Nowra Office:
75 Plunkett Street, Nowra

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5/09/2025

AP Ref: 132034

SECTION 4.55 (1A) MODIFICATION APPLICATION – MOD 33 – SHOALHAVEN STARCHES HEAT EXCHANGERS

24 AND 32 BOLONG ROAD, BOMADERRY – LOT 31 AND 34 DP1222627

BACKGROUND

Allen Price (AP) has been engaged by the owners of the abovementioned property to submit an application under S4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) seeking to modify Development Consent MP06_0228, granted by the Minister for Planning on the 28 of January 2009 for the Shoalhaven Straches Expansion Project. The original MP06_0228 project encapsulates previous approvals for the site into one overall approval for the site (at that time).

The Shoalhaven Starches Expansion Project sought to increase ethanol production at the Bomaderry plant in a staged manner from 126 million litres per year to 300 million litres per year. To accomplish the increase in ethanol production, this project required a series of plant upgrades and an increase in throughput of raw materials, principally flour and grain.

Following the Minister's determination, Shoalhaven Starches has been implementing and commissioning works in accordance with this approval.

As the Department is aware, Shoalhaven Starches has implemented various modifications to the approval to enable more efficient water and energy resource recovery as part of ongoing factory process optimisation and improved operational capacity of the facility.

Shoalhaven Starches is seeking to implement a series of heat recovery equipment as part of Federal Government funding of $44 million under the Powering the Regions Fund. Part of this project included the heat recovery equipment to recover waste heat from DDG Dryer No.4 and DDG Dryer No.5.

The feasibility study, project budget and program development for the DDG Dryer No.4 and DDG Dryer No.5 part of the project was prepared in readiness for the government grant application. During this process, the project team did not allow for sufficient planning approval times, largely due to the minor nature of the modifications required to complete the works. After the government grant contract was finalised, it came to light that the timing for the DDG Dryer No.4 and DDG Dryer No.5 project did not include an SSD MOD planning approval process.

As a result, this Section 4.55(1A) modification application seeks to modify the development consent to:

- Allow for the construction of the heat exchangers and associated equipment.

Modified documents that form this application are outlined at **Appendix A** of this letter and the matters in Section 100 of the Environmental Planning and Assessment Regulation 2021 (EP&A Reg. 2021) are addressed in **Appendix B. Appendix C** provides consent conditions to be modified, while **Appendix D** provides a table of technical documents associated with MOD 31 which also include the assessment of the heat exchangers which are subject to this modification.

Consultation with the Department of Planning, Housing and Infrastructure (DPHI) has revealed that as the heat exchangers component in this modification proposal was originally part of MOD

31 and the associated technical documents are complete, rather than revising all of the relevant documents, the DPHI has indicated it will accept the existing technical documents accompanied by a statement/addendum that clearly identifies and highlights the relevant aspects of the DDG Dryer No. 4 and DDG Dryer No. 5 heat recovery system and where the assessment of this component is assessed with the technical reports. A table referencing technical documents that were prepared for MOD 31, which originally included the heat exchangers, is provided in Appendix D. These documents also accompany this application.

Therefore, the following documents accompany this application to support the amendment to MP06_0228:

1. Signed Owner's Consent Form;
2. Revised drawings relating to MOD 33; and
3. Addendum Noise Report prepared by GHD.

PROPOSED MODIFICATION TO THE CONSENT

This Section 4.55(1A) application seeks to modify the development consent MP06_0228 to allow for the construction of a heat recovery system onto the Dried Distillers Grain (DDG) plant dryers, which will capture hot process gases and transfer through a heat exchanger to process water that heats the air to allow for more efficient recovery of waste heat from DDG dryers 4 and 5. The equipment to be installed as part of this Modification Proposal includes:

- 2 x plate heat exchangers (approximately 3.3m L x 1.1 m W x 3.2 H) (Figure 1 and Figure 2);
- 1 x plate heat exchanger (approximately 0.45m L x 0.32 W x 1.25m H);
- 1 x 8m³ Clean in Place (CIP) tank;
- 1 x 600L Seal Water Tank;
- 2 x 5.5m Fan Inlet Separators;
- Access Platforms;
- Piping and valves; and
- Pumps and fans as per the details in Figure 3.

Figure 1 – Plant Heat Exchanger Photo – Source: Shoalhaven Starches

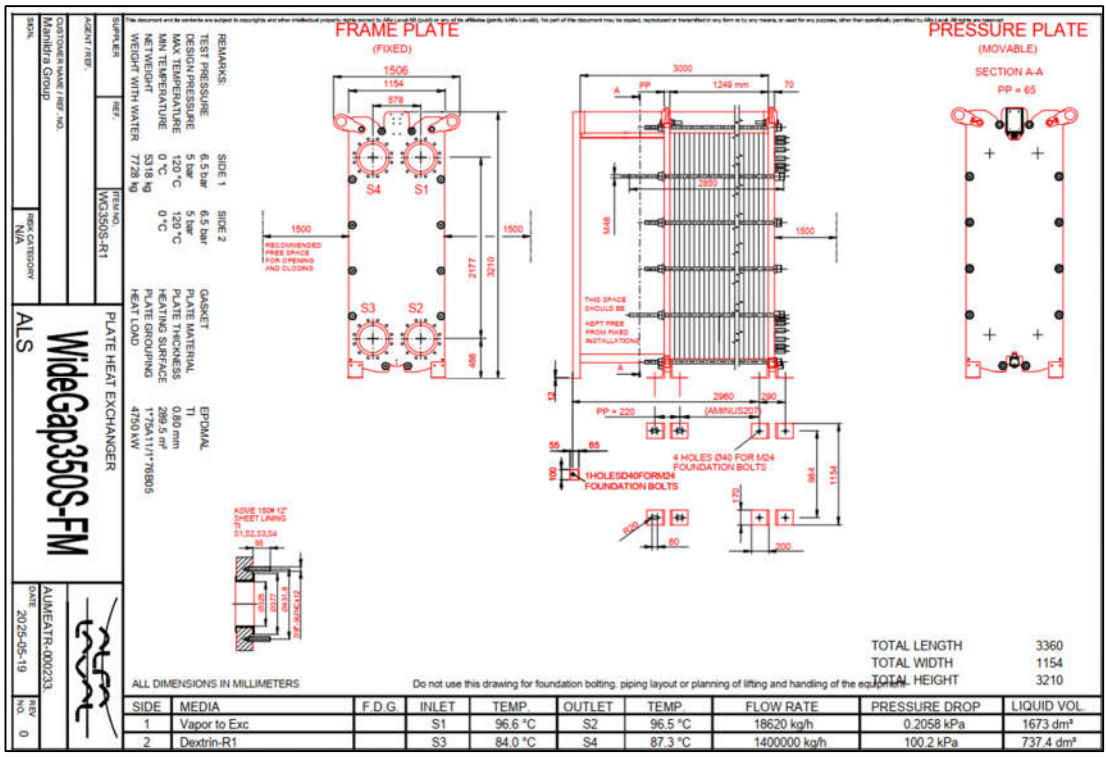

Figure 2 – Plant Heat Exchanger Drawing – Source: Shoalhaven Starches

Table 6.1 DDG dryers 4 and 5 heat recovery system noise sources

Plant and equipment	Number of items	Sound power level per unit (dBA)
CIP pump	1	82
Recirculated Hot Water Pump	2	90
Process Condensate pump	2	75
Wet Scrubber outlet booster fan	2	87
Process Condensate pump	2	75
Seal water pump	2	75

Figure 3 – Pump and Fan Descriptions – Source: Shoalhaven Starches

These changes necessitate the following modifications to the Development Consent:

- Administrative condition to reflect modified plans and documents as stated in Appendix A; and
- Operation noise management requirements.

REASON FOR THE MODIFICATION

Shoalhaven Starches was recently awarded $44 million in Federal Government funding under the Powering the Regions Fund to support the installation of a suite of heat recovery equipment at the Shoalhaven Starches Factory site.

In line with this initiative, the company is preparing a modification application (MOD 31) to seek approval for the installation of the proposed heat recovery upgrades. Most of the supporting

technical assessments have now been completed, and it is anticipated that the MOD 31 application will be submitted in early September 2025.

As part of the grant application process, Shoalhaven Starches provided the Commonwealth with a delivery timeline for key project milestones. This included completion of heat recovery works associated with DDG Dryer No.4 and DDG Dryer No.5 by 10 June 2025. To meet these grant-related deadlines, the feasibility study, project budget, and delivery program for these components were fast-tracked. However, to expedite this work, streamlined modification approval under the SSD pathway is required. This simplified modification application has been prepared to seek approval for these minor works relating to upgrading the heat recovery system of the DDG plant dryers in readiness for meeting government grant funding requirements.

Following execution of the funding agreement, it became apparent after further detailed design that the DDG Dryer No.4 and No.5 works required formal planning approval via a modification to the SSD consent. As such, Shoalhaven Starches is now engaging with the Commonwealth regarding potential variations to the project milestones and is progressing this modification application to regularise the proposed works.

MOD 33 seeks consent specifically for the heat exchanger equipment upgrade to assist in the recovery of waste heat from DDG Dryers 4 and 5. The DDG Dryer No.4 and No.5 component of the heat recovery project represents a low-risk, small-scale upgrade with minimal environmental impacts (e.g. noise, air quality), and may have otherwise been suitable for a more streamlined planning pathway if not for its association with an SSD development.

Dried Distillers Grain (DDG) is manufactured through processing and drying the grain residue by-product of the ethanol fermentation process which consists mostly of protein, fibre, and residual yeast. DDG is a prime example of Shoalhaven's commitment to circularity and using the whole wheat grain.

The by-product is dried using a mechanical and thermal process to evaporate any moisture and utilises steam as the source of energy to heat air through a heat exchange. The resulting product is turned into Manildra and MSM Stockfeed and sold as a range of dry and pellet supplementary feeds to farmers across the NSW region.

This element of the Project will reduce greenhouse gas (GHG) emissions by 12,702 tCO2e when it is completed in February 2026 by reducing the amount of virgin steam required by 10tph.

However, these savings will not be applied to DDG but rather to gluten and starch. This element of the project will install a heat recovery system onto the DDG dryers which will capture hot process gasses and transfer it through a heat exchanger to the process water that heats the air. This will reduce the amount of energy required to heat the process water.

This process water will bypass the DDG dryers and rather impart their emissions savings on the gluten and starch dryers further down the processing line.

Based on 2022 production figures, this would reduce gluten manufacturing emissions Scope 1 GHG emissions intensity (T CO2-e/T product) by 12.5% (0.36 to 0.31) and 28.7% (0.10 to .07) for starch.

Recovery of Waste Heat from DDG5:

Waste heat in the hot humid vapour (92 C) flowing from the existing DDG5 wet scrubber to the existing condenser is to be recovered via a plate heat exchanger. The heat will be transferred to a recirculated process water stream. The DDG5 vapours are to be drawn through the recovery heat exchanger using a booster fan (3 kPag discharge pressure) which returns the cooled vapour to the DDG5 condenser inlet.

Liquid condensed in recovery heat exchanger is to be separated in the fan inlet separator with the condensed liquid sent to the DDG5 waste tank by condensate pumps where it will be combined with other liquid streams and pumped to waste.

Flash steam from the DDG5 steam condensate tank will also be directed to the recovery heat exchanger for additional heat recovery.

Hot water from the Cogen blowdown waste line ill also be directed into a smaller heat exchanger underneath the DDG 5 platform which will also feed into the hot water recirculation loop.

Hot water will be recirculated through the recovery heat exchanger by hot water recirculation pumps. Hot water will also be supplied to DDG4 heat recovery and provision has been made to supply hot water to a future DDG dryer unit DDG6.

An 8m³ CIP tank will be installed in the DDG4 heat recovery area, which will serve the purpose of supplying a caustic /water solution to the heat exchangers to clean off and remove build-up residue. Caustic / water will be supplied to the tank from an existing CIP pipework.

A 600L seal water tank will be installed in the DDG 4 recovery area, which will supply seal water to various pump seals for DDG4 and 5 heat recovery and recirculated back to the tank.

Recovery of Waste Heat from DDG4:

The DDG4 heat recovery system will operate in an identical manner to the DDG5 system with waste heat recovered from the DDG4 existing wet scrubber outlet stream and condensate tank flash steam outlets. DDG4 will not have hot water recirculation pumps as the DDG5 hot water recirculation pumps will be used for both dryers.

The hot water recirculation pipework will run from DDG 5 along the existing Cogen pipe bridge. At the 4th tower from the Cogen, the pipework will enter a new culvert under the road, for the pipework to terminate over at the designated dryers. This culvert is approximately 3m wide by 23m long.

Figure 4 below identifies the location of the proposed works associated with this Modification Proposal within the Shoalhaven Starches Site.

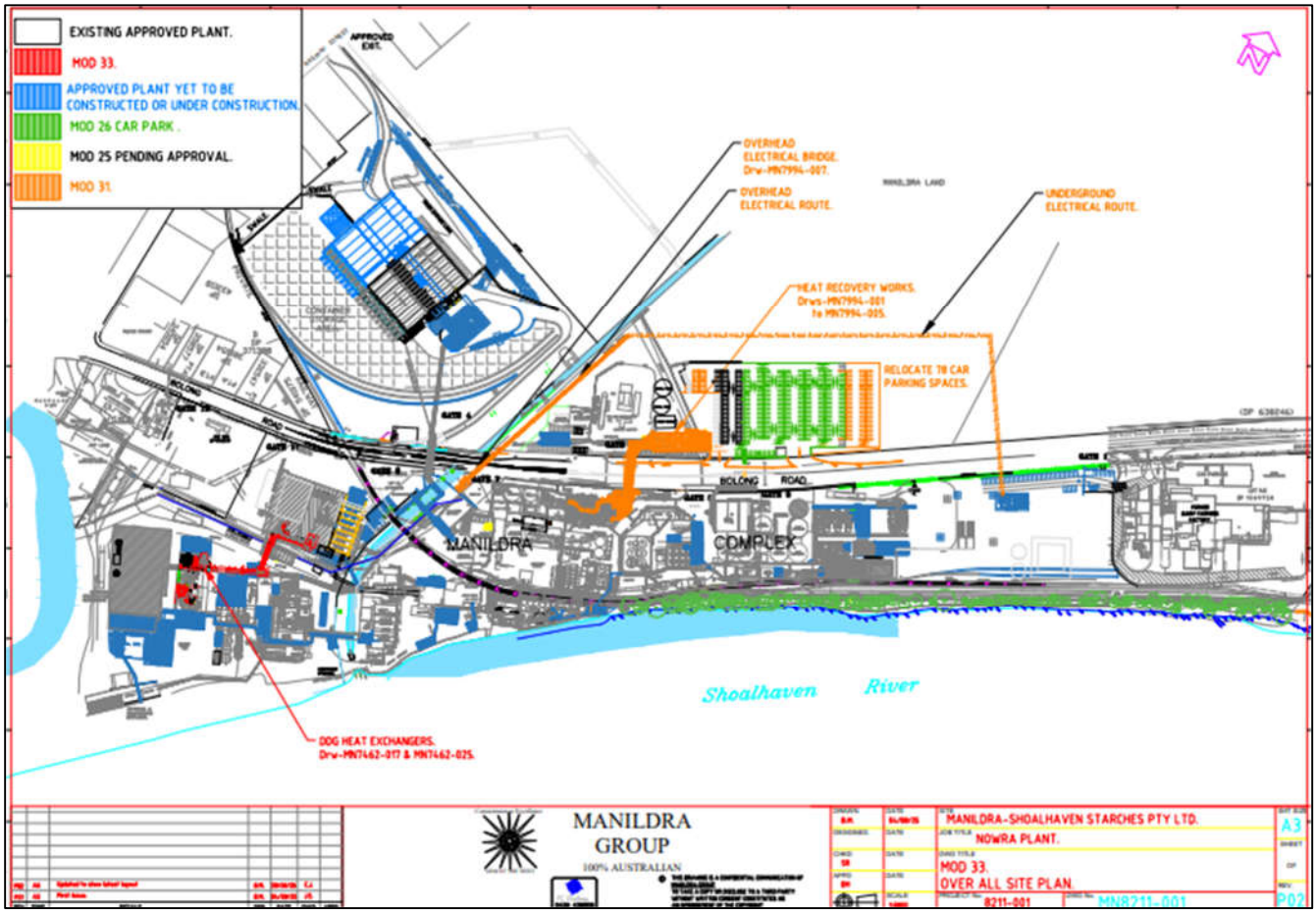

Figure 4 – Modification Proposal Site Layout Source: Shoalhaven Starches

SUMMARY OF TECHNICAL DOCUMENTS ASSESSMENT

In accordance with the Department's correspondence regarding MOD 33, this section provides a clear identification of where the DDG Dryer 4 and 5 heat recovery system has been assessed within the supporting technical documentation that forms the application for MOD 31. This approach ensures that the Department can efficiently locate and review the material relevant to MOD 33 within each specialist report.

Table 1 below summarises the key findings of each technical assessment and provides page references to the sections of the reports where the heat recovery system is specifically addressed.

Table 1 – Summary of MOD 31 Technical Reports Associated with MOD 33

Technical Report (MOD 31)	Date	Conclusions	Relevant Information
Air Quality Impact Assessment	16/06/2025	The Air Quality Impact Assessment notes that no changes in emissions of odour are proposed as part of the application. Construction activities were identified to primarily consist of installation of prefabricated structures and minor earthworks. The risk identified for all construction activities was low risk for dust soiling, and negligible risk for human health	Refer to the full report prepared for MOD 31, which also incorporates MOD 33.

		and ecological impacts. Recommendations for dust management during construction were provided to further reduce the risk of dust impacts from construction of the proposed modification. The Air Quality Impact Assessment does not mention any air quality impacts associated with the DDG Dryer recovery systems that are proposed as part of this application.	
Noise and Vibration Impact Assessment	26/08/2025	Noise sources from the proposed modification were modelled using the site-wide noise model developed under the Noise Pollution Reduction Program (NPRP). A construction noise assessment modelled four scenarios against background noise levels to predict impacts at sensitive receivers. Predicted operational noise levels were assessed against design noise goals, set at 15 dB below the EPL and Development Consent limits, and showed compliance at all sensitive receivers without tonal or low-frequency characteristics. Cumulative noise modelling, including current and approved operations with the rail line, indicated exceedances of EPL limits at all sensitive receivers, consistent with Stage 1 of the NPRP, which includes a mitigation strategy. The modification itself is not expected to contribute to overall site noise and will in fact reduce noise from the Distillery cooling tower array due to reduced cooling demand. Recommended mitigation measures for construction are provided in Section 8.1, with further design recommendations to minimise operational noise in Section 8.2.	Refer to the full report prepared for MOD 31, which also incorporates MOD 33. Specifically: - Section 6.1.1 - Section 8.2
Noise and Vibration Impact Assessment Addendum Letter – Heat Exchanges	29/08/2025	Noise modelling undertaken for the construction of MOD31 demonstrated that construction noise levels at receiver R2 (45 Ferry Lane, Terara) are at most 1 dB above the noise management levels during piling activities. The other construction activities are predicted to result in construction noise levels below the noise management levels. Therefore, construction noise impacts are only anticipated during piling activities and the exceedance would be very minor. As the equipment associated with MOD33 (DDG dryer 4 and 5 heat recovery system) is part of the equipment considered in MOD31, the predicted operational noise levels from MOD33 individually would also achieve the design noise goals at all sensitive receivers.	Refer to the full addendum letter that accompanies this application.
Hazard and Risk Assessment	9/08/2025	The Hazard and Risk Assessment concludes that societal risk, area cumulative risk and environmental risk associated with the proposal is acceptable. The report does not specifically associate the DDG Dryer heat recovery system with major hazards or risks.	Refer to the full report prepared for MOD 31, which also

		It is concluded that the risks associated with the proposed DDG Dryer heat recovery system is acceptable risk.	incorporates MOD 33.
Transport Assessment	1/08/2025	The Transport Assessment concludes that all access to MOD 33 and 31 infrastructure will be provided via the existing intersections that provide geometry appropriate to the maximum-sized vehicles entering/departing these sites and have previously been approved by the National Heavy Vehicle Regulator. The operation of infrastructure related to both MOD 33 and MOD 31 will not generate any additional vehicle trips above the currently approved trip generation of Shoalhaven Starches. A Draft CTMP has been prepared which indicates that the construction of the MOD 33 and MOD 31 infrastructure can be undertaken safely and efficiently without impacting the local road network. The Draft CTMP will be finalised further to consideration of any future Conditions of Consent in a MOD 31 approval, and implemented before any construction work commencing.	Refer to the full report prepared for MOD 31, which also incorporates MOD 33.
Flood Impact Assessment	7/08/2025	The Flood Compliance Report confirms that the works associated with MOD 33 and MOD 31 will not result in unacceptable flood impacts on surrounding properties or the broader floodplain. The modelling demonstrates that any incremental increases in flood levels are negligible and largely confined within land owned by Shoalhaven Starches. The development is consistent with the applicable flood-related controls, maintains safe access and evacuation during extreme events, and does not create adverse changes to flood behavior. On this basis, the proposed modification (MOD 33) is considered compatible with the flood-affected nature of the site and acceptable in terms of flooding impacts. Importantly, the proposal satisfies the objectives and performance criteria of Shoalhaven City Council's DCP 2014, Chapter G9: Development on Flood Prone Land	Refer to the full report prepared for MOD 31, which also incorporates MOD 33.
Geotechnical, Contamination and Acid Sulfate Soil Assessment	29/07/2025	For Site 1, previous investigations indicate the presence of controlled fill up to depths of approximately 1.0 m bgl, underlain by soft to stiff alluvial clays and sands. Residual soils and extremely weathered sandstone were encountered from around 3.7 m to 5.7 m, transitioning to more competent sandstone from approximately 9.3 m depth. These conditions suggest shallow footings may be feasible where stiff to very stiff soils are present, while deep piled footings may need to extend beyond 6 m bgl to reach suitable founding strata. Site 1 is located	Refer to the full report prepared for MOD 31, which also incorporates MOD 33. Specifically: - Section 5.1, and - 7.1.1.

		approximately 110 m from the eastern bank of Bomaderry Creek and 125 m from the northern bank of the Shoalhaven River. Assuming the proposed DDG Heat Exchangers will be supported on competent alluvium or deeper pile footings within moderately weathered rock, and considering the setback from the Bomaderry Creek and the Shoalhaven River, the additional loads applied to the upper soil profile are not expected to affect the current stability of the eastern creek bank or north river bank.	
Flora and Fauna Assessment	17/07/2025	The Flora and Fauna Assessment provided for MOD 31 which also contains the assessment for MOD 33 concludes that the proposed development is unlikely to have a significant effect on any listed communities or species of their habitat in accordance with the EP&A Act, BC Act and EPBC Act provided the recommendations contained in the report are adhered to.	Refer to the full report prepared for MOD 31, which also incorporates MOD 33.
Integrated Water Cycle Management Strategy	26/08/2025	The IWCMS concludes that the DDG Heat Exchangers will be constructed on an existing impervious surface and therefore will not increase the impervious area of the site nor increase stormwater pollutant export from the site. Potential short-term stormwater quality impacts from the construction works can be mitigated by the implementation of an erosion and sediment control plan and staged earthworks such that the performance objectives and criteria in DCP Chapter G2 can be satisfied.	Refer to Section 3.3 of the IWCMS

MODIFICATION ASSESSMENT AGAINST SECTION 4.55(1A) OF THE EP&A ACT 1979

Section 4.55(1A) (Modification involving minimal environmental impact) of the EP&A Act 1979 permits a consent authority to modify a development consent if the "it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)".

The development, as proposed to be modified, is substantially the same development as that originally approved in that:

- The proposal maintains the current land use approved at the site and does not seek to alter the over-riding character of the development.
- The proposed built form is substantially the same as that already approved, in that the development consists of industrial buildings, plant and equipment located within the general confines of the overall approved Shoalhaven Starches Factory site.
- The proposed works maintain the same form as that approved with predicted noise levels from the DDG Heat Exchangers demonstrating compliance at all sensitive receivers and no contribution to the overall noise levels from the site.
- The proposal does not seek to change the nature of the approved use of the site, it will remain as originally approved.
- The proposal will not expand the overall footprint of the approved Shoalhaven Starches operations. The proposed modification is located within the site that have existing or approved developments.

- As demonstrated by this Modification Report, the Modification Proposal does not result in any additional significant environmental impacts.

It is our view that the proposed modification will have minimal environmental impacts, and the modified development is substantially the same as approved project. As such the modification proposal is considered consistent with provisions of Section 4.55(1A) of the Act in this instance.

Given the above circumstances, the modification proposal: will have minimal environmental impact when compared to the original approved development; and the development as modified by this modification application will be substantially the same development as the development for which consent was originally granted having regard to both the qualitative and quantitative elements of that development.

SECTION 4.55 (3) – EVALUATION OF IMPACTS AND REASONS OF ORIGINAL APPROVAL

Reasons for granting of consent

The consent authority must take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The proposed modification to the consent will not undermine any of the original reasons for the granting of the original consent. The proposal remains consistent with the original environmental planning considerations applying for the proposed development.

Modification assessment against Section 4.15 of the EP&A Act

Under Section 4.55(3), in determining an application for modification of a consent under Section 4.55, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

The following assessment is made against Section 4.15 (Evaluation) of the EP&A Act and the following consideration (outlined in more detail on the following page):

(a) Planning Instruments and regulations.

(b) Likely Environmental, Social and Economic Impacts.

(c) Suitability of the Site for the Development.

(d) Submissions.

(e) Public Interest.

(a) Planning instruments and regulation Consideration

The following is an analysis of the planning instruments relevant to this proposed modification.

Section 98 of the Environmental Planning and Assessment Regulation 2021

Section 98 of the *EP&A Regulation 2021* requires an application under Section 4.55(1A) to contain several items of information. These matters are outlined and confirmed in Appendix B.

Shoalhaven Local Environmental Plan 2014

The modification relates primarily to land zoned E4 General Industrial with following zone objectives:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To allow a diversity of activities that do not significantly conflict with the operation of existing or proposed development.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

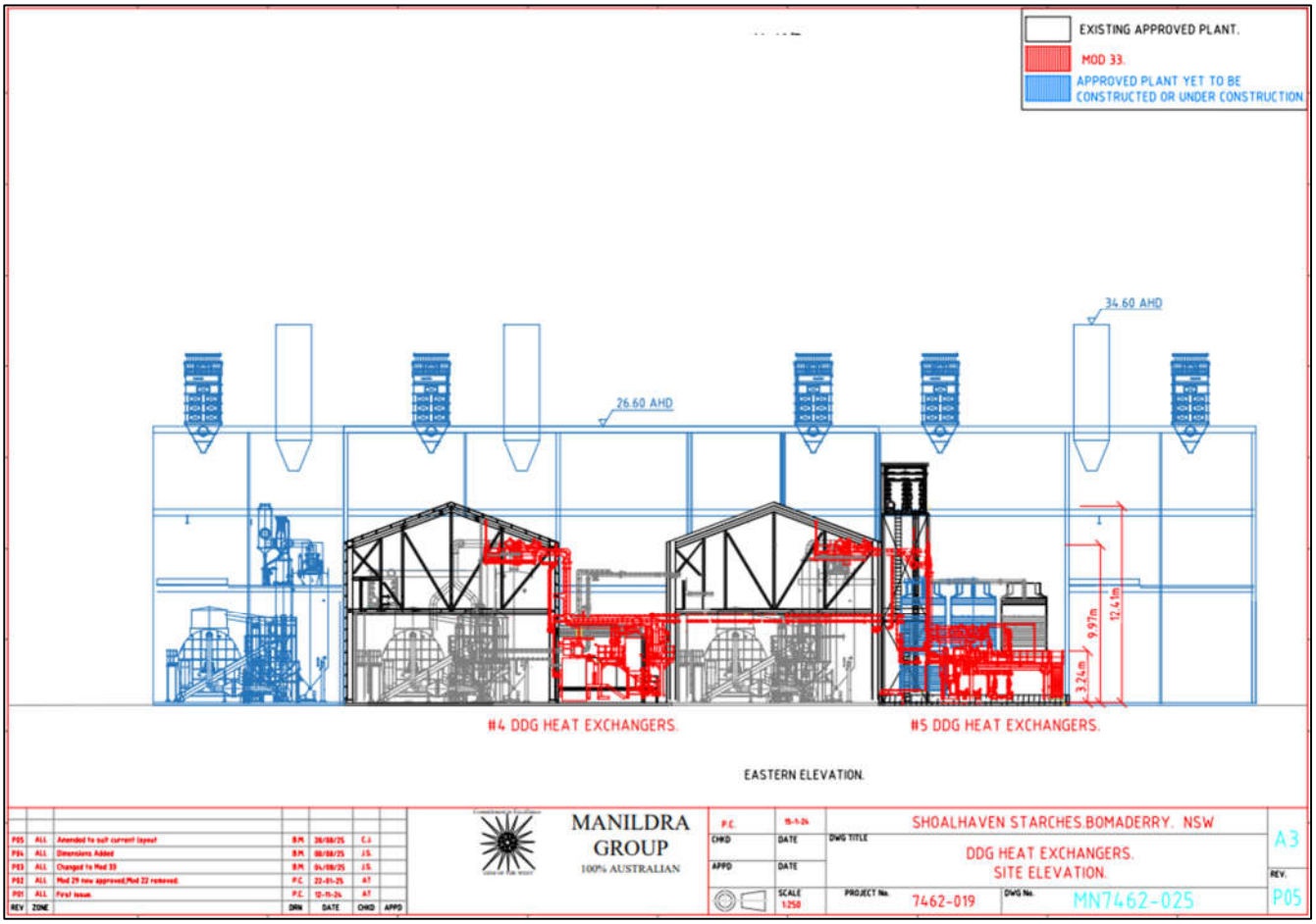

Figure 5 – Site Elevation – source: Shoalhaven Starches

The proposal is generally consistent with these objectives for the E4 zone as the proposal involves modifications to an existing industrial facility.

It is important to note that the development was originally approved despite contravening an Shoalhaven LEP 2014 development standard, in this instance Cl4.3 Height of Buildings. The original assessment included a 4.6 variation statement that demonstrated that despite the numerical non-compliance, the proposal remained consistent with the aims and objectives of the LEP, hence the original approval.

The works proposed to the DDG plant are between 4.6m and 14.5m. Whilst the proposed works will exceed the statutory 14m height limit for the site, they will be imperceptible within the broader manufacturing plant complex and will remain wholly consistent with the objectives of both Cl4.3 of the LEP.

It is important to note that a section 4.55 modification application can be approved even though it would contravene a development standard. This has been affirmed by prior case law, specifically North Sydney Council v Michael Standley & Associates Pty Ltd [1998] NSWSC 163. The relevant judgements in the case state that a Section 4.55 application (or Section 96) is a 'free-standing provision' meaning that "a modification application may be approved notwithstanding the development would be in breach of an applicable development standard were it the subject of an original development application". The court has also stated that clause 4.6 variations (or SEPP 1 objections) only apply to 'where a development application is made', not when a modification application is made.

State Environmental Planning Policy

The proposed modification is not inconsistent with State Environmental Planning Policy relevant to the site.

Proposed Environmental Planning Instruments

There are no known draft Environmental Planning Instruments that affect the modification.

Development Control Plans Considerations

The provisions of the Shoalhaven Development Control Plan 2014 related to the approval of the related Development Consent have been assessed and deemed relevant.

Planning Agreements Considerations

There are no known planning agreements that are affected by the proposed modification.

Regulation Considerations

There are no known regulations that impact the modification other than those discussed above.

(b) The Likely Environmental, Social and Economic Impacts

As outlined in the accompanying Addendum Noise Report prepared by GHD, the operational design noise goals for MOD 33 were established at 15 dB below the Environmental Protection Licence and Development Consent limits to ensure the modification makes minimal contribution to overall site-wide noise emissions. Noise modelling undertaken for MOD31 demonstrates that operational noise levels will remain below these design noise goals at all sensitive receivers under both neutral and noise-enhancing meteorological conditions.

As the equipment associated with MOD33 (the DDG dryer 4 and 5 heat recovery system) was included within the scope of the MOD31 assessment, its individual contribution to operational noise has also been predicted to remain within the design noise goals. This confirms that both MOD31 and MOD33 comply with relevant noise criteria, with no adverse impacts anticipated for surrounding sensitive receivers.

Overall, as the modification results in relatively minor changes when in consideration to scale of the proposal, the proposed modification relates to substantially the same development and all works are contained within the approved work area on the site. The proposed modifications also do not result in any known additional environmental, social or economic impacts that have already been assessed in the original development consent.

(c) Suitability of the Site for the Development

The modification results in a very minor change to the existing development consent and the site suitability does not change with the actual works area.

(d) Submissions

At the time of writing, the proposed modification has not been on public exhibition (if required) so there are no submissions to assess.

(e) Public Interest

The modification is a minor change to an existing approval, it is considered in the public interest as it relates to substantially the same development and all works are contained within the approved work area on the site.

CONCLUSION

This modification relates to and is consistent with development approval under MP06_0228 and does not significantly alter the original consent. The development outcome largely remains the same.

It is noted that the proposed amendments under this modification are inconsequential to the essence or operation of the approved development. The reasons for the modification are to expedite development for the DDG Dryer No.4 and DDG Dryer No.5 part of the project in readiness for meeting government grant funding requirements. The changes do not affect the environmental impacts of the development – with existing conditions of consent or as modified by this application, capable of appropriately managing the future operations of the development.

The Modification Application will not involve changes to the size, scale or intensity of the existing Shoalhaven Starches operations. The modification proposal will not involve any significant changes in level of impacts arising from the approved development.

The Modification Report includes an assessment of the proposal having regard to the relevant matters for consideration as listed under Section 4.15 of the Environmental Planning and Assessment Act 1979. The assessment concludes that the modification proposal, within its local context, is satisfactory and should be approved.

We trust this application provides sufficient supporting information to allow assessment of this request and should further information be required to assist Council with the application, please contact our office on 4421 6544.

Yours faithfully,

Sebastian Tauni – Registered Planner Plus (EIA)
Allen Price Pty Ltd

APPENDIX A – DOCUMENTS ACCOMPANYING MODIFICATION

Plan	Ref/Sheet No.	Prepared by	Dated
Noise and Vibration Addendum Summary Letter	12645127	GHD	29/08/2025
MOD 33 Site Elevations GA	P01 Drawing No. MN8210-000	Manildra Group	4/08/2025
MOD 33 Overall Site Plan	P01 Drawing No. MN8211-001	Manildra Group	4/08/2025
DDG Heat Exchangers Site Plan	P05 Drawing No. MN7462-017	Manildra Group	15/01/2024
DDG Heat Exchangers Site Elevation	P04 Drawing No. MN7462-025	Manildra Group	15/01/2025

APPENDIX B – MATTERS IN SECTION 98 OF THE EP&A REGULATION 2021

Requirement	Assessment Response
(1) A modification application must contain the following information:	
(a) the name and address of the applicant,	This is outlined within this letter.
(b) a description of the development that will be carried out under the development consent,	This is outlined within this letter.
(c) the address and folio identifier of the land on which the development is to be carried out,	This is outlined within this letter.
(d) a description of the proposed modification to the development consent, including the name, number and date of plans that have changed to enable the consent authority to compare the development with the development already approved.	This is outlined within this letter.
(e) whether the application is intended to -	
(i) merely correct a minor error, misdescription or miscalculation, or	Not applicable.
(ii) have another effect specified in the modification application	This is outlined within this letter.
(f) a description of the expected impacts of the modification,	This is outlined within this letter.
(g) an undertaking to the effect that the development will remain substantially the same as the development that was originally approved,	This is outlined within this letter.
(h) for a modification application that is accompanied by a biodiversity development assessment report – the biodiversity credits information	Not applicable.
(i) if the applicant is not the owner of the land, a statement that the owner consents to the making of the modification application,	The owner's consent form is attached.
(j) whether the application is being made to the Court (under section 4.55) or to the consent authority (under section 4.56),	The application is being made to the consent authority being the NSW Department of Planning, Housing and Infrastructure.
(2) Subsection (1)(i) does not apply if the consent of the owner is not required under section 98.	Noted.
(3) If a modification application under the Act, section 4.55(1A) or (2) relates to BASIX development, or BASIX optional development if the development application was accompanied by a BASIX certificate, the application must be accompanied by— (a) the BASIX certificate, or (b) a new BASIX certificate if the current BASIX certificate is no longer consistent with the development.	Not applicable.

Requirement	Assessment Response
(4) In this section biodiversity credits information, in relation to a modification application, means the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under a biodiversity development assessment report if different biodiversity credits are proposed to be used as offsets in accordance with the variation rules under the *Biodiversity Conservation Act 2016*.	Not applicable.

APPENDIX C – CONSENT CONDITION CHANGES

SCHEDULE	CONDITION NUMBER	PROPOSED MODIFICATION
2	2	Ab – modification application MP06_0228-Mod-33 (MOD 33) accompanying Modification Report Dated 3/09/2025, prepared by Allen Price Pty Ltd and plans attached to the submission prepared by Allen Price Pty Ltd.

APPENDIX D – TECHNICAL DOCUMENTS FOR MOD 31 – SUPPLIED FOR INFORMATION ONLY

Plan	Prepared by	Dated
Air Quality Impact Assessment	GHD	16/06/2025
Noise and Vibration Impact Assessment	GHD	29/08/2025
Hazard and Risk Assessment	Manildra	9/08/2025
Transport Assessment	ARC Transport and Traffic	1/08/2025
Flood Impact Assessment	WMA Water	7/08/2025
Geotechnical, Contamination and Acid Sulfate Soil Assessment	GHD	29/07/2025
Flora and Fauna Assessment	Lodge Environmental	17/07/2025
Integrated Water Cycle Management Strategy	Allen Price Pty Ltd	26/08/2025

The heat exchangers were originally assessed as part of MOD 31, and the associated technical documentation was prepared in that context. These documents are provided with this application for reference purposes only, as they relate to the heat exchangers that now constitute this modification (MOD 33).