

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development modification
Application number and project name	MP06_0228-Mod-23 Shoalhaven Starches Expansion Gas Fired Co-Generation Plant (Mod 23)
Applicant	Shoalhaven Starches Pty Ltd
Consent Authority	Minister for Planning

Decision

The Director, Industry Assessments, under delegation from the Minister for Planning has, under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to the recommended conditions.

A copy of the instrument of modification and conditions is available at:
<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-23-gas-fired-co-generation-plant>

A copy of the Department of Planning & Environment's assessment report is available at:
<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-23-gas-fired-co-generation-plant>

Date of decision

28 April 2022

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development as the development authorised by the consent, as last modified under the former section 75W of the Act.

The key reasons for granting the modification are as follows:

- the modification would provide a range of benefits for the region and the State as a whole, including \$114 million of capital investment in the Shoalhaven region and the creation of 10 operational jobs and 80 construction jobs;
- the modification is permissible with consent and is consistent with NSW Government policies;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- the modification would improve air emissions and reduce greenhouse gas emissions by removing the use of coal and providing a co-generation plant that would produce both steam and electricity; and
- the issues raised by the community during consultation and in submissions have been considered and addressed.
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 22 October 2021 until 4 November 2021 (14 days) and received 3 submissions, including 2 objections.

The key issue raised by the community and considered in the Department's Assessment Report and by the decision maker relates to greenhouse gas emissions.

<i>Issue</i>	<i>Consideration</i>
<i>Greenhouse Gas Emissions</i> <ul style="list-style-type: none">• Impacts of climate change• Use of gas instead of renewable energy sources• At odds with NSW Government's 2030 commitment to reduce carbon emissions• Questioned the methodology and conclusions of the greenhouse gas assessment	<i>Assessment</i> <ul style="list-style-type: none">• The Applicant provided a greenhouse gas (GHG) assessment that was prepared in accordance with relevant guidelines• The GHG assessment concluded the modification would reduce overall emissions from the factory compared to existing operations. Emissions would reduce from 598,989 t CO₂-e/a to 471,878, with production increased to the maximum approved level.• The co-generation plant would provide the majority of the factory's steam and energy requirements, reducing its long-term reliance on coal for use in the boilers.• The modification would also reduce other pollutants generated by the combustion of coal including sulfur dioxide, nitrogen dioxide and carbon monoxide.• The Department's assessment concluded the modification would reduce GHG emissions from the factory and no specific conditions are required given the Applicant has continued obligations to measure and report annual emissions under the NGER Act.