of not less than 40.</p> |
| <ul style="list-style-type: none"> <li>• Fermenters –</li> </ul>  | <p><del>Transfer pumps are to be enclosed with material having an Rw of not less than 15.</del></p>   |
| <ul style="list-style-type: none"> <li>• Fermenters –</li> </ul>  | <p>Cooling Towers – During night time period fan speed of the 6 cooling towers is to be reduced to 60% of full fan speed. Fan speed is to be automatically adjusted (computer or time clock controlled).</p>  |
| <ul style="list-style-type: none"> <li>• Molecular Sieve –</li> </ul>   | <p><del>Molecular sieve pumps and compressors are to be enclosed with material having an Rw of not less than 35.</del></p>  |
| <ul style="list-style-type: none"> <li>• Molecular Sieve –</li> </ul>   | <p>Cooling Towers – During night time period, fan speed of the 6 cooling towers is to be reduced to 60% of full fan speed. Fan speed reduction is to be automatically adjusted (computer or time clock controlled).</p>   |
| <ul style="list-style-type: none"> <li>• Cooling Towers –</li> </ul>  | <p>During night time period, fan speed of the 6 cooling towers is to be reduced to 60% of full fan speed. Fan speed reduction is to be automatically adjusted (computer or time clock controlled).</p> <p>Water pumps numbers 1 - 4 are to have noise control measures (or replaced) in order to have a sound pressure level of 68 dB(A) at 1 metre.</p>  |
| <ul style="list-style-type: none"> <li>• DDG Dryers –</li> </ul>  | <p>The majority of the equipment will be housed in a building that will be constructed of Ultrapanel having an Rw of not less than 35.</p> <p>Any equipment that has a sound power level above 90 dB(A) is to be enclosed in a separate room with the walls and ceiling/floor having an Rw of not less than 40.</p>   |

## **APPENDIX 7: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition 0 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.

### **INCIDENT REPORT REQUIREMENTS**

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.