



Ms Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

8 March 2017

Dear Ms McNally

**Determination of Modification Request
Shoalhaven Starches Ethanol Expansion Project (MP 06_0228 MOD9)**

Thank you for your Department's letter received on 24 February 2017 referring the above modification request to the Planning Assessment Commission (the Commission) for determination under Ministerial delegation of 14 September 2011, as a reportable political donation was made by the Manildra Group, the parent company for Shoalhaven Starches Pty Ltd (the Proponent). Lynelle Briggs AO, Chair of the Commission, nominated me to constitute the Commission to determine the modification.

The Proponent seeks to modify the ethanol expansion project to increase the size of the approved packing plant, and to allow train movements to the packing plant during the night-time period. The modification includes:

- increase of the packing plant floor area from 3,050 square metres to 6,200 square metres;
- construction of an additional five product storage silos;
- construction of an additional 230 metre rail spur line, parallel to the approved rail spur line, for loading containers onto trains;
- realignment of both rails spur lines to widen the arc and allow longer trains to access the site;
- installation of four pipes under Bolong Road to transfer dried products; and
- ancillary works, including excavation, construction of access ways or the supply of power.

I am of the view that these modifications are within the scope of section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as these changes do not make the modified development substantially different to what is currently approved.

As part of my consideration of this modification, I met with the Proponent and visited the site on 3 March 2017 and had a teleconference with Shoalhaven Council to clarify the details of their submissions for the modification application on 8 March 2017. I have considered carefully your environmental assessment report, all of the information provided by the Applicant, recommendations from government agencies and section 75W of the EP&A Act.

Key matters for this modification application include operational and construction noise, air quality, waste management and traffic. I have reviewed the Department's assessment of these matters and I am satisfied with its recommendations, which include:

- the noise exceedances of 4db during piling activities for the construction of the modified grain silos and packing plant, will occur for two weeks and will be limited from 9am to 5pm Monday to Friday, in line with the New South Wales Environment Protection Authority's (EPA) recommendation;

- the recommendations from the revised noise impact assessment are included in the modified conditions of consent to ensure day-time operational noise impacts will be within the noise limits in the Environmental Protection License (EPL) and project approval. The recommendations include the Proponent's own management practices for train shunting, container loading and stacking to ensure noise levels remain below the criteria. In addition, the Proponent will be required to carry out a noise verification study within 12 months of the operation of the packing plant to demonstrate the effectiveness of the noise controls and compliance with noise limits, including the sleep disturbance criteria in the EPL;
- the modification would meet the relevant air quality criteria and would not significantly increase odour or particulate emission from the factory. The EPA is satisfied that there would be no additional cumulative odour impacts beyond those previously assessed and approved;
- waste material would be adequately managed for use as fill material on the site. Once the material is selected, the Proponent will be required to notify the EPA and the Secretary in writing about the source, type and quantity of the material prior to its use, in addition to meeting relevant Resource Recovery Orders and Exemptions;
- during construction, access to Railway Street will be limited to light vehicles and departing heavy vehicles. Upgrade works from the western side of Railway Street to the south of the site access will be undertaken to accommodate B-double trucks departing Railway Street and traveling south during operations. Similarly, improvement works will be undertaken to maintain the safety of the rail level crossing on Railway Street. All works will be undertaken in accordance with the requirements of Council and relevant standards. Modified conditions of consent reflect these changes;
- potential flooding impacts, including increases in flood impacts adjacent to the project site, are likely to be minor and would be effectively managed through the conditions of consent;
- issues relating to visual amenity and building height of the packing plant and silos are likely to be minor and can be managed under the existing conditions of consent. The modification would not require any specific conditions beyond the control of lighting, use of non-reflective materials and landscaping as require by the existing approval; and
- existing conditions relating to hazards and risks, riparian management, surface and groundwater, contamination, protection of services, and administrative conditions should be updated and modernised.

For the reasons set out above, I accept the Department's recommendation that this proposal be approved. Consequently, I have determined to grant consent to the modification application subject to the conditions set out in the development consent.



Joe Woodward PSM
Member of the Commission (Chair)

cc. The Hon. Anthony Roberts, MP
 Minister for Planning
 GPO Box 5341
 SYDNEY NSW 2001