

# Development Consent

## Section 4.38 of the *Environmental Planning and Assessment Act 1979*

I approve the development referred to in Schedule 1, subject to the conditions in Schedules 2 to 4.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Approved 28 January 2009

The Hon Kristina Keneally MP  
Minister for Planning

Sydney 2009

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### SCHEDULE 1

**Application No:** 06\_0228  
**Applicant:** Shoalhaven Starches Pty Ltd  
**Consent Authority:** Minister for Planning  
**Land:** The land listed in Appendix 1  
**Development:** Shoalhaven Starches Expansion Development

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***The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.***

***The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.***

# CONSOLIDATED CONSENT

## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
MP06_0228-Mod-1	30 September 2011	PAC	Deletion of DDG Pelletiser
MP06_0228-Mod-2	14 September 2012	PAC	Improve operational/energy efficiency
MP06_0228-Mod-3	9 October 2021	PAC	Car park relocation
MP06_0228-Mod-4	24 March 2014	PAC	Modified DDG Pelletiser construction
MP06_0228-Mod-5	16 September 2015	PAC	Modified design and odour controls of DDF Pelletiser
MP06_0228-Mod-6	25 November 2015	PAC	Demolition and temporary car park
MP06_0228-Mod-7	18 January 2016	PAC	Relocation of Starch Dryer No.5
MP06_0228-Mod-8	1 March 2016	PAC	Alterations to Flour Mill
MP06_0228-Mod-9	8 March 2017	PAC	Packing Plant
MP06_0228-Mod-10	18 April 2017	PAC	Flour Mill B
MP06_0228-Mod-11	1 September 2017	PAC	DDGS Dryers
MP06_0228-Mod-12	1 September 2017	PAC	Beverage Grade Ethanol
MP06_0228-Mod-13	18 January 2018	PAC	Conversion of Boilers
MP06_0228-Mod-14	27 April 2018	IPC	Use of Paper Mill Site
MP06_0228-Mod-15	7 August 2018	IPC	Carbon Dioxide Plant
MP06_0228-Mod-16	18 June 2019	IPC	Flour, Gluten and Starch Increase Project transitioned from Part3A – 7/09/18
MP06_0228-Mod-17	23 October 2020	IPC	Starch Dryer No.5 relocation, SPB and PDB alterations
MP06_0228-Mod-18	4 September 2020	IPC	Hand sanitiser grade ethanol
MP06_0228-Mod-19	8 March 2021	Minister	Ethanol Distillery Plant Expansion
MP06_0228-Mod-20	26 October 2021	Minister	Supagas Additional Storage Vessels
MP06_0228-Mod-24	15 February 2022	Minister	Gluten Dryer No.8 alterations
MP06_0228-Mod-23	28 April 2022	Minister	Gas Fired Co-Generation Plant
<b>MP06_0228-Mod-21</b>	<b>16 May 2022</b>	<b>Minister</b>	<b>Amendments to Packing Plant</b>

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## DEFINITIONS

<b>Applicant</b>	<b>Shoalhaven Starches Pty Ltd, or its successors</b>
BCA	Building Code of Australia
Council	Shoalhaven City Council
<b>CEMP</b>	<b>Construction Environmental Management Plan</b>
<b>Construction</b>	<b>The carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent</b>
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DDG	Dried Distillers Grain
<b>Demolition</b>	<b>The demolition or dismantling of a structure or part of a structure that is load-bearing, as covered by this consent</b>
<b>Department</b>	<b>Department of Planning and Environment</b>
<b>Development</b>	<b>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, MOD 16, MOD 17, MOD 18, MOD 19, MOD 20, MOD 21, MOD 24 and MOD 23.</b>
<b>DILW</b>	<b>Department of Industry – Lands and Water</b>
EA	The environmental assessment titled <i>Proposed Ethanol Production Upgrade Including Proposed Odour Reduction and Waste Water Treatment Measures For Existing Shoalhaven Starches Operations</i> , prepared by Cowman Stoddart Pty Ltd, and dated August 2008; and the associated response to submissions, prepared by Cowman Stoddart Pty Ltd, and dated October 2008
<b>ENM</b>	<b>Excavated natural material</b>
EP&A Act	<i>Environmental Planning &amp; Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning &amp; Assessment Regulation 2000</i>
<b>EPA</b>	<b>Environment Protection Authority</b>
EPL	Environmental Protection Licence
Evening	The period from 6pm to 10pm
<b>GHD Report (October 2007)</b>	<b>Environmental Audit Odour Sources report dated October 2007 prepared for Shoalhaven Starches by GHD Pty Ltd to address Land and Environment Court judgment 2 November 2006.</b>
Incident	An incident causing or threatening material harm to the environment, and/or an exceedance of the limits or performance criteria in this consent
Minister	Minister for Planning <b>(or delegate)</b>
<b>Mitigation</b>	<b>Activities associated with reducing the impacts of the development prior to or during those impacts occurring</b>
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Odour Control Works	The works described in Appendix 3
<b>Modification</b>	<b>An adjustment or alteration to the approved Development, determined in accordance with the EP&amp;A Act</b>
<b>Planning Secretary</b>	<b>The Secretary of the Department of Planning and Environment, or nominee</b>
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Applicant	Shoalhaven Starches Pty Ltd, or its successors
Reasonable and Feasible	Reasonable relates to the application of judgment in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
<b>RtS</b>	<b>Response to Submissions</b>
<b>SafeWork</b>	<b>SafeWork NSW</b>
<b>Secretary</b>	<b>Secretary of the Department (or nominee)</b>
Site	The land referred to in Schedule 1
<b>Statement of Commitments</b>	<b>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, MOD 16, MOD 17, MOD 18 and MOD 19.</b>
VENM	Virgin Excavated Natural Material, as defined in the <i>Protection of the Environment Operations Act 1997</i>

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## SCHEDULE 2 ADMINISTRATIVE CONDITIONS

### Obligation to Minimise Harm to the Environment

1. The Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the **demolition**, construction, operation or decommissioning of the development.

### Terms of Consent

2. The Applicant shall carry out the development generally in accordance with the:
  - a) EA and associated site plans (see Appendix 2);
  - b) amended modification proposal MP 06\_0228 MOD 1 prepared by ME Engineering Pty Ltd and dated 21 December 2010;
  - c) modification proposal MP 06\_0228 MOD 2, accompanying Environmental Assessment dated January 2012 and response to submissions report dated 4 May 2012, prepared by Cowman Stoddart Pty Ltd, accompanying plans (see Appendices 2A and 2B) and supplementary odour report dated 30 July 2012, prepared by PAE Holmes Pty Ltd;
  - d) modification proposal MP 06\_0228 MOD 3, accompanying Environmental Assessment dated May 2012, response to submissions report dated 20 July 2012 and further response to submissions report dated 24 August 2012, prepared by Cowman Stoddart Pty Ltd and accompanying plans (see Appendix 2C);
  - e) modification proposal MP 06\_0228 MOD 4, accompanying Environmental Assessment and accompanying plans (see Appendix 2D) dated February 2014, prepared by Cowman Stoddart Pty Ltd;
  - f) modification proposal MP 06\_0228 MOD 5, accompanying Environmental Assessment and accompanying plans dated June 2015, prepared by Cowman Stoddart Pty Ltd (see Appendix 2E);
  - g) modification proposal MP 06\_0228 MOD 6, accompanying Environmental Assessment and accompanying plans dated October 2015, prepared by Cowman Stoddart Pty Ltd (see Appendix 2F);
  - h) modification proposal MP 06\_0228 MOD 7, accompanying Environmental Assessment and accompanying plans dated November 2015, prepared by Cowman Stoddart Pty Ltd (see Appendix 2G);
  - i) modification proposal MP 06\_0228 MOD 8, accompanying Environmental Assessment and accompanying plans dated November 2015, prepared by Cowman Stoddart Pty Ltd (see Appendix 2H);
  - j) modification proposal MP 06\_0228 MOD 9, accompanying Environmental Assessment and plans dated March 2016, prepared by Cowman Stoddart Pty Ltd and Noise Assessment for Night Time Operations dated November 2016, prepared by Harwood Acoustics (see Appendix 2I);
  - k) modification proposal MP 06\_0228 MOD 10, accompanying Environmental Assessment Plans dated October 2016, prepared by Cowman Stoddart Ltd (see Appendix 2J);
  - l) modification proposal MP 06\_0228 MOD 11, accompanying Environmental Assessment and plans dated November 2016, prepared by Cowman Stoddart Pty Ltd (see Appendix 2K);
  - m) modification proposal MP 06\_0228 MOD 12, accompanying Environmental Assessment and plans dated November 2016, prepared by Cowman Stoddart Pty Ltd (see Appendix 2L);
  - n) modification request MP 06\_0228 (MOD 13), accompanying Environmental Assessment and plans dated June 2017, prepared by Cowman Stoddart Pty Ltd (see Appendix 2M);
  - o) modification request MP 06\_0228 (MOD 14), accompanying Environmental Assessment and plans dated December 2017, prepared by Cowman Stoddart Pty Ltd (see Appendix 2N);
  - p) modification request MP 06\_0228 (MOD 15), accompanying Environmental Assessment and plans dated February 2018 and updated plans dated 9 May 2018, prepared by Cowman Stoddart Pty Ltd (see Appendix 2O);
  - 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.
  - r) modification application 06\_0228 MOD 17, accompanying Statement of Environmental Effects dated 13 December 2019, prepared by Cowman Stoddart Pty

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- Ltd, Addendum Statement of Environmental Effects and amended plans dated 19 June 2020 and RtS dated 28 July 2020.
- s) modification application 06\_0228 MOD 18, accompanying Statement of Environmental Effects dated 18 May 2020, prepared by Cowman Stoddart Pty Ltd, RtS dated July 2020 and the accompanying amended plans (see Appendix 2Q).
  - t) modification application MP06\_0228-MOD-19 (MOD 19), accompanying Statement of Environmental Effects dated 28 September 2020, prepared by Cowman Stoddart Pty Ltd (see Appendix 2S), RtS and amended plans dated 10 February 2021.
  - u) modification application MP06\_0228-Mod-20 (MOD 20), accompanying Statement of Environmental Effects dated 5 August 2021, prepared by Cowman Stoddart Pty Ltd (see Appendix 2T) and plans dated 6 November 2020.
  - v) modification application MP06\_0228-Mod-24 (MOD 24), accompanying Statement of Environmental Effects dated 15 December 2021, prepared by Cowman Stoddart Pty Ltd (see Appendix 2U) and plans dated 28 October 2021.
  - w) modification application MP06\_0228-Mod-23 (MOD 23), accompanying Statement of Environmental Effects dated September 2021, prepared by Cowman Stoddart Pty Ltd and plans dated 8 April 2021 (see Appendix 2V).
  - x) **modification application MP06\_0228-Mod-21 (MOD 21), accompanying Statement of Environmental Effects dated 11 August 2021, prepared by Cowman Stoddart Pty Ltd and plans attached to the submission prepared by Cowman Stoddart Pty Ltd dated 29 March 2022 (see Appendix 2W).**
- 2A. The Applicant shall carry out the development in accordance with the:
- a) statement of commitments;
  - b) conditions of this consent; and
  - c) revised statement of commitments for noise in Appendix 6.
3. If there is any inconsistency between the above, the conditions of this consent shall prevail to the extent of any inconsistency.
4. The Applicant shall comply with any reasonable requirement/s of the **Secretary** arising from the Department's assessment of:
- a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this consent; and
  - b) the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.

## Surrender of Existing Development Consents

5. Within 12 months of this consent, the Applicant shall surrender all existing development consents and project approvals for the site, apart from this development consent, in accordance with Clause 97 of the EP&A Regulation.

**Note: This does not include DA 14/1327 and DA 11/1936 issued by Council for other facilities not related to this consent located on Lot 143 on DP 1069758.**

- 5A. **Within 6 months of the date of approval of MOD 14, or as otherwise agreed by the Secretary, the Applicant shall surrender all existing development consents and project approvals for the former Paper Mill site in accordance with the EP&A Regulation.**

## Limits on Consent

6. (1) The Applicant must not produce on site:
- a) **more than 1,112,800 tonnes of industrial grade flour per year;**
  - b) more than 300 million litres of ethanol per year, subject to (2) below; and
  - c) **more than 1.5 million litres of hand sanitiser per year.**
- (2) The Applicant must not produce on site more than 126 million litres of ethanol per year except in accordance with a staged approval granted by the **Secretary** in accordance with condition 7.

*Note: Prior to this consent, the Applicant was allowed to produce up to 126 million litres of ethanol per year. Condition 7 below provides for the **Secretary** to approve increased production of ethanol in stages, firstly up to 200 million litres and then up to 300 million litres. Increased production will only be approved after an independent audit of the performance of the odour controls required by this consent and only if the **Secretary** is satisfied that odour controls will be adequate for such an increase.*

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**6A. The Applicant shall not construct or operate the 40 MW gas-fired co-generation plant approved under 06\_0228 or the 15 MW coal-fired co-generation plant approved under 06\_0228 MOD 16.**

## Staged Implementation of Increased Ethanol Production Rates

7. (1) The Applicant may apply to the **Secretary** for approval to increase ethanol production up to the rate of 200 million litres of ethanol a year on site if –
- a) the mandatory odour controls listed in Appendix 3 to this Consent have been implemented; and
  - b) the Odour Management Plan required under condition 4 of Schedule 3 has been prepared to the satisfaction of the **Secretary** and is being implemented; and
  - c) an independent odour audit has been prepared and submitted in accordance with conditions 5 and 6 of Schedule 3; and
  - d) the Applicant provides the **Secretary** with an assessment of the likely odour impacts of the proposed increase in ethanol production, using odour monitoring and predictive modelling.
- (2) The Applicant may apply to the **Secretary** for approval to increase ethanol production from 200 million litres of ethanol a year on site up to 300 million litres of ethanol a year on site if –
- a) the site has been producing 200 million litres per year in accordance with an approval granted by the **Secretary** under this condition; and
  - b) an independent odour audit of the site operating at this rate has been prepared and submitted in accordance with conditions 5 and 6 of Schedule 3; and
  - c) the Applicant has provided the **Secretary** with an assessment of the likely odour impacts of the proposed increase in ethanol production, using odour monitoring and predictive modelling.
- (3) An assessment provided to the **Secretary** in accordance with this condition –
- a) must assess the effectiveness of the mandatory odour controls required under this consent; and
  - b) may assess the effectiveness of implementing additional odour controls (such as those listed in Appendix 3).
- (4) In deciding whether to approve an increase in ethanol production under this condition, the **Secretary** must –
- a) assess the odour performance of the premises at its current rate of production; and
  - b) assess the likely odour impacts from the proposed increase; and
  - c) consider the requirement not to cause or permit the emission of offensive odours from the site as defined in section 129 of the POEO Act.

## Structural Adequacy

**8. The Applicant must ensure all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.**

*Note: Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. Part 8 of the EP&A Regulation sets out the requirements for the certification of the Development.*

## Structural Adequacy of Early Works (MP 06\_0228 MOD 2)

- 8A. Within 2 months of the date of the approval of MP 06\_0228 MOD 2, the Applicant shall:**
- a) obtain and provide copies to the **Secretary** all necessary building certificate(s) from Shoalhaven City Council for any structures proposed as part of MP 06\_0228 MOD 2 that have been constructed or partially constructed prior to the approval of MP 06\_0228 MOD 2; and
  - b) ensure that all new structures, and any alterations or additions to existing structures, are constructed in accordance with the relevant requirements of the Building Code of Australia.

## Structural Adequacy of Early Works (MP 06\_0228 MOD 5)

- 8B. Within three (3) months of the date of approval of MP 06\_0228 MOD 5, the Applicant shall:**
- a) obtain and provide copies to the **Secretary** of all necessary building certificate(s) from Council for any structures proposed as part of MP 06\_0228 MOD 5 that have been constructed or partially constructed prior to the approval of MP 06\_0228 MOD 5; and

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- b) ensure that all new structures, and any alterations or additions to existing structures, are constructed in accordance with the relevant requirements of the Building Code of Australia.
- 8C. By the end of July 2018, the Applicant shall provide copies of building certificates, where required, to demonstrate compliance with the BCA for the alterations to structures and additional structures listed in Table A. If an item in Table A does not require a building certificate in accordance with the BCA, the Applicant shall provide written evidence, to the satisfaction of the Secretary.

Table A: Alterations and Additions to Structures

Structure	Location	Audit Ref No. <sup>1</sup>
Fermenter tank 15, gantry and bund wall	Factory east (Fermenters)	A6_01B, M2_04B, M2_09B
Flour Mill	Factory south (Flour Mill)	A6_03B
Product Dryer 6	Factory north (Gluten)	A6_019B
Starch Dryer 5	Factory north (Starch)	M7_01 to M7_33
Biofilters	Factory south west	A6_29B, A6_29C
Weighbridge	Factory west	DA223_01B
Woodchip shelter	Factory west	US_03
Storage shed	Environmental Farm	US_05
Shipping containers	Environmental Farm	US_79 to US_83

<sup>1</sup> Reference numbers as stated in the Independent Compliance Audit, April 2017, prepared by GHD.

- 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.

## Demolition

9. The Applicant shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601:2001: The Demolition of Structures*, or its latest version and the requirements of the *Work Health and Safety Regulation, 2011*.
- 9A. The Applicant shall ensure that all demolition is undertaken by licensed demolition experts in accordance with the requirements of SafeWork and the *Work Health and Safety Regulation, 2011*.

## Asbestos Removal, Transport, Disposal and Clearance

- 9B. The Applicant shall ensure that any asbestos encountered during construction and demolition is monitored, removed, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork and relevant guidelines, including:
- Work Health and Safety Regulation 2011*;
  - Model Code of Practice – How to Manage and Control Asbestos in the Workplace, 2011 Safe Work Australia*;
  - Model Code of Practice – How to Safely Remove Asbestos, 2011 Safe Work Australia*; and
  - Protection of the Environment Operations (Waste) Regulation 2005*.

## Protection of Public Infrastructure

10. The Applicant shall:
- prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters, footpaths), in consultation with Council, and submit a copy of this report to the Department prior to the commencement of construction;
  - repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
  - relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.



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## Protection of Private Infrastructure

### 10A. The Applicant shall:

- a) consult Telstra and Jemena during preparation of detailed design for the under-boring of pipework under Bolong Road as described in MOD 9;
- b) contact Telstra and Jemena at least two weeks prior to the commencement of the under-boring works;
- c) ensure that mechanical excavation or boring works are undertaken in accordance with the requirements of Telstra and Jemena in order to protect the private infrastructure assets; and
- d) complete restoration works to the ground surface and footpath.

## Operation of Plant and Equipment

11. The Applicant shall ensure that all plant and equipment used on the site is:
- a) maintained in a proper and efficient condition; and
  - b) operated in a proper and efficient manner.

## Staged Submission of Plans or Programs

### 12A. With the approval of the Secretary, the Applicant may:

- a) submit any strategy, plan or program required by this consent on a progressive basis; and/or
- b) combine any strategy, plan or program required by this consent.

- 12B. Until they are replaced by an equivalent strategy, plan or program approved under this consent, the Applicant shall continue to implement existing strategies, plans or programs for operations on site that have been approved by previous consents or approvals.

#### Note:

- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages and the trigger for updating the strategy, plan or program.*
- *There must be a clear relationship between the strategy, plan or program that is to be combined.*

## Development Contribution

13. Within 12 months of this consent, the Applicant shall pay Council a suitable contribution for the development that has been determined generally in accordance with any applicable Section 94 Contribution Plan. If there is a dispute about the amount of the contribution then either party may refer the matter to the **Secretary** for resolution.

## Compliance

14. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this consent or relevant matter relating to the Development, either party may refer the matter to the Secretary for resolution. The Secretary's determination of any such dispute shall be final and binding on the parties.
15. Prior to the commencement of construction of the gas-fired cogeneration plant described in the EA, the Applicant shall apply to the Secretary to modify the location of the plant. The plant shall not be constructed until an application to modify the location has been approved by the Secretary.

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## SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

### ODOUR

#### Offensive Odour

1. The Applicant shall not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the POEO Act.

#### Implementation of Mandatory Odour Controls

2. Prior to increasing ethanol production rates on site above 126 million litres a year or within 12 months of this consent, whichever is sooner, the Applicant shall implement all the mandatory odour controls listed in Appendix 3 and described in detail in the Odour Management Plan (see condition 4 below), to the satisfaction of the **Secretary**.
3. The Applicant shall implement additional mandatory odour controls as may be directed by the **Secretary**, arising from the Department's assessment of any:
  - a) Independent Odour Audit (see condition 5 below);
  - b) Independent Environmental Audit (see condition 4 of schedule 4); or
  - c) any monitoring results, incidents or complaints related to the development.
- 3A. **Prior to commissioning the duct work that directs additional emissions from the evaporator plant area and load-out chute to the bio-filter (as identified in the amended modification proposal) the Applicant must demonstrate to the satisfaction of the Secretary and the EPA that the bio-filter can accommodate the additional load while maintaining acceptable treatment performance.**
- 3B. **Should the Applicant opt to install a DDG pelletising plant as identified in the additional odour controls in Appendix 3 the plant must comply with all regulatory requirements including air and odour emissions standards that are in force at the time of installation. Compliance must be demonstrated to the satisfaction of the Secretary and EPA before installation work begins.**
- 3C. *Deleted.*
- 3D. **Prior to construction of any part of MOD 11 and MOD 12 as described in Schedule 2, Condition 2, the Applicant shall implement odour mitigation controls on the gluten dryers 3 and 4. The controls shall include re-orienting the discharge vents and increasing the velocity of discharges to improve odour dispersion, as described in MOD 11 and MOD 12. The Applicant shall provide evidence to the satisfaction of the Secretary to demonstrate that the odour mitigation controls have been successfully implemented.**

#### Odour Management Plan

4. **The Applicant shall prepare an Odour Management Plan for the development to the satisfaction of the Secretary. This plan must:**
  - a) be prepared in consultation with **EPA** by a suitably independent, qualified and experienced expert whose appointment has been endorsed by the **Secretary**, and submitted to the **Secretary** for approval within 3 months of the date of this consent;
  - b) describe in detail the measures that would be implemented on site to control the odour impacts of the development, and to ensure that these controls remain effective over time;
  - c) identify triggers for remedial action; and
  - d) include a program for monitoring the odour impacts of the development.
- 4A. **Prior to increasing ethanol production the Odour Management Plan for the development must be updated to the satisfaction of the Secretary to include the additional Appendix 3 mandatory odour controls specified in the modification approval MOD 1 – Deletion of DDG Pelletiser.**

#### Independent Odour Audit

5. Within 3 months of the implementation of the mandatory odour controls (see Appendix 3), and annually thereafter unless the **Secretary** directs otherwise, the Applicant shall commission and pay the full cost of an Independent Odour Audit of the development. This audit must be conducted by a suitably qualified, experienced and independent expert whose appointment has been endorsed by the **Secretary**. During the audit, this expert must:
  - a) consult with **EPA** and the Department;
  - b) audit the effectiveness of the odour controls on site in regard to protecting receivers against offensive odour;

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- c) review the Applicant's production data (that are relevant to the odour audit) and complaint records;
- d) review the Odour Management Plan for the development;
- e) measure all key odour sources on site, and compare the results of these measurements against the predictions in the EA;
- f) determine whether the development is complying with the requirements in this consent; and, if necessary,
- g) recommend and prioritise measures to either improve the odour controls on site and/or the Odour Management Plan, such that receivers would be protected against offensive odour from the site.

*Note: The **Secretary** may vary the frequency of the audit depending on the performance of the development.*

- 6. Within 6 weeks of the completion of this audit, the Applicant shall submit a copy of the audit report to both **EPA** and the **Secretary** with a response to any recommendations contained in the audit report.

## Odour Verification (MP 06\_0228 MOD 2)

- 6A. **The Applicant shall ensure that any Independent Odour Audit submitted to the Secretary in accordance with Condition 5 of this Schedule includes:**
  - a) **3 monthly (quarterly) odour monitoring with samples taken from the carbon dioxide/ethanol recovery scrubber inlet/s and outlet/s; and**
  - b) **quarterly odour monitoring with samples taken of single vent stack (direct to atmosphere) emissions from a filling fermenter tank.**
- 6B. *deleted*
- 6C. **The Applicant shall conduct quarterly odour monitoring from the DDG exhaust stack and report the results in the independent odour audit required under Condition 5 of Schedule 3.**
- 6D. **The Applicant shall conduct odour monitoring on the relocated starch dryer described in MOD 7 in accordance with the requirements of the EPL and report the results in the independent odour audit required under Condition 5 of Schedule 3.**
- 6E. **If the results of odour monitoring show any odour impact greater than that predicted by the odour dispersion modelling in the EA and the modification proposals referred to in Condition 2 of Schedule 2, the Applicant shall investigate and implement further odour treatment options as directed by the Secretary or the EPA.**
- 6F. **The Applicant shall conduct odour validation monitoring on the gluten dryers 3 and 4, following implementation of the mitigation controls required by Condition 3D. Results of the odour validation monitoring shall be included in the independent odour audit required under Condition 5 of Schedule 3.**

## AIR QUALITY

### General

- 7. The Applicant shall implement all reasonable and feasible measures to minimise the dust generated by the development.
- 8. During construction, the Applicant shall ensure that:
  - a) all trucks entering or leaving the site with loads have their loads covered; and
  - b) the trucks associated with the development do not track dirt onto the public road network.
- 8A. **The Applicant shall only operate one other gas fired boiler (either boiler 1, 2, 3, 4, 7 or 8) in conjunction with boiler 5/6 during periods where one or more of the co-generation plant gas turbines is not operating.**

### Emission Limits - Boiler Stacks

- 9. **The Applicant shall ensure the emissions from boiler stacks 2, 4 and combined boiler stack 5 and 6 comply with the limits in the EPL.**
- 9A. **The sulfur content of boiler 2, boiler 4 and boiler 5/6 coal must not exceed 0.4% by weight (air dried basis).**

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## Post Commissioning Verification Report

- 9B. Within three months of commissioning a modification to boiler 2, 4 and/or 6 and again after all boiler modifications have been commissioned, as described in MOD 13, the Applicant shall submit a written report to the Secretary and the EPA detailing the results of post-commissioning monitoring. The report shall:
- include the results of source emissions sampling and analysis undertaken in accordance with the requirements in the EPL;
  - include data to demonstrate the operational capacity of the boilers during sampling, with sampling undertaken when the boilers are operating at maximum capacity; and
  - assess compliance with the limits in the EPL.
- 9C. If the post commissioning verification report shows that an emission concentration limit is not being met, the Applicant is required to implement all reasonable and feasible measures to achieve compliance with the relevant limit, to the satisfaction of the Secretary.
- 9CA. Within six months of commissioning the fuel change to the boilers, as described in MOD 23, the Applicant shall submit a written report to the Planning Secretary and the EPA detailing the results of post-commissioning monitoring. The report shall:
- compare the results of monitoring undertaken in accordance with the EPL, with:
    - the emission limits in the EPL;
    - the prescribed limits in the Protection of the Environment Operations (Clean Air Regulation) 2021;
    - the emission rates in the Air Quality Assessment dated 19 January 2022, prepared by GHD;
  - assess compliance with the limits in the EPL and the prescribed limits in the Protection of the Environment Operations (Clean Air Regulation) 2021 and the emission rates in the Air Quality Assessment dated 19 January 2022, prepared by GHD; and
  - if post-commissioning monitoring shows that an emission limit is not being met, the Applicant is required to nominate and implement mitigation measures to achieve compliance with the relevant limit, in consultation with the EPA and to the satisfaction of the Planning Secretary.

## Emissions – Boiler 8 and Cogeneration Plant

- 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.

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- 9H. The Applicant shall ensure the emissions from the gas fired boiler stack as described in MOD 18 complies with the limits in the EPL.
- 9I. Within three months after commissioning of the gas fired boiler, as described in MOD 18, the Applicant shall submit a written report to the Planning Secretary and the EPA detailing the results of post-commissioning monitoring. The report shall analyse compliance with the limits in the EPL.
- 9J. Within 8 months of commissioning Boilers 2 and 4 for use with a mixed fuel source as described in MOD 17, the Applicant must submit a Post Commissioning Verification Report to the Planning Secretary and the EPA. The report must:
- include the analytical results and monitoring reports for post commissioning monitoring undertaken in accordance with the requirements set out in the EPL and for the pollutants specified in the EPL;
  - compare the results obtained by post commissioning monitoring with the estimates and predictions of the Air Quality Impact Assessment prepared by GHD for MOD 17; and
  - compare the results obtained by post commissioning monitoring with emissions limits contained in the EPL.
- 9K. If the Post Commissioning Verification Report shows that monitoring results exceed the emission concentration limits contained in the EPL and/ or the predictions of the AQIA prepared for MOD 17, the Applicant is required to implement all reasonable and feasible measures to achieve compliance with the relevant limit, to the satisfaction of the Planning Secretary.
- 9L. Prior to the construction of the ethanol storage tanks as described in MOD 19, the Applicant must prepare a VOC (ethanol) emission management plan in consultation with the EPA and to the satisfaction of the Planning Secretary. The measures detailed in the management plan are to be implemented prior to commissioning of the ethanol storage tanks.

## Monitoring

10. The Applicant shall prepare an Air Quality Monitoring Program for the development to the satisfaction of the Secretary. This program must:
- be prepared in consultation with EPA;
  - be submitted to the Secretary for approval within 3 months of this consent; and
  - include a program to monitor the ongoing performance of the development.

## Dust Management MOD 6

- 10A. The Applicant shall implement the Dust Management Plan included in the EA for MOD 6.

## Cooling Tower – MOD 15

- 10B. The Applicant shall install, register and maintain cooling towers in accordance with the Public Health Amendment (Legionella Control) Regulation 2018.

## NOISE

### Hours of Operation

11. The Applicant shall comply with the restrictions in Table 1.

*Table 1: Construction and Operation Hours for the Development*

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Activity	Day	Time
Construction	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm
	Sunday and Public Holidays	Nil
<b>Piling activities</b>	<b>Monday – Friday</b>	<b>9:00am to 5:00pm</b>
Operation	All days	Any time
<b>Use of Paper Mill site</b>	<b>Monday – Saturday</b>	<b>7:00 am to 6:00 pm</b>
	<b>Sunday and Public Holidays</b>	<b>8:00 am to 6:00 pm</b>

*Note: Construction activities may be conducted outside the hours in Table 1 provided that the activities are not audible at any residence beyond the boundary of the site.*

## Noise Limits

12. The Applicant shall ensure that noise from the development does not exceed the noise limits in Table 2.

Table 2: Development Noise Limits

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

*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.*

## Noise Management Plan

13. During construction, the Applicant shall implement all reasonable and feasible measures to minimise the construction noise impacts of the development.
- 13A. The Applicant shall implement a Construction Noise Management Plan (CNMP) to manage the noise impacts of construction of the Development and each modification. The CNMP shall:**
- be prepared in accordance with the EPA's *Interim Construction Noise Guideline*;
  - be approved by the Secretary prior to the commencement of piling works;
  - include procedures for notifying affected residences of the timing and duration of piling works, including scheduled respite periods; and
  - include procedures for proactively responding to noise complaints and implementing all reasonable and feasible work practices to limit construction noise impacts.
14. **The Applicant shall prepare a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:**
- be prepared by a suitably qualified and experienced expert in consultation with EPA, and be submitted to the Secretary for approval within 3 months of this consent;
  - describe the measures that would be implemented to control the noise impacts of the development;
  - identify trigger levels for remedial action; and
  - include a program to:
    - investigate ways to reduce the noise impacts of the development; and

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- monitor the noise impacts of the development using a combination of real-time and supplementary attended monitoring measures, which includes a protocol for evaluating compliance with the noise limits.

## Design and Noise Validation MOD 7

- 14A. The Applicant shall design and construct the relocated starch dryer in accordance with the design specifications included in the EA for MOD 7.
- 14B. Within 12 months of operation of the relocated starch dryer, the Applicant shall undertake noise validation to confirm that the noise levels comply with the predictions in the EA for MOD 7.
- 14C. If the results of noise validation show any noise impact greater than that predicted in the EA and the modification proposals referred to in Condition 2 of Schedule 2, the Applicant shall investigate and implement all reasonable and feasible noise mitigation measures to achieve compliance.

## Design and Noise Validation MOD 8

- 14D. The Applicant shall design and install silencers on the discharge side of each fan on the modified flour mill in accordance with the acoustic specifications included in the EA for MOD 8. The Applicant shall provide written evidence to the Secretary, prior to the commencement of operation of the modified flour mill, confirming that the silencers have been installed in accordance with the specifications detailed in the EA for MOD 8.
- 14E. Within 12 months of operation of the modified flour mill, the Applicant shall undertake noise validation to confirm that the noise levels comply with the predictions in the EA for MOD 8, to the satisfaction of the EPA.

## Design, Operation and Noise Validation MOD 9 and MOD 21

### Design

- 14F. Prior to the commencement of operation of the packing plant, the Applicant shall provide evidence to the satisfaction of the Secretary to confirm that the design specifications detailed in the EA for MOD 9 and MOD 21 have been implemented. The design specifications include:
- a) the walls and ceiling of the packing plant building have a minimum weighted sound reduction index of  $R_w$  33, unless otherwise agreed in writing by the Secretary;
  - b) all external doors are a minimum 44 millimetres thick, solid core timber construction, or equivalent material, in well-sealed frames;
  - c) building openings without acoustic treatments shall not exceed 36 square metres and shall be located in the south-eastern part of the packing plant building, as shown in Appendix 2I;
  - d) external motors on the five storage silos shall have a maximum sound power level of 78dB(A), unless otherwise agreed to by the Secretary in accordance with condition 14H;
  - e) permanent sound barriers a minimum 11 m high relative to the finished ground level of the container storage yard. Barriers shall extend along the entire length of the north-western boundary of the container storage area, connecting to the packing plant along the north-eastern boundary (see the figure in Appendix 2I);
  - f) permanent sound barriers a minimum 9 m high relative to the finished ground level of the container storage yard, along the south-western side of the rail spur lines, as shown in the figure in Appendix 2I; and
  - g) sound barriers shall be constructed as solid masonry walls, or other equivalent material, without holes or gaps, other than a maximum of 50mm at the base.

### Operating Conditions

- 14G. The Applicant shall:
- a) ensure roller door openings on the south-western facade remain closed when containers are not being loaded in this location;
  - b) locomotive shunting does not occur whilst trains are being un/loaded;
  - c) stacking of containers is limited to a maximum of three containers high; and
  - d) minimise the stacking of containers during the night-time period.

### Noise Validation

- 14H. Prior to the construction of any external mechanical plant exceeding a sound power level of 78dB(A), the Applicant shall prepare a noise validation report to demonstrate that operation of the mechanical plant meets the noise limits in condition 12. The noise validation report shall:
- a) be prepared by an appropriately qualified and experienced noise expert;
  - b) be approved by the Secretary, prior to the installation of external mechanical plant;

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- c) demonstrate that the location, design and operation of external mechanical plant would achieve the noise limits in Condition 12;
- d) describe any acoustic treatments required to ensure compliance with the noise limits in Condition 12; and
- e) if necessary, recommend, prioritise and implement measures to improve noise controls on-site to ensure the Development meets relevant criteria and protects off-site receivers from excess noise.

14I. Within 12 months of operation of the modified packing plant, the Applicant shall undertake noise validation to confirm that the noise levels comply with the predictions in the EA for MOD 9 and MOD 21, to the satisfaction of the EPA.

## MOD 10 Design, Operation and Noise Validation

### Design

- 14J. Prior to the commencement of operation of flour mill B and the mill feed structure, the Applicant shall provide evidence to the satisfaction of the Secretary to confirm that the design specifications detailed in the EA for MOD 10 have been implemented. The design specifications include:
- a) the walls of the flour mill B building have a minimum weighted sound reduction index of Rw 24;
  - b) the ceiling of the flour mill B building has a minimum weighted sound reduction index of Rw 23;
  - c) no penetrations in the building walls, or ceiling have occurred without acoustic treatment;
  - d) sections of the northern and eastern walls only may be fitted with acoustic louvres to provide natural ventilation, if required. The required insertion loss of acoustic louvres must be evaluated through a final design noise verification, required under Condition 14L;
  - e) silencers fitted to each exhaust fan must not exceed a sound pressure level such that the cumulative level of noise emission from all fans combined does not exceed a total sound pressure level of 74 dB(A) when measured or calculated at a distance of 3 m from the discharge silencers. The level of noise reduction achieved must be demonstrated through a final design noise verification as required under Condition 14L.
  - f) a sound barrier to the south of external mechanical plant at the mill feed structure, as determined by the final design noise verification required under Condition 14L.

### Operating Conditions

14K. The Applicant shall ensure all doors to the flour mill B building remain closed at all times when the plant is operating.

### Noise Validation

- 14L. Prior to the construction of flour mill B and the mill feed structure, the Applicant shall prepare a design noise verification report to demonstrate the effectiveness of the noise controls implemented in accordance with Condition 14J. The noise verification report shall:
- a) be prepared by an appropriately qualified and experienced noise expert;
  - b) be approved by the Secretary, prior to the construction of flour mill B and the mill feed structure;
  - c) verify the size, location and design of ventilation openings, acoustic louvres, silencers to be fitted on the exhaust fans and the design of acoustic barriers around external mechanical plant;
  - d) demonstrate that the location, design and operation of the flour mill B and mill feed structure would achieve the noise limits in Condition 12; and
  - e) if necessary, recommend, prioritise and implement measures to improve noise controls on-site to ensure the Development meets relevant criteria and protects off-site receivers from excess noise.

### Noise Verification – Modifications

#### *Design Noise Verification*

- 14M. Prior to the construction of any modifications described in Schedule 2, Condition 2, the Applicant shall prepare a design noise verification report to demonstrate the additional plant and equipment will meet relevant design noise goals to ensure noise from the site does not exceed the noise limits in Condition 12. The noise verification report shall:
- a) be prepared by an appropriately qualified and experienced noise expert;
  - b) be approved by the Secretary, prior to construction of the modification;
  - c) demonstrate that the location, design and operation of the modification would achieve the noise limits in Condition 12; and



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- d) if necessary, recommend, prioritise and implement measures to improve noise controls on-site to ensure the Development as modified meets the noise limits in Condition 12 and protects off-site receivers from excess noise.

## Noise Validation

- 14N. Within 12 months of operation of each modification described in Schedule 2, Condition 2, the Applicant shall undertake noise validation monitoring to confirm noise from the modified site complies with the noise limits in Condition 12. The results of noise validation monitoring shall be included in the Annual Report required by Schedule 4, Condition 3. If the results of monitoring show any exceedance of the noise limits in Condition 12, the Applicant shall investigate and implement all reasonable and feasible noise mitigation measures to achieve compliance.

*Note: If a modification does not require a design noise verification report or validation monitoring as required by Conditions 14M and 14N, the Applicant shall provide written justification to the satisfaction of the Secretary.*

- 14O. The Applicant must ensure all mobile plant and equipment used on the Paper Mill site are fitted with broadband alarms, not tonal reversing alarms, to minimise noise from the Paper Mill site.

## SOIL, WATER & ENERGY

### Discharge Limits

15. Except as may be expressly provided in an EPL for the development, the Applicant shall:
- comply with Section 120 of the POEO Act; and
  - not discharge any wastewater, including treated wastewater to the Shoalhaven River.

### Water & Energy Efficiency

16. The Applicant shall prepare a Water Savings Action Plan and an Energy Savings Action Plan for the development to the satisfaction of the Secretary. These plans must be prepared:
- in consultation with DWE and be submitted to the **Secretary** for approval within 12 months of this consent; and
  - in accordance with the *Guidelines for Water Savings Action Plans (DEUS 2005)* and *Guidelines for Energy Savings Action Plans (DEUS 2005)*, respectively.

### Bunding

- ~~17. The Applicant shall store all chemicals, fuels and oils used on site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participant's Handbook*.~~

~~*Note: To avoid any doubt, this condition does not apply to the fermenters on site.*~~

### Importation of Fill

18. The Applicant shall:
- ensure that only VENM or ENM or other material approved in writing by the EPA is used as fill on the site;
  - keep accurate records of the volume and type of fill to be used; and
  - make these records available to the Department upon request.

### Erosion and Sediment Control

19. The Applicant shall prepare an Erosion and Sediment Control Plan for the development to the satisfaction of the Secretary. This plan must:
- be submitted to the **Secretary** before the commencement of construction on site;
  - be prepared in accordance with Landcom's *Managing Urban Stormwater: Soils and Construction* manual;
  - identify the works that could cause soil erosion and generate sediment;
  - describe the location, function, and capacity of the erosion and sediment controls that would be implemented; and
  - describe the measures that would be implemented to maintain these controls during the construction period.

*Note: the provisions of this plan shall be implemented for all construction works associated with the development and/or modification approved thereafter.*

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- 19A. Prior to the commencement of works associated with MOD 6, the Applicant shall implement the Erosion and Sediment Control Plan included in the EA for MOD 6.
- 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.

## Site Contamination

20. Prior to the commencement of construction, unless otherwise agreed by the **Secretary**, the Applicant shall demonstrate to the satisfaction of the **Secretary** that an accredited site auditor has prepared a site audit statement and summary site audit report and that the site is suitable for its intended use(s).
- 20A. Prior to the commencement of construction of the works associated with MOD 7 and MOD 9, the Applicant shall prepare an unexpected finds protocol to ensure that potentially contaminated material is appropriately managed. Any material identified as contaminated shall be disposed of off-site, with the disposal location and results of testing submitted to Council, prior to its removal from the site.
- 20B. The Applicant shall implement an unexpected finds protocol for the duration of construction of the modifications described in Schedule 2, Condition 2.
- Note: If a modification does not involve any subsurface excavations and an unexpected finds protocol is not required, the Applicant shall provide written justification to the satisfaction of the Secretary.*
- 20C. The Applicant shall implement a procedure for the testing, dewatering, storage, treatment and disposal of contaminated groundwater that is intercepted during excavation works for MOD 9.
- 20Ca). 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.

## Asbestos

- 20D. Prior to the commencement of construction work on the container storage area described in MOD 9, the Applicant shall remove asbestos containing materials in accordance with the requirements of Condition 9B in Schedule 2.

## MOD 12

- 20E. Prior to the commencement of construction of MOD 12, the Applicant shall:
- conduct further investigations to determine the presence of asbestos containing material in the areas proposed for construction of MOD 12;
  - 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;
  - update and implement the unexpected finds protocol required by Condition 20A and 20B to address the isolated hydrocarbon contamination near the railway lines; and
  - 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.
- 20F. The Applicant must update the unexpected finds protocol required by condition 20B to include procedures to manage material containing bonded asbestos. The Applicant shall remove asbestos containing materials in accordance with the requirements of Condition 9B in Schedule 2.

## Acid Sulfate Soils

21. The Applicant shall prepare an Acid Sulfate Soil Management Plan for the development, as modified. The plan must be prepared in accordance with the *Acid Sulfate Soils Manual (Acid Sulfate Soils Management Advisory Committee, 1998)*, and be submitted to the Secretary prior to the 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.

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*If a modification does not require an update of the plan listed above, the Applicant shall provide written justification to the satisfaction of the Secretary.*

## Stormwater

- 22. The Applicant shall prepare a Stormwater Management Plan for the development to the satisfaction of the Secretary. This plan must:**
- a) be prepared in consultation with Council and be submitted to the **Secretary** for approval prior to the commencement of construction;
  - b) be prepared in accordance with the latest version of *Managing Urban Stormwater: Council Handbook* (DECC);
  - c) outline measures to manage stormwater to prevent the pollution of waters; and
  - d) include detailed plans of the stormwater system.
- 22A. Prior to the commencement of construction of the temporary car park described in MOD 6, the Applicant shall submit a Stormwater Management Plan to Council describing the stormwater design, discharge location and pollution control for the temporary car park.**
- 22B. The Applicant shall update the Stormwater Management Plan for the development to include MOD 7. The plan shall:**
- a) be submitted to Council prior to the commencement of construction;
  - b) detail pipe sizes, pit locations and all associated drainage for the relocated starch dryer;
  - c) detail the location of dedicated drainage paths to the western bank of Abernathy's Creek and describe the erosion protection measures to be implemented;
  - d) include a program for visual monitoring of the creek banks following significant rainfall events; and
  - e) include procedures for ensuring that heavy vehicles and equipment are not stored between the starch dryer and Abernathy's Creek.
- 22C. Any excavations undertaken between the starch dryer and Abernathy's Creek shall be supervised by a geotechnical engineer.**
- 22D. Within 3 months of the date of this modification, the Applicant shall provide evidence to the satisfaction of the Secretary, confirming the stormwater controls that have been implemented to manage runoff from the coal and woodchip stockpiles on the environmental farm.**
- 22E. Prior to the commencement of construction of MOD 12, the Applicant 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.**
- 22F. The Applicant shall update the Stormwater Management Plan for the development to include the Packing Plant described in MOD 21. The plan shall include the following requirements for the Packing Plant as follows:**
- a) be prepared in consultation with Council and submitted to the Planning Secretary for approval prior to the commencement of construction;
  - b) include detailed stormwater drainage design plans prepared by a suitably qualified engineer and include the following:
    - i) minor and major systems must be designed for a 10% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively.
    - ii) existing drainage systems through lots draining public roads are to be upgraded where necessary to contain flows in accordance with Council's Engineering Design Specifications – Section D5.04.
    - iii) piping, swales and easements to facilitate future development of the site.
  - c) include detailed design of permanent and vegetated swale stormwater quality improvement devices in accordance with Council's Engineering Design and Construction Specifications including detailed design of permanent water quality, retention and reuse devices; and
  - d) include adopted WSUD Management, Operation, Maintenance and Monitoring Manual/s prepared in accordance with the approved Integrated Water Cycle Management Plan.

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- 22G. Prior to the commencement of operation, the Applicant is to provide WSUD compliance checklists prepared by a suitably qualified engineer to verify the implementation of the Stormwater Management Plan including all checks and certifications that are required to be carried out during the civil construction phase, asset protection phase, landscape practical completion phase and final compliance inspection.**

## Wastewater

23. The Applicant shall ensure runoff and spray from the irrigation of wastewater does not go beyond the boundary of the utilisation areas.
24. The Applicant shall ensure that the pollutants in the soils at the environmental farm do not exceed the soil quality impact assessment criteria outlined in the EPL for the development.
- 25. The Applicant shall prepare a Wastewater Management Plan for the development to the satisfaction of the Secretary. This plan must:**
- a) be prepared in consultation with EPA and be submitted to the Secretary for approval within 12 months of this consent;
  - b) be prepared in accordance with DECC's *Environmental Guidelines: Use of Effluent by Irrigation*;
  - c) outline the location, design and management of the irrigation, crop and grazing system, including measures to minimise soil and groundwater degradation; and
  - d) include:
    - baseline data on soil and groundwater quality and characteristics;
    - wastewater and soil quality impact assessment criteria and the effluent treatment and irrigation system performance measures;
    - details of the wastewater, soil, silage and groundwater monitoring program;
    - procedures for the reporting the monitoring results against the criteria and to determine the annual site nutrient and analyte budgets and water balance;
    - contingency measures to address exceedances, pollutant triggers and problems with the wastewater management systems; and
    - a description how the effectiveness of actions would be monitored over time.
  - 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.**

## Flooding

26. The Applicant shall prepare a Flood Mitigation and Management Plan for the development to the satisfaction of the Secretary. This plan must:
- a) be prepared in consultation with Council and be submitted to the Secretary for approval within 12 months of this consent;
  - b) include:
    - baseline data on local and regional flooding and the predicted flood impacts of the development;
    - details of all reasonable and feasible measures that would be implemented to minimise on-site and off-site flooding;
    - procedures for the monitoring, assessment and compensation of any flood impacts caused by the development;
    - a program for contribution toward the ALERT Flood Warning System operated by Council and the Bureau of Meteorology; and
    - procedures for collaboration and coordination with the paper mill with respect to flood emergency planning.
- 26A. The Applicant shall update the Flood Mitigation and Management Plan for the development to include each modification. The plan shall:**
- a) **be prepared in consultation with Council and submitted to the Secretary prior to operation of each modification;**
  - b) **detail the procedures for managing flood risks during construction, demolition and operation, including flood recovery measures, procedures for ensuring the protection of infrastructure and human safety;**
  - c) **identify assembly points, emergency evacuation routes, flood warning alarms and evacuation procedures.**
  - d) **describe the controls to be implemented to ensure plant, equipment and stockpiles do not become floating debris during flood events**

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

*If a modification does not require an update of the plan listed above, the Applicant shall provide written justification to the satisfaction of the Secretary.*

- 26B. The Applicant shall ensure that all new buildings and structures, additions to existing buildings and structures and all electrical installations are constructed in accordance with the relevant requirements of Chapter G9 of the *Shoalhaven Development Control Plan 2014* (Shoalhaven DCP). Any portion of buildings or structures below the flood planning level prescribed in the Shoalhaven DCP must be constructed from flood compatible materials and be built to withstand flooding.
- 26C. The Applicant shall ensure that all hazardous materials stored on site are stored above the 1% AEP flood level.
- 26D. Prior to the commencement of construction of flour mill B and the mill feed structure, the Applicant shall provide a structural engineer's report to the Secretary. The report shall demonstrate that the buildings and structures are designed from flood compatible materials and to withstand the forces of flood waters, debris and buoyancy forces up to the 0.2% Annual Exceedance Probability flood events.
- 26E. Within 2 months of the completion of construction of flour mill B and the mill feed structure, the Applicant shall provide a structural engineer's report to the Secretary demonstrating that the buildings and structures have been constructed from flood compatible materials and are built to withstand the forces of flood waters, debris and buoyancy forces up to the 0.2% Annual Exceedance Probability flood event. The report shall also demonstrate the structures, including stored silos, would not become debris during flood events.
- 26F. Prior to the commencement of construction of the modifications described in Schedule 2, Condition 2, except for MOD 21 and MOD 23, the Applicant shall provide a structural engineer's report to the Secretary. The report shall demonstrate that the buildings and structures are designed from flood compatible materials and to withstand the forces of flood waters, debris and buoyancy forces up to the 0.2% Annual Exceedance Probability flood event.
- 26G. Within 2 months of the completion of construction of the modifications described in Schedule 2, Condition 2, except for MOD 21 and MOD 23, the Applicant shall provide a structural engineer's report to the Secretary demonstrating that the buildings and structures have been constructed from flood compatible materials and are built to withstand the forces of flood waters, debris and buoyancy forces up to the 0.2% Annual Exceedance Probability flood event. The report shall also demonstrate the structures and stockpiles would not become floating debris during flood events.
- 26GA. Prior to the commencement of construction of the 60 MW co-generation plant and associated works as described in MOD 23 and the works described in MOD 21, the Applicant shall provide a structural engineer's report to the Planning Secretary to verify that:
  - a) any portion of the structures below the flood planning level (FPL) would be built from flood compatible materials;
  - b) all electrical installations would be constructed above the FPL or be able to be isolated prior to a flood event;
  - c) the location of all hazardous substances are at or above the 1% Annual Exceedance Probability (AEP) flood level;
  - d) the building and associated structures can withstand the forces of flood waters, debris and buoyancy forces up to the 1% AEP flood event; and
  - e) the building and associated structures will not become floating debris during a 1% AEP flood event.

## Works on Waterfront Land

- 26H. The Applicant must ensure works within 40 metres of the Shoalhaven River bank are undertaken in accordance with the *Guidelines for Controlled Activities on Waterfront Land 2012*.

## TRANSPORT

### Upgrade Existing Accesses to Factory

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27. Prior to the commencement of construction of MOD 12, or no later than 30 September 2017, the Applicant shall submit detailed designs to Council for the following road and parking works, to be completed by the Applicant:
- 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 Applicant shall complete the road and parking works in accordance with the plans approved by Council, as described in Condition 27. The Applicant 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 Applicant 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 Applicant 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 Applicant 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.

## Road Works to the Packing Plant

- 28A. Prior to construction of the packing plant, the Applicant shall:
- d) construct the proposed left turn only access to the packing plant site from Bolong Road in accordance with the requirements of Council;
  - e) submit civil design plans for the access works referred to in sub clause a) above to Council for approval;
  - f) obtain approval for the road works under Section 138 of the Roads Act 1993;
  - g) consult with Shoalhaven Water and comply with the requirements of Shoalhaven Water's development application notice for works near Shoalhaven Water assets; and
  - h) provide alternative access arrangements for the vehicles from the adjoining Shoalhaven Water site, and dedicate any additional land required for these alternative access arrangements to Council as a road reserve.
- 28B. During construction of the packing plant, the Applicant shall ensure heavy vehicles enter only via the left turn access from Bolong Road. The Railway Street access is only to be used for heavy vehicles exiting the packing plant site and for light vehicle access and egress.

*Note: Construction access in and out of Bolong Road and Railway Street is allowed whilst the internal access road is being constructed.*

- 28C. The Applicant shall:
- a) upgrade Railway Street adjacent and to the south of the packing plant site access, to accommodate the turning paths of the largest vehicles accessing the packing plant (addressing road widening and strengthening requirements for turns in all permitted directions);
  - b) submit civil design plans for the road upgrade works referred to in sub clause a) above to Council for approval;

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- c) obtain approval for the road works under Section 138 of the Roads Act 1993; and
  - d) complete the approved road upgrade prior to operation of the packing plant.
29. Prior to the commencement of construction on the proposed packing plant site and the flour mill B and the mill feed structure, the Applicant shall prepare a Construction Traffic Management Plan to manage traffic movements during construction. The plan shall be prepared in consultation with Council and submitted to the Secretary prior to the commencement of construction.
- 29A. The Applicant shall prepare a dilapidation report for the section of Railway Street from the access point at the packing plant to the intersection with Bolong Road. The report shall be submitted to Council prior to the commencement of construction of the packing plant, as described in MOD 9.

## Upgrade Pedestrian Facilities

30. The Applicant 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.

## Internal Roads & Parking

31. The Applicant 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 and the car parking on the BOC gas site.
32. The Applicant shall ensure that vehicles associated with the development do not park or queue on the public road network at any time.
- 32A. Prior to the commencement of construction of MOD 15, the Applicant must delineate truck parking areas on the Dairy Farmers site to ensure adequate space is provided for trucks accessing the carbon dioxide plant.
- 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.
- 32C. Prior to the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by a suitably qualified expert for driveway and car parking areas for MOD 21 and must comply with the following:
- a) Constructed in accordance with the following:
    - i) with a concrete pavement designed and constructed for a minimum traffic loading of 1 x 106 ESA, or
    - ii) with an asphaltic concrete (AC) flexible pavement designed and constructed for a minimum traffic loading of 1 x 106 ESA. Where asphaltic concrete surfaced pavements are likely to be subject to bogie-axle vehicles turning lightly, the asphaltic concrete is to include a rubber base to improve durability and manufacturer's product details.
  - b) Bordered in accordance with Council's Standard Drawings by concrete kerbing, except where surface runoff is concentrated, in which case concrete integral kerb and gutter must be constructed.

## Night-time Heavy Vehicle Restrictions

33. The Applicant shall ensure that heavy vehicles travelling to and from the site between 8pm and 7am only use Bolong Road and Princes Highway.
- 33A. The Applicant must ensure the Paper Mill site is used during day time periods only, as required by Condition 11.

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*Note: If the Applicant intends to regularly access the Paper Mill site during evening or night time periods, the Applicant shall evaluate and upgrade the street lighting at the access points, to meet Australian Standards and the requirements of Council.*

## Railway Crossings

34. The Applicant shall manage the rail level crossings at Bolong Road and Railway Street in accordance with the requirements of the Office of the National Rail Safety Regulator and any Safety Interface Agreement with Council.
35. Prior to operation of the packing plant, the Applicant shall upgrade the Railway Street level crossing in accordance with the requirements of Council. The works shall include delineation improvements, including kerb and guttering and associated pavement works, on the approaches to the crossing and signs and line works in accordance with *AS1742.2 Traffic Control Devices for General Use* and *AS 1742.7 Railway Crossings*.

## Access for MOD 6

- 35A. The Applicant shall ensure that the temporary car park and its access described in MOD 6:
  - a. *deleted*;
  - b. is used for light vehicles only, with the exception of heavy vehicles used to construct the temporary car park;
  - c. is removed following the completion of construction of MODs 11 or 12, whichever is later;
  - d. is not used for the storage of plant, equipment or materials at any time.
- 35B. The Applicant shall ensure that access to Shoalhaven Water's pumping station is maintained at all times.

## Construction Traffic

- 35C. Prior to the commencement of construction of the modifications described in Schedule 2, Condition 2, the Applicant shall submit a construction traffic management plan for the modification to Council. The plan shall include procedures for regular cleaning of dirt and debris off Bolong Road along the length of the site.

*Note: If a modification does not require a construction traffic management plan, the Applicant shall provide written justification to the satisfaction of Council.*

## Pipeline for MOD 23

- 35D. The Applicant shall obtain approval for construction of the gas pipeline under Bolong Road, under Section 138 of the *Roads Act 1993*.

## HAZARDS

### Pre-construction

36. At least 1 month prior to the commencement of construction of the Development as modified (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Secretary may agree, the Applicant shall prepare and submit for the approval of the Secretary the studies set out under subsections a) to d) (the pre-construction studies):
  - a. A Fire Safety Study for the Development as modified. This study shall be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No.2 - Fire Safety Study Guidelines* and the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*. It must also verify and confirm the fire water demand, supply and contaminated firewater containment system are adequate for each modification. The Fire Safety Study shall also be prepared and implemented to the satisfaction of Fire and Rescue NSW;
  - b. A Hazard and Operability Study for the Development and each modification, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 8 - HAZOP Guidelines*, chaired by an independent qualified person approved by the Secretary. This study shall include a program for the implementation of all recommendations made during the study; and if the Applicant intends to defer the implementation of certain recommendations, then justification shall be provided for the proposed deferral;



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- c. A Final Hazard Analysis for the Development as modified and the Site, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis*. The FHA shall:
- report on the implementation of the recommendations of the Preliminary Hazard Analysis;
  - re-evaluate and reconfirm the relevant data and assumptions from the Preliminary Hazard Analysis; and
  - re-evaluate and reconfirm all control measures for prevention and mitigation of incidents; and
  - 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;
  - demonstrate that the safety device is appropriately sized for the worst-case scenario; and
  - evaluate and confirm automatic isolation, both local and remote for carbon dioxide iso-container loadout.
  - report on implementation of the actions associated with meeting relevant Australian Standards for MOD 19 in relation to dangerous goods storage on site.
- d. A Construction Safety Study for the Development and each modification, consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 7 – Construction Safety Study Guidelines*.

*Note: If a modification does not require an update of the studies listed in Conditions a) to d) above, the Applicant shall provide written justification to the satisfaction of the Secretary.*

### Pre-commissioning

37. The Applicant shall develop and implement the plans and systems set out under subsections a) to c), no later than 2 months prior to the commencement of commissioning of the Development and each modification to the Development, or within such further period as the secretary may agree. The Applicant shall submit for the approval of the Secretary, documentation describing those plans and systems. Commissioning shall not commence until approval has been given by the Secretary.
- a. Transport of Hazardous Materials – detailing arrangements for the transport of hazardous materials including routes to be used by vehicles carrying hazardous materials to or from the site. The routes shall be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No.11 Route Selection*. Suitable routes identified in the study shall be used except where departures are necessary for local deliveries or emergencies.
- b. Emergency Plan – updated to include the Development as modified and maintained for the life of the Development. The plan shall include detailed procedures for the safety of all people including consideration of the safety of all people outside of the facility who may be at risk from the Development. The plan shall be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 1- Industry Emergency Planning Guidelines*;
- c. Safety Management System updated to include the Development as modified and maintained for the life of the Development. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records must be kept on-site and must be available for inspection by the Secretary upon request. The Safety Management System shall be prepared in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No.9 - Safety Management*.

*Note: If a modification does not require an update of the studies listed in Conditions a) and c) above, the Applicant shall provide written justification to the satisfaction of the Secretary.*

### MOD 13 - BOILERS

- 37A. One month prior the commencement of commissioning, or as otherwise agreed with the Secretary, a testing program must be undertaken in accordance with the International Standard (IEC 61508) *Functional Safety of Electrical/Electronic/Programmable Electronic Safety-related Systems*. The testing shall verify that all safety related equipment and controls in the existing coal handling equipment for the boilers are fit for re-use. A report of the findings of the testing program must be provided to the Secretary describing the scope, methodology and testing results. This equipment must include the safety instrumented controls and any mechanical protective systems.

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- 37B. The Applicant shall update and implement the Safety Management System required under Condition 37(c) no more than 1 months prior to the commencement of commissioning of MOD 19, or as otherwise agreed upon by the Planning Secretary. The updated Safety Management System must include a dangerous goods register prepared in consultation with an independent dangerous goods consultant. The register must be maintained for the life of the development and as modified, and provide sufficient details on:
- reasons why full compliance cannot be achieved with all relevant Australian Standards;
  - engineered solutions and actions to achieve at least an equivalent level of safety required under full compliance, taking into account industry best practice or requirements by SafeWork NSW; and
  - completion dates for all actions in Condition 37B b) above.

## Hazard Audit

38. By the end of October 2016 and every three years thereafter, or at such intervals as the Secretary may agree, the Applicant shall carry out a comprehensive Hazard Audit of the Development as modified and the Site, and within one month of each audit submit a report to the Secretary.
- the audits shall be carried out at the Applicant's expense by a qualified person or team, independent of the Development, approved by the Secretary prior to commencement of each audit. Hazard audits shall be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 5 - Hazard Audit Guidelines*;
  - the audit report must be accompanied by a program for the implementation of all recommendations made in the audit report, as well as any outstanding recommendations from previous hazard audit reports (if applicable). If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.

## Further Requirements

39. The Applicant shall comply with all reasonable requirements of the Secretary in respect of the implementation of any measures arising from the hazard studies submitted in respect of conditions 36 to 38 inclusive, within such time as the Secretary may agree.
- 39A. For all works associated with MOD 19 and for any further modifications to this consent approved thereafter, dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled in accordance with:
- all relevant Australian Standards;
  - the Environment Protection Manual for *Authorised Officers: Bunding and Spill Management – technical bulletin* (EPA, 1997).
- 39B. In the event of an inconsistency between the requirements 39A a) and 39A b), the most stringent requirement must prevail to the extent of the inconsistency.

## WASTE

40. Except as expressly permitted by an EPL, the Applicant shall:
- not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing or disposal; and
  - ensure that all waste generated on the site is classified and managed in accordance with the DECC's Environmental Guidelines: *Waste Classification Guideline*.
- 40A. The Applicant shall ensure that the use of any waste material on the site, is in accordance with the requirements of a Resource Recovery Order and Exemption issued under the *Protection of the Environment Operations (Waste) Regulation 2014*.
- 40B. Prior to the reuse of any waste material on the site, the Applicant shall provide details of the source, type and quantity of the material in writing to the EPA and the Secretary.

## Waste Management Plan

41. The Applicant shall prepare a Waste Management Plan for the development to the satisfaction of the Secretary. This plan must:
- be submitted to the Secretary for approval within 3 months of this consent;
  - identify the various waste streams of the development;

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- c) describe what measures would be implemented to reuse, recycle or minimise the waste generated by the development; and
- d) include a program to monitor the effectiveness of these measures.

## LANDSCAPE

### Lighting

42. The Applicant shall ensure that the lighting associated with the development:
- a) complies with the latest version of *AS 4282(INT) - Control of Obtrusive Effects of Outdoor Lighting*; and
  - b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.
- 42A. If any LED obstruction lighting is to be installed on tall structures on the site, the frequency range of the LED light emitted must fall within the range of wavelengths 655 to 930 nanometres, and be installed to the satisfaction of the Department of Defence.

### Landscape and Vegetation Management

43. The Applicant shall update the Vegetation Management Plan for the development as modified. This plan must:
- a. be prepared in consultation with DILW and Council;
  - b. be approved by the Secretary prior to construction of each modification;
  - c. be prepared in accordance with DILW's Guidelines for Vegetation Management Plans on Waterfront Lands (2018).
  - d. include:
    - a Landscape Plan for the development, which identifies screen plantings to minimise visual impacts, including additional planting between the DDG area and riverbank, and planting around the coal and woodchip stockpiles on the environmental farm and planting along the frontage of the BOC gas site;
    - detailed plans and procedures to:
      - restore and maintain the waterways and riparian zones of Shoalhaven River, Bomaderry Creek, Abernathy's Creek and Broughton Creek on the site;
      - manage weeds in the vicinity of the riparian zones;
      - integrate works into the proposed landscaping for the rest of the site;
      - manage impacts on fauna; and
      - monitor the performance of the proposed restoration works.

*Note: If a modification does not require an update of the plan, the Applicant shall provide written justification to the satisfaction of the Secretary.*

### Riverbank Stability

- 43A. The Applicant shall survey the rock revetment wall on the Site to measure ongoing patterns of settlement and lateral movement. The survey monitoring shall:
- a) be undertaken every three months from February 2016 for a period of 2 years;
  - b) include river bed monitoring extending 15 metres from the toe of the revetment wall to measure changes in the bed profile; and
  - c) include regular visual monitoring to assess any obvious change to ground features and the effects of major rainfall events.

*Note: If a geotechnical specialist concludes that movement levels are insignificant during the monitoring period, the frequency of monitoring may be reduced to once a year, or after significant rainfall events.*

- 43B. The Applicant shall engage a suitably qualified geotechnical engineer to regularly review the survey data obtained in accordance with Condition 43A and shall carry out maintenance and/or repairs to the rock revetment wall if required, to the satisfaction of the Secretary. Maintenance and/or repairs shall be completed within 2 months of identifying the need for the repairs, unless otherwise agreed with the Secretary.

- 43C. The Applicant 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

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- b) describe the nature and timing of measures to be implemented to protect river bank stability, if required.
- 43D. The Applicant must ensure that all external, long-term storage areas at the Paper Mill site are set back a minimum of 11.5 metres from the crest of the Shoalhaven River bank.
- 43E. The Applicant must maintain and when required repair, the existing vegetation and rock protection on the Shoalhaven River bank on the Paper Mill site, to maintain the integrity and stability of the river bank.
- 43F. The Applicant must construct boiler 8, *deleted* and lime silos using non-displacement piles to rock and visually monitor the Shoalhaven River bank during construction.

### Landscaping

44. The Applicant shall ensure that:
- a) all landscaping works proposed in the Landscape Plan/s in Appendix 2B of this consent are completed within 6 months of the date of approval of MP 06\_0228 MOD 2 in consultation with Council;
  - b) the Landscape Plan/s in Appendix 2B of this consent are incorporated into the approved Landscaping and Vegetation Management Plan for the development; and
  - c) suitable measures are in place and detailed in the Landscaping and Vegetation Management Plan to ensure vegetation at the site is maintained for the life of the development.
45. The Applicant shall:
- a) commence landscaping as proposed in the Landscape Plans in Appendix 2C within 6 weeks of commencing construction of the car park described in MOD 3;
  - b) update the Vegetation Management Plan for the development, in consultation with Council, to include the Landscape Plan in Appendix 2C, including details of the measures to be implemented to ensure that landscaping is maintained for the life of the development; and
  - c) submit the updated Vegetation Management Plan to the Secretary for approval, prior to operation of the car park described in MOD 3.
46. Prior to operation of the pelletising plant described in MP 06\_0228 MOD 4 and as modified by MP 06\_0228 MOD 5, the Applicant shall provide evidence to the satisfaction of the Secretary demonstrating that the Landscape Plan/s in Appendix 2B have been fully implemented.
- 46A. The Applicant shall manage all vegetation on site to ensure adequate sight distances for vehicles entering and exiting the site. The Applicant shall consult with Council to ensure the landscaping is maintained in accordance with the requirements of Council.
- 46B. The Applicant must plant screening vegetation in front of the parking area at the Paper Mill site, no later than 30 June 2018.
- 46C. The Applicant must plant screening vegetation in front of the carbon dioxide plant at the Dairy Farmers site, no later than 31 December 2018.
- 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.

### Visual Amenity

47. Where possible the Applicant shall utilise building materials that will minimise the potential visibility of the Development as modified (i.e. use of non-reflective materials).

### Tall Structures

- 48A. Prior to the commencement of construction of structures extending 30 m above ground level, the Applicant must notify Airservices Australia.
48. One month following the completion of construction of structures extending 30 m above ground level, the Applicant shall provide as-constructed details to Airservices Australia.
49. *deleted.*
50. *deleted.*

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51. *deleted.*

### Riparian Management

52. The Applicant shall ensure the filled area for construction of the access road and rail lines as described in MOD 9 shall be setback a minimum of 18 metres from Abernathy's creek.
53. Within 6 months of operation of the packing plant described in MOD 9, the Applicant shall provide evidence to the Secretary to demonstrate that landscaping and revegetation works have been fully implemented. The works shall include:
- a) landscaping along the northern side of Bolong Road as described in MOD 9; and
  - b) a minimum 18 metre wide section of the western bank of Abernathy's creek from Bolong Road to the northern boundary of the packing plant.

FOR INFORMATION

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## SCHEDULE 4 ENVIRONMENTAL MANAGEMENT, REPORTING & AUDITING

### ENVIRONMENTAL MANAGEMENT

1. **The Applicant shall prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:**
  - a) be submitted to the **Secretary** for approval within 3 months of this consent;
  - b) identify the statutory requirements that apply to the development;
  - c) describe the procedures that would be implemented to:
    - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - receive, handle, respond to, and record complaints;
    - resolve any disputes that may arise during the course of the development;
    - respond to any non-compliance;
    - manage cumulative impacts; and
    - respond to emergencies; and
  - d) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the development.
2. **The Applicant shall implement the Environmental Management Strategy and the management plans required in Schedule 3 of this consent (as revised and approved by the Secretary from time to time) for the duration of the development, as modified.**

### ENVIRONMENTAL REPORTING

#### 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 kDILWn) 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.**

#### Annual Reporting

3. **By the end of October each year, or other timing as may be agreed by the Secretary, the Applicant shall review the environmental performance of the Development to the satisfaction of the Secretary. This review must:**
  - a) be submitted to the **Secretary** by the end of October each year;
  - b) describe the development that was carried out over the previous 12 month period, and the development that is proposed to be carried out over the next year;
  - c) include a summary of monthly production levels over the year;
  - d) include a comprehensive review of the monitoring results and complaints records of the Development over the previous year, which includes a comparison of these results against the
    - (i) the relevant statutory requirements, limits or performance measures/criteria;
    - (ii) requirements of any plan or program required under this consent;
    - (iii) the monitoring results of previous years; and
    - (iv) the relevant predictions in the EA;
  - e) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;

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- f) identify any trends in the monitoring data over the life of the Development;
- g) identify any discrepancies between the predicted and actual impacts of the Development, and analyse the potential cause of any significant discrepancies; and
- h) describe what measures will be implemented over the next year to improve the environmental performance of the Development.

## INDEPENDENT ENVIRONMENTAL AUDIT

4. Within 12 months of the commencement of operations, and every 3 years thereafter, unless the **Secretary** directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
- a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the **Secretary**;
  - b) be undertaken in consultation with EPA, **DILW** and Council;
  - c) assess the environmental performance of the development and undertake any works necessary to determine whether it is complying with the relevant standards, performance measures, and statutory requirements;
  - d) review the adequacy of any strategy/plan/program required under this consent; and, if necessary,
  - e) recommend measures or actions to improve the environmental performance of the development, and/or any strategy/plan/program required under this consent.

*Note: Wherever possible, the timing of the Independent Environmental Audit, Independent Odour Audit and Hazard Audit should be co-ordinated to avoid duplication, and the experts conducting the Independent Odour Audit and Hazard Audit should be included in the broader audit team. In the initial years, the Independent Environmental Audit team should include experts in Odour, Noise, and Wastewater Irrigation.*

- 4A. Within 6 weeks of completing this audit, or as otherwise agreed by the **Secretary**, the Applicant shall submit a copy of the audit report to the **Secretary** with a response to any recommendations contained in the audit report.
- 4B. Within 3 months of submitting an audit report to the **Secretary**, the Applicant shall review and if necessary revise the strategy/plans/programs and undertake additional mitigation measures as required under this consent to the satisfaction of the **Secretary**.

## Revisions of Management Plans/Monitoring Programs

- 5A. Within 3 months of the submission of an:
- a) annual review under condition 3;
  - b) incident report under condition 2;
  - c) audit under condition 4; or
  - d) any modification to the conditions of this consent,

the Applicant shall if necessary, revise the strategies, plans, and programs required under this consent.

*Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the Development.*

## ACCESS TO INFORMATION

6. The Applicant shall:
- a) make copies of the following publicly available on its website:
    - (i) the documents referred to in Condition 2 in Schedule 2;
    - (ii) all current statutory consents for the Development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) a comprehensive summary of the monitoring results of the Development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (v) a complaints register, updated on an annual basis;
    - (vi) minutes of community meetings;
    - (vii) the annual reviews of the Development;
    - (viii) any independent environmental audit of the Development, and the Applicant's response to the recommendations in any audit;
    - (ix) any other matter required by the **Secretary**; and
  - b) keep this information up to date,

## CONSOLIDATED CONSENT

*Note: This condition does not require any confidential information to be made available to the public.*

FOR INFORMATION