



# Shoalhaven Starches Expansion Project Modification 24

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Modification to State Significant Development Modification  
Assessment (MP06\_0228-Mod-24)

February 2022



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# Glossary

Abbreviation	Definition
<b>Council</b>	Shoalhaven City Council
<b>CO<sub>2</sub></b>	Carbon dioxide
<b>Department</b>	Department of Planning and Environment (DPE)
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPL</b>	Environment Protection Licence
<b>FRNSW</b>	Fire and Rescue NSW
<b>Minister</b>	Minister for Planning
<b>Planning Secretary</b>	Secretary of the Department
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>SEPP</b>	State Environmental Planning Policy

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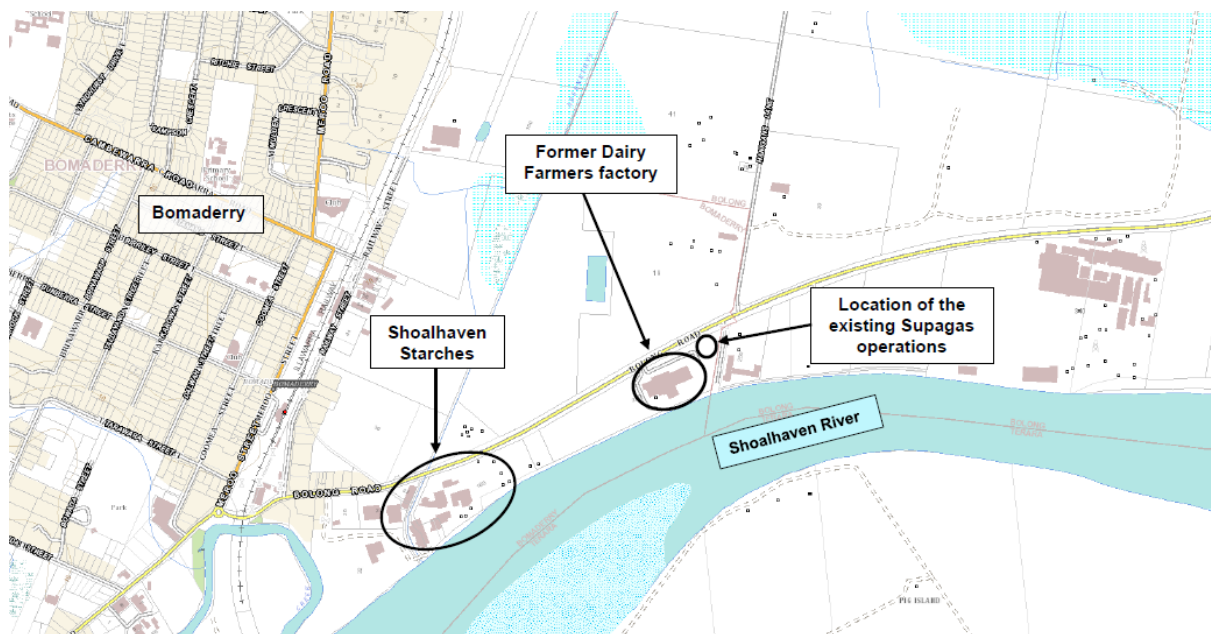
# 1 Introduction

This report provides the NSW Department of Planning and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for Shoalhaven Starches Expansion Project (MP06\_0228). The modification application seeks consent to modify the approved Gluten Dryer No.8.

The application was lodged on 21 December 2021 by Shoalhaven Starches (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.1 Background

The Applicant has operated a factory at Bomaderry in the Shoalhaven local government area (LGA) since 1979 (see **Figure 1**). The factory receives wheat grain from mills in western NSW which is processed to produce flour, gluten, glucose, starch and ethanol for food, beverage, hand sanitiser, paper and fuel products. The factory is a 24/7 operation and has approximately 300 employees.



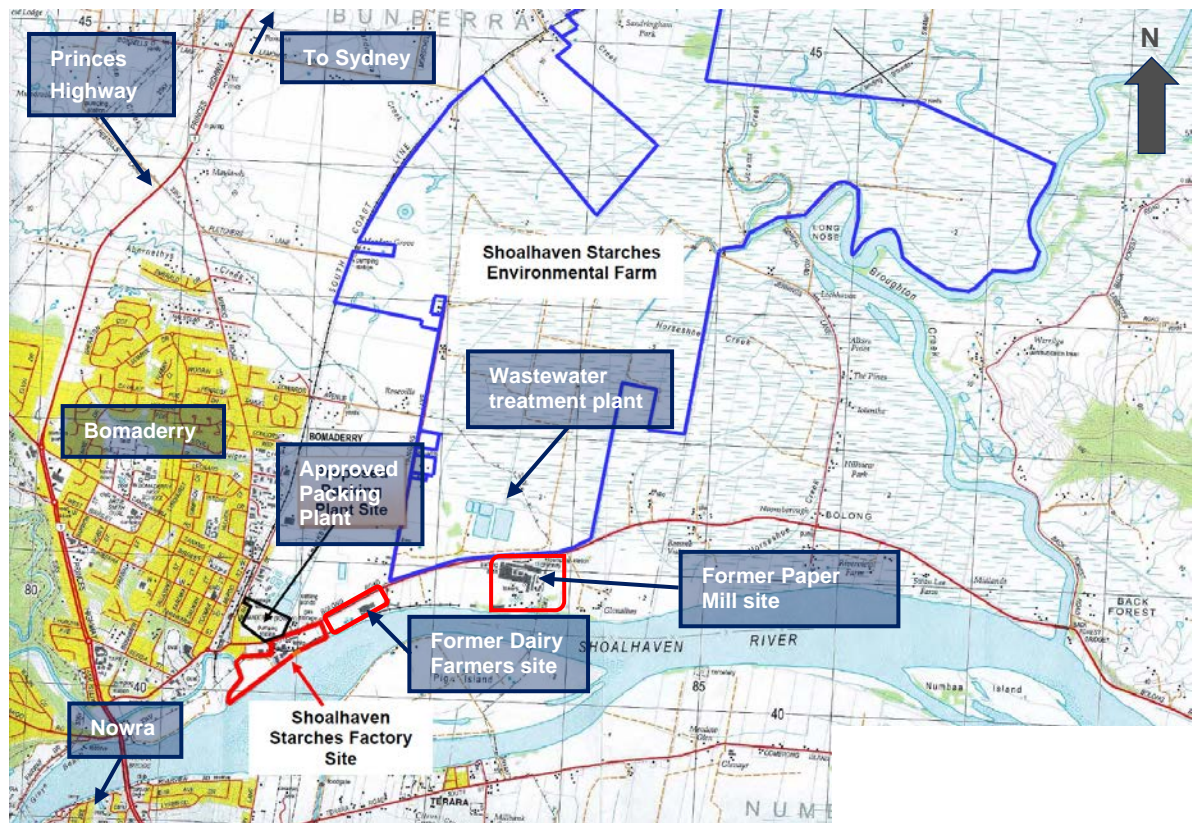
**Figure 1 | Local Context Map**

The factory is located on the eastern fringe of Bomaderry and 2 kilometres (km) to the north-east of Nowra (see **Figure 2**). The factory is surrounded by other industrial premises, including a metal fabrication factory, meat packaging works and industrial and agricultural suppliers. The nearest residences are in Bomaderry, 300 metres (m) to the west of the approved packing plant and 500 m north-west of the factory.

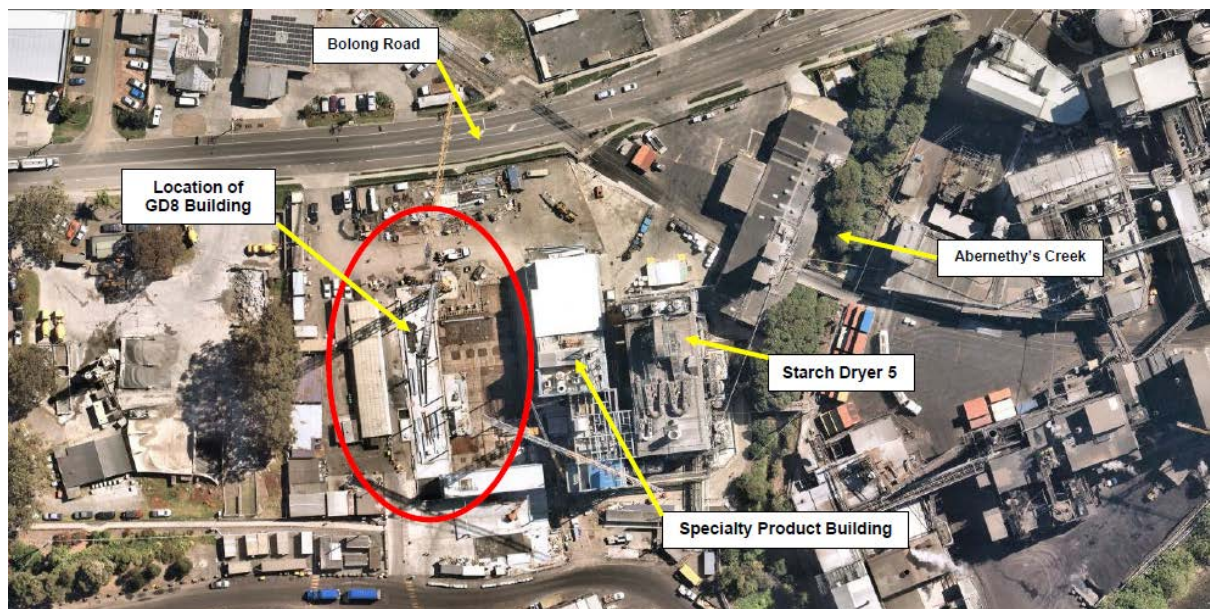
Shoalhaven City Council's sewage treatment works is located 180 m to the north of the factory and Bomaderry railway station is located 500 m north-west. Shoalhaven Starches has a private rail spur line, which extends from the railway station across Railway Street and Bolong Road into the factory site, extending for approximately 750 m along the northern bank of the Shoalhaven River.



The Shoalhaven Starches factory encompasses the former Dairy Farmers complex and the former Shoalhaven Paper Mill, located east of the main factory on Bolong Road.



**Figure 2 | Regional Context Map**



**Figure 3 | Site Aerial View**

Gluten Dryer No.8 (GD8) was approved under MOD 16 and further modified under MOD 17 (see section 1.2) and is located in the western portion of the Shoalhaven Starches facility adjoining the approved Specialty Product Building (SPB) (see **Figure 3**).

## 1.2 Approval history

Prior to 2009, the Applicant operated its factory under multiple, separate planning approvals issued by Shoalhaven City Council (Council) and the Minister for Planning.

### Shoalhaven Starches Ethanol Expansion Project (06\_0228)

In January 2009, the Minister for Planning (Minister) approved the Shoalhaven Starches Ethanol Expansion Project (SSEEP) under the now repealed Part 3A of the EP&A Act. The SSEEP approval consolidated all previous planning approvals for the site with the aim of simplifying regulation and compliance.

The SSEEP involved:

- staged increases of ethanol production from 126 megalitres a year (ML/yr) to 200 ML/yr following successful implementation of mandatory odour controls
- implementation of mandatory odour controls including a wastewater treatment plant and biofilter
- installation of additional infrastructure at the dried distillers grain (DDG) plant, ethanol and starch plants, a new packing plant, rail siding and product and wastewater pipelines.

By June 2012, the Applicant had installed the mandatory odour controls and the Department approved the increase in ethanol production (as prescribed in the conditions) to the maximum volume permitted being 300 ML/yr, subject to conditions, including quarterly odour monitoring and annual odour audits. However, demand for ethanol in fuels has not increased as predicted and ethanol production levels at the factory in 2017 were around 237 ML/yr.

Given the reduced market demand for ethanol, the Applicant has progressively installed infrastructure over the last few years, to allow optimisation of flour products and increased production of beverage grade ethanol for alcohol products. This has required several modifications to the SSEEP approval, including a new starch dryer, flour mill and a beverage grade ethanol distillery at the factory.

### Modifications to 06\_0228

The Minister has approved 20 modifications to the SSEEP since 2009. All modifications from Modification 1 to 18 were approved by the former Planning Assessment Commission or Independent Planning Commission (the Commission) under the Minister's delegation as the Applicant was previously a political donator. However, the Applicant has since not made any reportable political donations and Modification 19 and 20 were approved by the delegate of the then Minister for Planning and Public Spaces. Table 1 summarises the modifications.

**Table 1 | Summary of Modifications**

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
<b>MOD 1</b>	<ul style="list-style-type: none"><li>• removed the requirement for dried distillers grain (DDG) pelletising plant from the list of mandatory odour controls</li><li>• implement alternate odour controls including a new loading chute with dust</li></ul>	PAC	s75W	30 Sept 2011

extractor and extension of the load-out shed to fully enclose truck loading.

<b>MOD 2</b>	<ul style="list-style-type: none"> <li>install additional infrastructure to improve operational and energy efficiency, including two additional fermenter tanks, an evaporator, beer column, heat exchangers, substation and compressors.</li> </ul>	PAC	s75W	14 Sept 2012
<b>MOD 3</b>	<ul style="list-style-type: none"> <li>relocate approved 60 space staff car park to the former Dairy Farmers site and include the site in the project approval, following acquisition by the Applicant.</li> </ul>	PAC	s75W	9 Oct 2012
<b>MOD 4</b>	<ul style="list-style-type: none"> <li>relocate the approved DDG pelletising plant within the factory site, increases its footprint and approved height, from 21 m to 28 m.</li> </ul>	PAC	s75W	24 Mar 2014
<b>MOD 5</b>	<ul style="list-style-type: none"> <li>modify the design, footprint and odour controls on the DDG pelletising plant including a 49 m air discharge stack and eight storage silos.</li> </ul>	PAC	s75W	16 Sept 2015
<b>MOD 6</b>	<ul style="list-style-type: none"> <li>demolish a disused industrial building “Moorehouse” purchased by the Applicant</li> <li>construct a temporary car park on the northern side of Bolong Road.</li> </ul>	PAC	s75W	25 Nov 2015
<b>MOD 7</b>	<ul style="list-style-type: none"> <li>relocate the approved Starch Dryer No. 5 to the former “Moorehouse” site, increase the footprint and construct a substation, pipework and pipe gantry.</li> </ul>	PAC	s75W	18 Jan 2016
<b>MOD 8</b>	<ul style="list-style-type: none"> <li>extend the existing flour mill to increase flour production from 265,000 to 400,000 tonnes per annum (tpa) and offset imports of flour to the factory from mills in western NSW.</li> </ul>	PAC	s75W	1 Mar 2016
<b>MOD 9</b>	<ul style="list-style-type: none"> <li>increase the size of the approved packing plant to increase the type and volume of packaged dried products</li> <li>construct a container storage and truck loading area with noise barriers</li> <li>extend and duplicate the approved rail spur line</li> </ul>	PAC	s75W	8 Mar 2017



	<ul style="list-style-type: none"> <li>install product pipes under Bolong Road, a small bag packer at the DDG pellet plant and a new stormwater detention tank.</li> </ul>			
<b>MOD 10</b>	<ul style="list-style-type: none"> <li>construct a new flour mill B and increase flour production on site from 400,000 tpa to 842,400 tpa. Relocate storage silos and construct a mill feed structure.</li> </ul>	PAC	s75W	18 April 2017
<b>MOD 11</b>	<ul style="list-style-type: none"> <li>reduce the number of approved dryers and relocate approved footprint, relocate cooling towers, construct a forklift maintenance building, install two biofilters, construct hardstand for container storage, store coal and woodchips on the factory site and environmental farm.</li> </ul>	PAC	s75W	1 Sept 2017
<b>MOD 12</b>	<ul style="list-style-type: none"> <li>increase production of beverage grade ethanol and reduce production of fuel grade ethanol</li> <li>install ethanol distillery infrastructure including rectification columns, cooling towers, a substation, storage tanks and pipes</li> <li>extend two rail siding and provide additional car parking.</li> </ul>	PAC	s75W	1 Sept 2017
<b>MOD 13</b>	<ul style="list-style-type: none"> <li>increase steam production from three existing boilers by converting to coal fired boilers and installing baghouses.</li> </ul>	PAC	s75W	18 Jan 2018
<b>MOD 14</b>	<ul style="list-style-type: none"> <li>incorporate the former Shoalhaven Paper mill into the project approval and use the site for buffer storage for products, plant, construction materials and shipping containers.</li> </ul>	PAC	s75W	27 April 2018
<b>MOD 15</b>	<ul style="list-style-type: none"> <li>construct a carbon dioxide plant at the former Dairy Farmers complex to capture and treat waste gas to a food grade standard for sale to food and hospitality markets.</li> </ul>	IPC	s75W	7 Aug 2018
<b>MOD 16</b>	<ul style="list-style-type: none"> <li>construction of new flour mill and gluten dryer (GD8), specialty products building, boiler and coal-fired cogeneration plant</li> <li>conversion of two gluten dryers to starch dryers.</li> </ul>	IPC	s4.55(2)	18 June 2019

<b>MOD 17</b>	<ul style="list-style-type: none"> <li>extension of product dryer building (GD8) and service conduit</li> <li>relocation of Starch Dryer no.5 baghouse and car parking</li> <li>use of alternative woodchip fuel source for boilers.</li> </ul>	IPC	s4.55(1A)	23 2020	October
<b>MOD 18</b>	<ul style="list-style-type: none"> <li>production of hand sanitiser grade ethanol and hand sanitiser including the relocation of gas fired boiler and repurposing of de-fatting plant.</li> </ul>	IPC	s4.55(1A)	4 2020	September
<b>MOD 19</b>	<ul style="list-style-type: none"> <li>production of an additional 100 ML of beverage grade ethanol per annum within existing 300 ML ethanol limit.</li> <li>installation of three new distillery columns in the Ethanol Distillery Plant and associated infrastructure, 12 new cooling tanks.</li> <li>relocation of site infrastructure.</li> </ul>	Department	s4.55(1A)	8 March 2021	
<b>MOD 20</b>	<ul style="list-style-type: none"> <li>Amendment to the Supagas CO2 Plant for the installation of two additional liquid CO2 storage vessels and associated plant and construction works.</li> </ul>	Department	s4.55(1A)	26 2021	October
<b>MOD 21</b>	<ul style="list-style-type: none"> <li>additional 16 product storage silos, eight feed bins and reconfiguration of Packing Plant footprint.</li> <li>additional rail slide, train tunnel and amendment to product gantry.</li> <li>additional raw wastewater tank</li> <li>installation of a Nitrogen Generator and Storage Tanks.</li> <li>additional Indirect Cooking Facility.</li> <li>additional two Fermentation Tanks.</li> </ul>	Department	s4.55(1A)	Under Assessment	
<b>MOD 22</b>	<ul style="list-style-type: none"> <li>beverage grade ethanol plant stage 3 upgrade involving the increase in ethanol production from 300 ML/year to 450 ML/year.</li> </ul>	Department	s4.55(2)	SEARs Issued	
<b>MOD 23</b>	<ul style="list-style-type: none"> <li>gas fired Co-generation Plant consisting of two natural gas turbines with a total power output of 60 Mega Watts.</li> </ul>	Department	s4.55(2)	Under Assessment	

### **Shoalhaven Starches Gas Pipeline Project (10\_0108 & 10\_0144)**

On 30 October 2021, the then Planning Assessment Commission approved the Shoalhaven Starches Gas Pipeline Project (10\_0108) under the now repealed Section 75J of the EP&A Act and a concept approval (10\_0144) under the now repealed Section 75O and 75P of the EP&A Act. The approval involved the construction of a 5.5 km long private gas pipeline to connect the Shoalhaven Starches facility directly to the Eastern Gas Pipeline (EGP).

On 30 April 2021, an order made by the then Minister for Planning and Public Spaces' delegate was published in the Gazette declaring 10\_0108 to be a State significant infrastructure (SSI) approval and 10\_0144 to be an approval for a staged infrastructure application (SIA) under clause 5 of Schedule 2 of the EP&A (Savings, Transitional and Other Provisions) Regulation 2017 (EP&A (ST&OP) Regulation).

A request to modify these approvals to relocate the approved location of the associated Gas Pressure Reduction Station (GPRS) and to increase the diameter of the pipeline was approved by the Minister's delegate on 21 January 2022. A further modification to 10\_0108 is currently being prepared by the Applicant to relocate the low-pressure gas pipeline from the new location of the GPRS to the site.

### **Council Issued Consents**

Separate to the SSEEP approval, the Applicant sought and has obtained development consents from Council for works associated with the factory. This has included:

- construction and operation of an interim packing plant at the factory (RA 11/1002)
- demolition of the dimethyl ether plant (DA 13/1713)
- construction of two additional grain silos for buffer storage (DA 14/2161).

Council also granted consent to the Applicant for road and site access upgrades, consistent with the SSEEP approval. These included:

- upgrades to site access points on Bolong Road, including the Dairy Farmers site access (DA 10/1843)
- widening the access point to the interim packing plant (DA 11/1855).

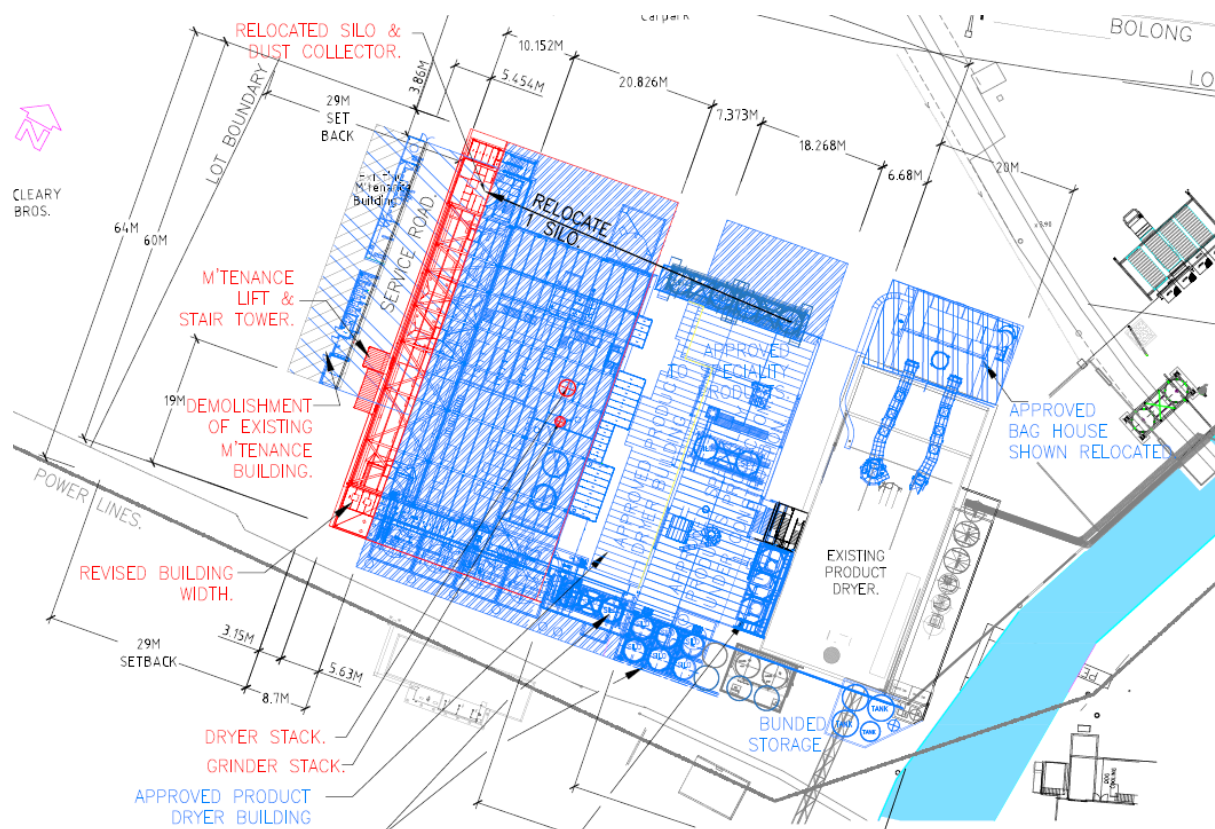
Two other Council-issued consents apply to land adjacent to the factory and owned by the Applicant. These include the Algae Demonstration Facility and the Meat Processing Plant, both located at the former Dairy Farmers site.

## 2 Proposed modification

### 2.1 Proposed Modification

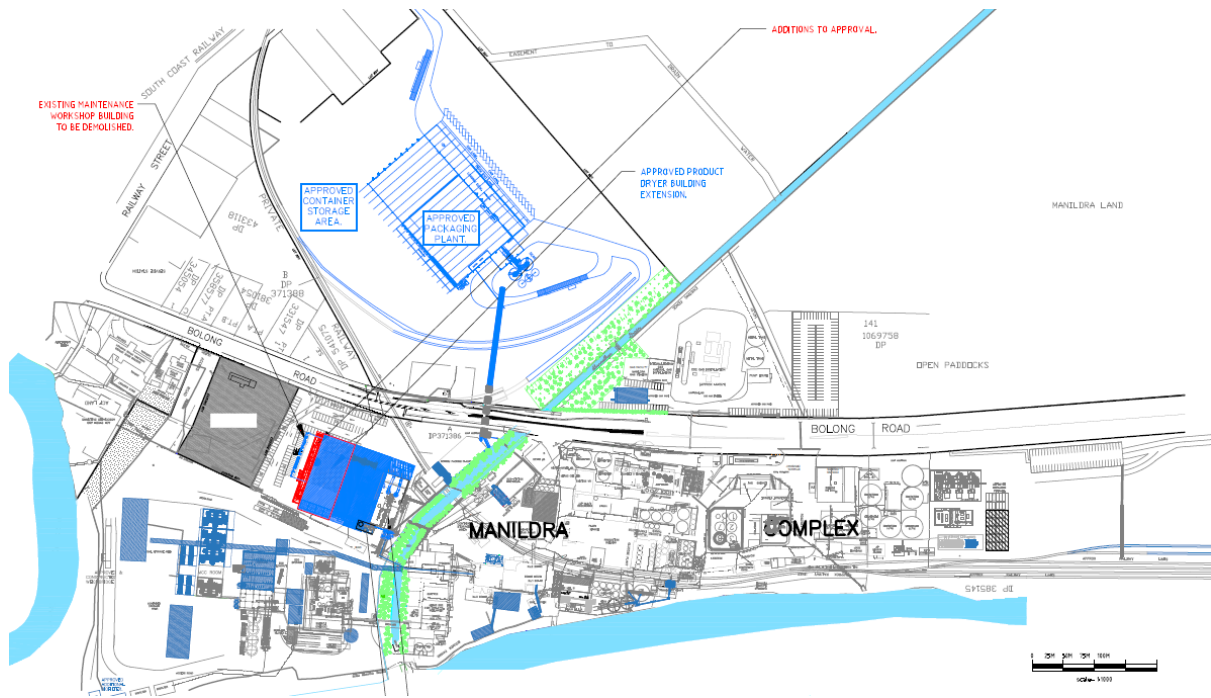
The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act to modify 06\_0228. The modification is described in full in the Statement of Environmental Effects (SEE) included in **Appendix A**, illustrated in **Figure 4**, **Figure 5** and **Figure 6**, and summarised below as follows:

- demolition of the existing maintenance building
- re-site the approved GD8 building slightly to the west by 5.63 m to provide sufficient fire separation from the SPB
- increase the footprint of the GD8 building from 1,680.36 m<sup>2</sup> to 1,858.68 m<sup>2</sup>
- construct a maintenance lift and stairwell to the west of the GD8 building (footprint of 22.113 m<sup>2</sup>)
- increase height of the approved GD8 building from 24.23 m to 27.63 m, with the GD8 stack rising to 30.7 m above ground level
- relocate one of the silos and associated dust collectors from its approved position adjacent to the SPD to the west of the modified GD8 building.

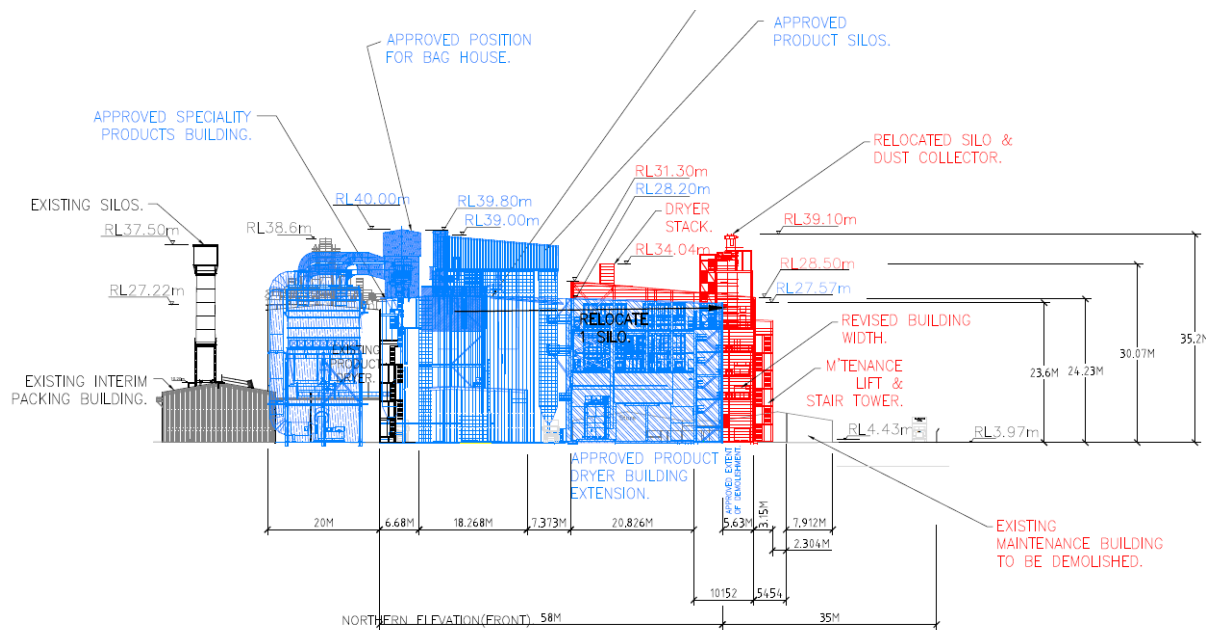


**Figure 4 | Proposed modifications to the GD8 building**





**Figure 5 | GD8 Site Plan**



**Figure 6 | GD8 Building Northern Elevation**

## 2.2 Applicant's Justification for the Proposed Modification

Under Mod 17, the GD8 building was modified to increase the building footprint to accommodate the approved dryer reorientation under Mod 16. The Applicant has identified the GD8 building is required to be modified further to ensure the development provides sufficient fire separation to the adjoining SPB and safe pedestrian travel paths in accordance with the BCA.

## 3 Statutory context

### 3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the development as approved
- the modification would not involve any works outside already approved development areas
- is substantially the same development as last modified under the former section 75W of the EP&A Act, and
- would not involve any further disturbance outside the already approved disturbance areas for the development.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

### 3.2 Consent authority

The Minister is the consent authority for the application under section 4.5(a) of the EP&A Act. Previously, the Commission had determined 18 of the 20 modifications due to reportable political donations having previously been made. Under the Minister's delegation of 26 April 2021, the Team Leader, Industry Assessments, may determine the application under delegation as:

- the application has not been made by a person who has disclosed a reportable political donation under section 10.4 of the EP&A Act
- there are no public submissions (other than a council) in the nature of objections, and
- Council has not made a submission by way of objection under the mandatory requirements for community participation listed under Schedule 1 of the EP&A Act.

### 3.3 Part 3A transition to State significant development

The SSEEP was originally approved under the now repealed Part 3A of the EP&A Act. The project was a transitional Part 3A project under Schedule 2 to the EP&A (Savings, Transitional and Other Provisions) Regulation 2017. On 7 September 2018 an order made by the Minister's delegate was published in the Gazette declaring the development that was a Part 3A project to be State significant development under clause 6 to Schedule 2 of the EP&A (Savings, Transitional and Other Provisions) Regulation 2017. As a result, the project approval is taken to be a State significant development consent under Part 4 of the EP&A Act and may be modified under section 4.55 of the EP&A Act.

### **3.4 Biodiversity Conservation Act 2016**

The SSD application was lodged prior to the introduction of the BC Act (introduced 25 August 2017). Clause 30A(2)(c) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required.

The proposed modification relates to alterations and construction of the GD8 building located on existing hardstand and building plate. The modification is not considered to impact upon any undisturbed land or have impacts on biodiversity values.

For the reasons discussed above, the Department's assessment concludes a BDAR is not necessary for the proposed modification.

## 4 Engagement

### 4.1 Department's Engagement

Clause 117(4) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) requires a section 4.55(1A) modification application to be notified or advertised if specified by a community participation plan. The Department's Community Participation Plan notes the exhibition requirements for such modifications are discretionary, and based on the urgency, scale and nature of the proposal. Given the proposed changes would result in minimal environmental impacts (see **Section 4**), the application was not notified or advertised.

However, it was made publicly available on the Department's website on 19 January 2022 and was referred to Shoalhaven City Council (Council) for comment.

### 4.2 Summary of agency advice

The Department received advice from Council during the notification period. There were no submissions received from the general public or special interest groups. There were no objections to the modification.

**Council** reviewed the modification application and advised it concurred with the findings of the SEE that the development would have minimal and manageable environmental impacts. Council provided recommended conditions relating to construction certification for flood prone land.

### 4.3 Response to submissions

No issues or concerns were raised in the agency advice provided by Council. Therefore, a Response to Submissions was not required to be provided by the Applicant.



## 5 Assessment

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- SEE and RtS (see **Appendix A**)
- application, supporting documents and assessment report for the original project and subsequent modifications
- advice from Council (**Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department's assessment of key issues is provided in **Table 2**.

**Table 2 | Assessment of issues**

Findings	Recommendations
<b>BCA Compliance</b>	
<ul style="list-style-type: none"> <li>• The SEE outlined the GD8 building is required to be modified to provide sufficient fire separation and paths of travel for BCA compliance.</li> <li>• The SEE has identified the GD8 building requires 6 m of separation from the adjoining SPB. The modification proposes to re-site the GD8 building to the west be 5.63 m to provide 6 m of separation from the SPB for fire separation and maintenance space in compliance with the BCA.</li> <li>• The modification also includes the construction of a stair well and maintenance lift on the western face of the GD8 building and revised internal dimensions of the GD8 building to provide safe travel paths for access and maintenance in accordance with the BCA.</li> <li>• In addition, the GD8 building is proposed to be raised to incorporate a skillion roof to improve stormwater design in response to BCA requirements.</li> <li>• No concerns were raised by Council in regards to building compliance.</li> <li>• The Department has review the SEE and considers the proposed modifications to be acceptable in improving the safety and accessibility of the GD8 building and overall development.</li> <li>• The Department considers the existing conditions of consent to be satisfactoring in ensuring all structures are</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>

constructed in accordance with the relevant requirements of the BCA.

- Therefore, no additional conditions of consent are recommended.

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### Air Quality Impacts

- The SEE included an Air Quality Impact Assessment (AQIA) prepared by GHD Pty Ltd to assess the potential impacts of the modification. • N/A
- The AQIA stipulated that no new air emissions sources are identified as a result of the modification as there are no new vents or exhausts associated with the modified building layout of the GD8 however, the stack location of the GD8 has been amended to accommodate the proposed building layout.
- The AQIA provided an odour assessment of the modification and concluded the changes to the GD8 building layout are not predicted to significantly change the modelling outcomes from the Mod 17 assessment and all predicted odour concentrations are within 0.2 OU at all sensitive receivers.
- The AQIA concluded there are no anticipated air quality impacts and no expected increase to cumulative levels in the site area.
- The Department notes the modifications to the GD8 building does not present any new emissions sources to that previously assessed under Mod 17.
- The Department is satisfied the development will continue to comply with the existing air emissions limits of the consent and the EPL.
- No additional conditions of consent are recommended.

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### Noise Impacts

- The SEE included a Noise Impact Assessment (NIA) prepared by Hardwood Acoustics Pty Ltd to assess the potential impacts of the modification. • N/A
- The NIA noted the modification does not include changes to internal plant and equipment of the GD8 building or the construction materials and methods to be undertaken.
- The NIA stipulated the proposed modification would have no appreciable increase in noise compared to the original GD8 noise assessment undertaken for Mod 17.
- The Department has reviewed the SEE and NIA in conjunction with the assessment undertaken for Mod 17 and considers the modification will have negligible impact on

noise amenity and will continue to comply with the existing noise limits of the consent and the EPL.

- No additional conditions of consent are recommended.

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## Hazards

- The SEE included a review by Pinnacle Risk Management Pty Ltd of the Preliminary Hazard Analysis (PHA) provided for Mod 17 to assess if the modification presented any further potential risks and hazards over that previously assessed.
  - The review found the overall process safety risk from the GD8 and the safeguarding outlined in the original PHA remain unchanged and therefore, the findings and recommendations of the original PHA would remain unchanged.
  - The Department is satisfied the modification will not result in any additional risks and hazards over that originally assessed under Mod 17.
  - The Department recommends all relevant hazards reporting be updated in accordance with existing conditions of consent to reflect the modification works.
- N/A

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## Visual Impacts

- The modification includes an increase in the building footprint of the GD8 building including a minor building height increase from 24.23 m to 27.63 m (3.1 m increase).
  - The SEE provided an assessment of visual impacts of the modification, considering the visibility of the modified structures from eight identified key vantage points. The assessment noted the proposed structures are consistent with the scale and height of the facility's existing structures.
  - The assessment noted the modifications would be visible to passing motorists on Bolong Road and would be visible from the urban area of Bomaderry but is viewed as part of the prevailing scale of the facility and is not considered to significantly change the bulk and scale of the structure. Views from other vantage points including North Nowra and Terara are distant or obscured by existing vegetation or the existing facility.
  - The assessment concluded the modification would not have significant adverse visual impacts given the scale and character is consistent with existing structures.
  - No concerns were raised by Council regarding the modification's impacts on visual amenity.
- N/A

- The Department concurs with the findings of the SEE and concludes the proposed modifications would have a minimal impact on the existing character of the locality considering the scope of the proposed works compared to the existing scale of the facility.

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### **Flooding Impacts**

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- The SEE included a Flood Compliance Report prepared by WMAwater Pty Ltd to assess the potential impacts of the modification on flood storage and compliance.
  - The report undertook TUFLOW modelling to analyse the impacts of the modification on flood levels.
  - The modelling demonstrated the modification would slightly reduce peak flood levels in the 1% and 0.5% AEP event upstream from the GD8 building as a result of a larger flood flow path through the site created by the modification.
  - Council advised the modification complies with the Shoalhaven Development Control Plan 2014 (SDCP 2014) and noted there would be no significant increase to the 1%AEP or PMF event flood levels on adjoining landowners.
  - Council recommended conditions regarding structural soundness requirements for works within flood prone land and engineering certification.
  - The Department has considered the information provided in the SEE and accompanying technical reports and concludes the modification would have minimal impact on flood event levels for adjoining landowners.
  - In addition, the Department considers the existing conditions of consent adequately address the conditions recommended by Council. Therefore, no additional conditions are proposed to be imposed.
- 

• N/A



## 6 Evaluation

The Department has reviewed the SEE and advice provided by Council, taking into consideration the relevant matters under section 4.15 of the EP&A Act and the objects of the EP&A Act.

The Applicant is proposing to modify the consent to increase the building footprint of the GD8 building to improve fire safety separation and safe pedestrian travel paths.

The Department did not exhibit the modification but engaged Council for comments. Council raised no concerns with the proposed modification as it was considered to remain compliant with existing environmental performance limits, risk criteria and flood management standards.

The Department's assessment considered air quality, noise impacts and visual impacts potential to be the key matters for consideration.

The Department's assessment concludes the modification is appropriate on the basis that it would:

- improve the safety performance of the approved GD8 building, and
- not significantly increase the environmental impacts of the development beyond those assessed under the original application.

Consequently, the Department is satisfied that the modification application should be approved, subject to the recommended modifying instrument of consent.

## 7 Recommendation

It is recommended the Team Leader, Industry Assessments, as delegate of the Minister:

- **considers** the findings and recommendations of this report
- **determines** that the application 06\_0228-Mod-24 falls within the scope of section 4.55(1A) of the EP&A Act
- **forms the opinion** under clause 30A(2)(c) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 that a BDAR is not required to be submitted with this application as the application will not increase the impact on biodiversity values on the site
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent 06\_0228
- **signs** the attached approval of the modification (**Appendix B**).

**Recommended by:**



07/02/2022

**Shaun Williams**

Senior Environmental Assessment Officer  
Industry Assessments

## 8 Determination

The recommendation is **Adopted** by:

 15 February 2022

**Joanna Bakopanos**

Team Leader

Industry Assessments

as delegate of the Minister for Planning

# Appendices

## Appendix A – List of Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

### Modification Application

- Statement of Environmental Effects prepared by Cowman Stoddart Pty Ltd dated 15 December 2021 - <https://www.planningportal.nsw.gov.au/major-projects/project/43801>
- Air Quality Assessment prepared by GHD Pty Ltd dated 25 November 2021
- Acoustical Advice prepared by Harwood Acoustics Pty Ltd dated 9 December 2021
- Flood Compliance Report prepared by WMAwater Pty Ltd dated 6 December 2021
- Preliminary Hazard Analysis Review prepared by Pinnacle Risk Management Pty Ltd dated 25 November 2021

### Submissions and Advice

- <https://www.planningportal.nsw.gov.au/major-projects/project/43801>

### Department's Assessment Report for MP06\_0228-Mod-17

- <https://www.planningportal.nsw.gov.au/major-projects/project/26586>



## **Appendix B – Modification Instrument**

The recommended modification instrument for 06\_0228-Mod-24 can be found on the Department's website at: <https://www.planningportal.nsw.gov.au/major-projects/project/43801>