

APPENDIX B – INSTRUMENT OF MODIFICATION - MOD 12

Modification to Minister's Approval

Section 75W of the *Environmental Planning and Assessment Act 1979*

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

Member of the Commission

Sydney

2017

SCHEDULE 1

Application Number:	MP 06_0228
Proponent:	Shoalhaven Starches Pty Ltd
Approval authority:	Minister for Planning
Project:	Shoalhaven Starches Expansion Project
Date of original approval:	29 January 2009
Modification:	MP 06_0228 MOD 12 – Beverage Grade Ethanol

SCHEDULE 2

This approval is modified by:

In the Definitions List:

1. Replacing the following definition:

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 and MP 06_0228 MOD 12

2. Replacing the following definition:

Statement of Commitments The Proponent'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 and MOD 12.

In Schedule 2: Administrative Conditions:

3. Inserting new Condition 2m) after Condition 2l) as follows:

- k) modification proposal MP 06_0228 MOD 12, accompanying Environmental Assessment and plans dated November 2016, prepared by Cowman Stoddart Pty Ltd (see Appendix 2L).

In Schedule 3: Specific Environmental Conditions:

4. Inserting the following words in Condition 3D after the words "MOD 11":
and MOD 12

5. Inserting new Condition 20E after Condition 20D as follows:

MOD 12

20E. Prior to the commencement of construction of MOD 12, the Proponent shall:

- a) conduct further investigations to determine the presence of asbestos containing material in the areas proposed for construction of MOD 12;
- b) prepare a remedial action plan and implement the recommendations of the plan by the end of September 2017, such as removing or capping asbestos containing material within soils on site;
- c) update and implement the unexpected finds protocol required by Condition 20A and 20B to address the isolated hydrocarbon contamination near the railway lines; and
- d) test water in the wastewater storage ponds on the Dairy Farmers site and dispose of to a licensed facility if contaminants exceed relevant trigger levels.

6. Inserting new Condition 22E after condition 22D as follows:

22E. Prior to the commencement of construction of MOD 12, the Proponent shall re-instate the table drain on the southern side of Bolong Road to the east of the distillery access. The works shall be completed to the satisfaction of Council.

7. Replacing Conditions 27, 27A, 27B and 27D with the following:

27. Prior to the commencement of construction of MOD 12, or no later than 30 September 2017, the Proponent shall submit detailed designs to Council for the following road and parking works, to be completed by the Proponent:

- a) Bolong Road works, along the site frontage west of the Dairy Farmers access, including:
 - i) increased shoulder widths, safety measures for cyclists, raised reflective pavement markers and street lighting;
 - ii) extension of the median and central barrier fence in front of the distillery access including removal of the right turn bay and installation of new signage;
- b) Dairy Farmers site access including:
 - iii) increased shoulder widths, safety measures for cyclists, raised reflective pavement markers and street lighting;
 - iv) provision of a Channelised Right (CHR) and Auxiliary Left (AUL) intersection as generally depicted in the plans for MOD 3;
- c) car parking at the BOC gas site; and
- d) increased capacity at the temporary car park on the northern side of Bolong Road and sealing works to the driveway.

27A. Prior to the commencement of operation of any part of MOD 12, or no later than 31 March 2018, the Proponent shall complete the road and parking works in accordance with the plans approved by Council, as described in Condition 27. The Proponent shall submit works-as-executed plans to Council one month after the completion of the works, or no later than 30 April 2018.

Note: The works-as-executed plans shall show the completed works compared to the approved plans.

27B. No later than 31 May 2018, the Proponent shall provide written evidence to the Secretary of Council's acceptance of the works-as-executed plans and Council's acceptance of care and maintenance responsibilities for the section of Bolong Road from Railway Street to the Dairy Farmers site access.

27C. If the Proponent is unable to obtain Council's acceptance of the works-as-executed plans and Council's acceptance of care and maintenance responsibilities for Bolong Road as required by Condition 27B, the Secretary will appoint an independent traffic expert to review and verify the works-as-executed plans.

If further works are required to comply with the approved plans, the Proponent will be required to complete the further works within one month of being notified by the Secretary. If no further works are required, the Secretary will determine the works-as-executed plans satisfactory and will notify Council. The Secretary's determination of the matter will be final and binding on the parties.

8. Replacing Conditions 30 and 30A with the following:

30. The Proponent shall provide formal pedestrian paths from the car parks at the Dairy Farmers site and the BOC gas site, to connect to existing pedestrian paths on and adjacent the site and to both pedestrian

refuge crossings on Bolong Road. The design of these works shall be included in the roadworks required under Condition 27.

9. Replacing Condition 31 with the following:

31. The Proponent shall provide adequate parking on site to ensure vehicles associated with the site do not park on the public road network at any time. Parking spaces shall be delineated using either paint or plastic disc markers to ensure adequate capacity is provided within the formal parking areas on the site, including the temporary car park on the northern side of Bolong Road.

10. Deleting Condition 35Aa.

11. Replacing Condition 35Ac with the following.

- c) is removed following the completion of construction of MODs 11 or 12, whichever is later;

27. Inserting the following bullets at the end of the bulleted list in Condition 36c.:

- provide details of the mechanical or instrumented safety device to be fitted on the critical equipment described in MOD 12 including but not limited to, types, sizing and design standards; and
- demonstrate that the safety device is appropriately sized for the worst-case scenario.

28. Inserting new Condition 43C after Condition 43B as follows:

- 43C. The Proponent shall engage a suitably qualified geotechnical engineer to survey the Shoalhaven River bank near the rail line extension described in MOD 12. The survey report shall:
- a) be approved by the Secretary prior to construction of the rail line extension; and
 - b) describe the nature and timing of measures to be implemented to protect river bank stability, if required.

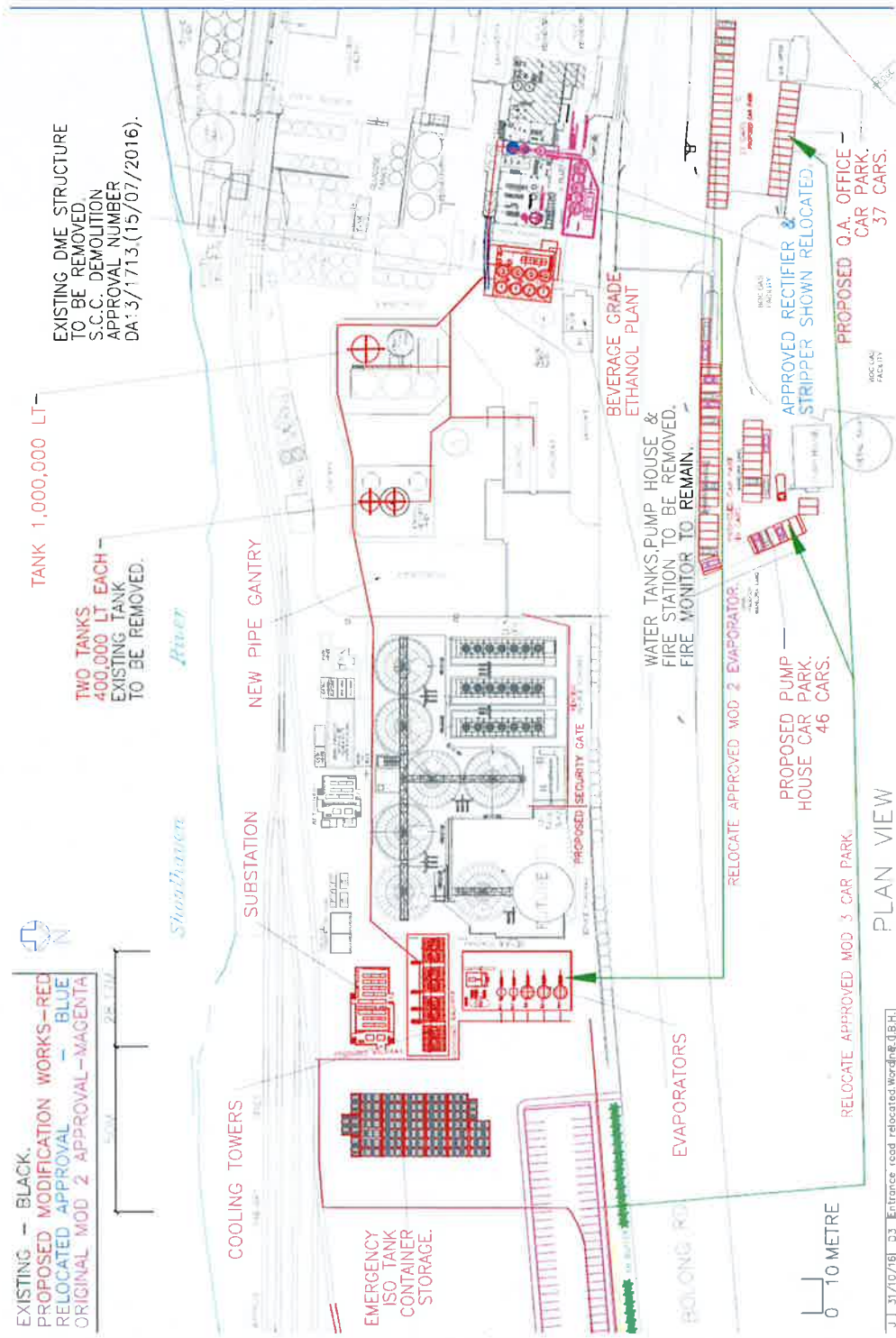
29. Inserting new Condition 46A after Condition 46 as follows:

- 46A. The Proponent shall manage all vegetation on site to ensure adequate sight distances for vehicles entering and exiting the site. The Proponent shall consult with Council to ensure the landscaping is maintained in accordance with the requirements of Council.

In the Appendices:

30. Inserting a new Appendix 2L after Appendix 2K as follows:

APPENDIX 2L – SITE PLANS (MP 06_0228 MOD 12)



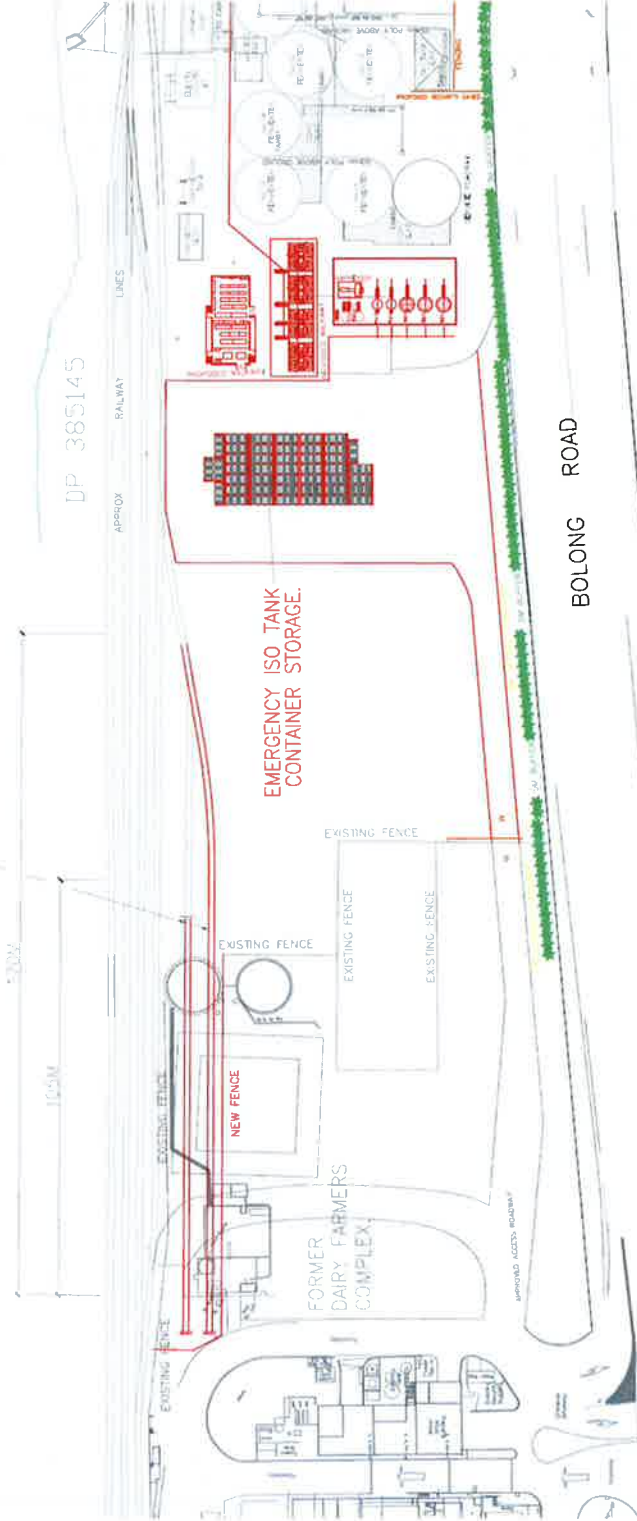
Location of Beverage Grade Ethanol Plant and Car Park at BOC Gas

- | | |
|-----------------------------|--------|
| EXISTING | BLACK |
| PROPOSED MODIFICATION WORKS | RED |
| FENCING AND SECURITY GATES | ORANGE |
| TRUCK ROUTE | GREEN |

REMOVE EXISTING TANKS
PUMP HOUSE AND PIPING,
FILL IN EXISTING PONDS,
EXTEND AND INSTALL
NEW RAIL SIDINGS.



Shoalhaven River



ALL VEHICLES TO
ENTER/EXIT VIA FORMER
DAIRY FARMERS ENTRANCE.

Location of Rail Siding Extension