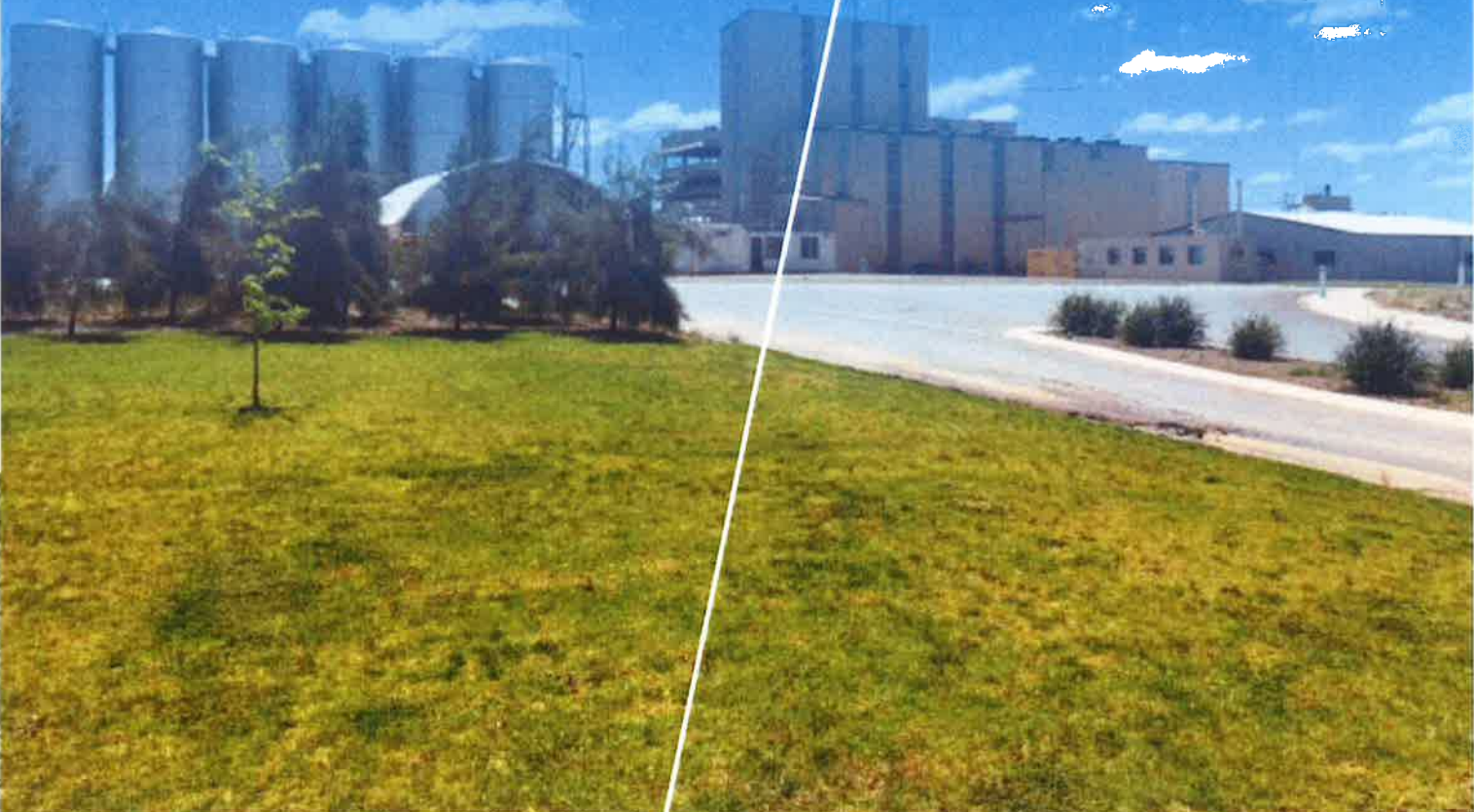




Integrated Oilseed Processing Plant, Bomen

*State Significant
Development
Modification Assessment
(07_0146 MOD 4)*



August 2019

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Cover photo

The site looking north-east to the existing tank farm and refinery (Source: provided by Applicant)

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Glossary

Abbreviation	Definition
Consent	Development Consent
Council	Wagga Wagga City Council
Department	Department of Planning, Industry and Environment
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SSD	State Significant Development
tpa	Tonnes per annum



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1. Introduction

This report provides an assessment of an application to modify the State significant development consent (SSD) for the Riverina Oils Integrated Oilseed Processing Plant (07_0146). The project was originally approved under the now repealed Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification application seeks approval for an additional storage tank, blending tank and ancillary works to produce blended oils within the existing tank farm.

The application has been lodged by Riverina Oils (the Applicant) pursuant to section 4.55(1A) of the EP&A Act.

1.1 Background

The Applicant operates an integrated oilseed processing plant at 177 Trahairs Road, Bomen in the Wagga Wagga local government area (**Figure 1**). The facility receives and processes oil seed to produce edible vegetable oil, specifically canola oil, and vegetable protein meal and has been operational since 2012 (**Figure 2**).



Figure 1 | Site Location

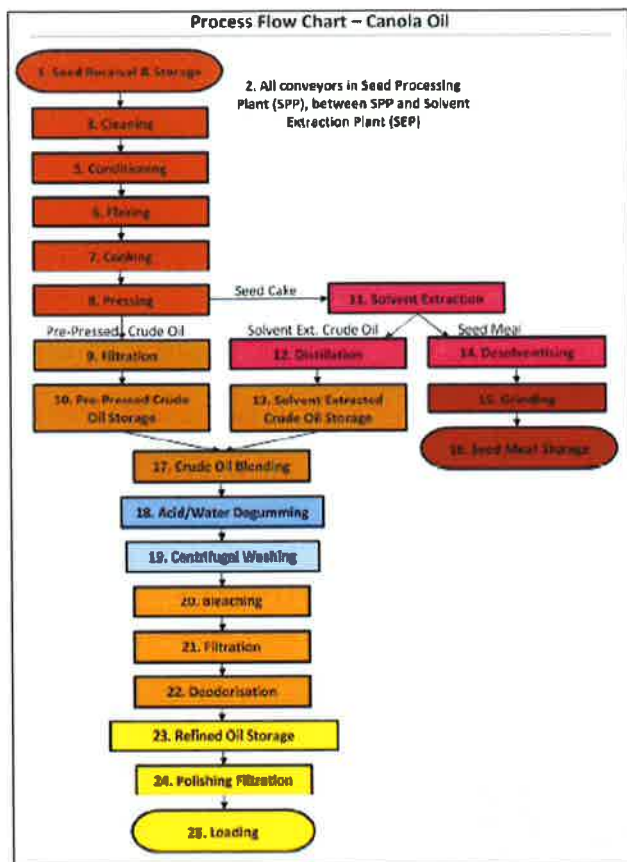


Figure 2 | Integrated Oilseed Process

The 16.5 hectare site is located approximately 10 kilometres (km) north-east of Wagga Wagga township forming part of the Bomen Industrial Area, which is an Urban Release Area under the Wagga Wagga Local Environmental Plan (LEP) 2010 incorporating general and light industrial zoned land. The area remains predominately rural and rural-residential, with the closest residential receiver located approximately 1 km west of the site, between Olympic Highway, a State classified road, and Byrnes Road (**Figure 3**).



Figure 3 | Site Layout

1.2 Approval History

On 4 November 2008, the then Minister for Planning granted Project Approval 07_0146 for the construction and operation of an integrated vegetable oil processing facility and biodiesel plant. The project approval permitted the following:

- crushing of up to 165,000 tonnes per annum (tpa) of seed to produce 30,000 tpa of refined vegetable oil, 109,500 tpa of vegetable protein meal and 8,640 t of crude glycerine
- processing of up to 75 million litres of biodiesel per year
- on-site treatment of wastewater and its use for irrigation on 10 ha of land to the north-east of the site.

07_0146 has been the subject of two previous modifications. A summary of each modification is provided in **Table 1** below.

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Removal of the biodiesel component, alterations to the site layout, increase the vegetable oil output to 66,000 tpa and reduce the vegetable protein meal output to 90,000 tpa	Director-General	s75W	28 April 2011
MOD 2	Increase the seed crushing capacity to 200,000 tpa and increase the vegetable oil and vegetable protein meal outputs to 82,500 tpa and 116,000 tpa.	Acting Director	s75W	11 November 2015
MOD 3	Installation of an additional storage tank and a blending tank to produce blended oils.	N/A	s4.55(2)	Withdrawn

In 2011, the NSW Government repealed Part 3A of the EP&A Act and the transitional arrangements for former Part 3A projects have now closed. The project was transitioned to State Significant Development by order, which took effect by publication in the NSW Government Gazette on 26 April 2019 to allow the project to be modified under Section 4.55 of the EP&A Act.



2. Proposed Modification

On 31 July 2019, the Applicant lodged a modification application under section 4.55(1A) of the EP&A Act to modify development consent 07_0146. The modification is described in full in the Environmental Assessment (EA) included in **Appendix B**.

The modification application seeks approval for an additional storage tank and a blending tank to produce blended edible oils. The proposed modifications will be located at the southern end of the existing tank farm (**Figure 4**) and include:

- an additional 350 kilolitre (kl) oil storage tank ('other oil tank')
- a 50 tonne (t) oil churn tank (blending tank)
- a 1 t additive tank
- two oil pumps
- an extension of the existing pipe rack and bunding area
- a walkway between the tanks
- a panel room.

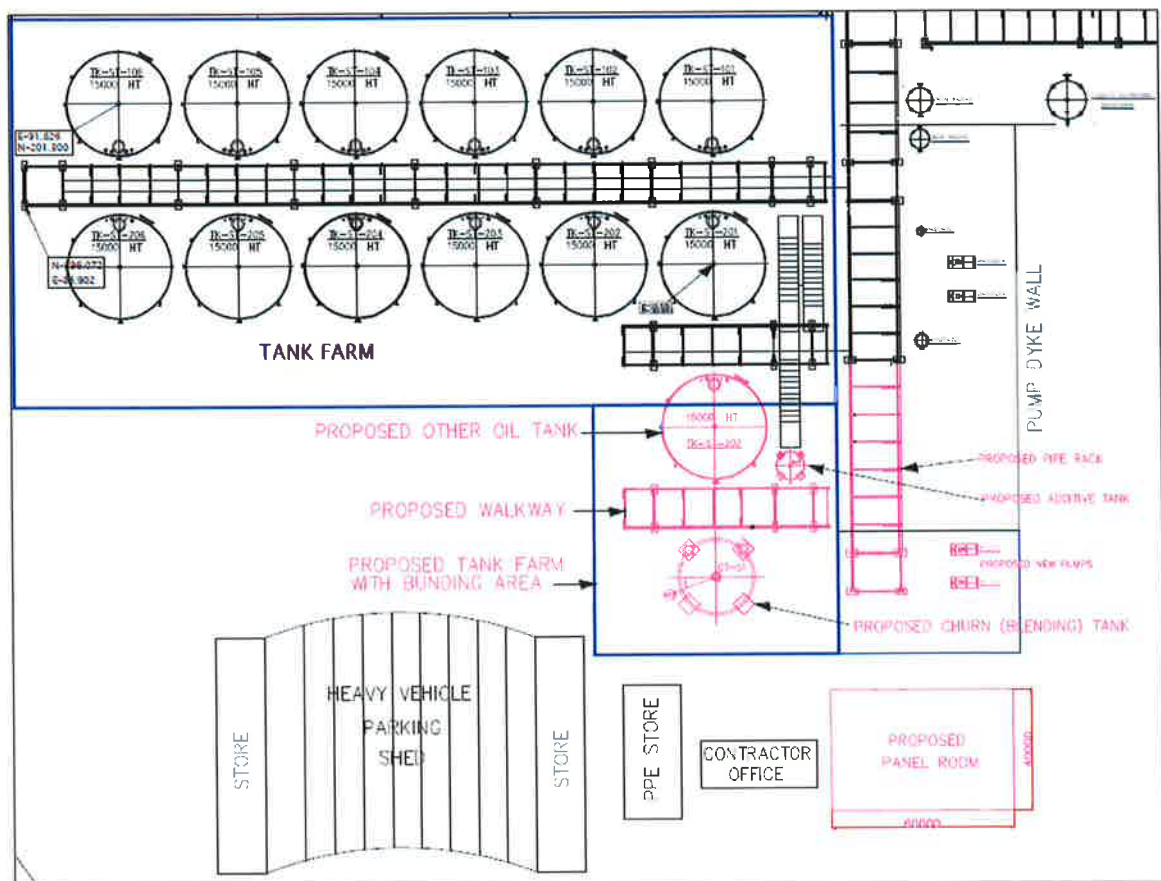


Figure 4 | Proposed Modification

The additional storage tank will be used to store edible oils brought to the site by heavy vehicle such as sunflower, cottonseed and palm oils. Oil from that storage tank will be blended with the canola oil produced on site using the blending tank. The blending will occur after the final stage in the Seed Processing Plant (SPP), once the canola oil has been transferred into one of the existing 12 storage tanks on site. The blending tank relies on a steam coil and agitator for mixing with the additive tank adding vitamins and antioxidants during the blending process. The blended oil is then distributed via transfer pumps and pipelines to the existing loading bay where it is loaded into trucks for distribution (**Figure 5**).

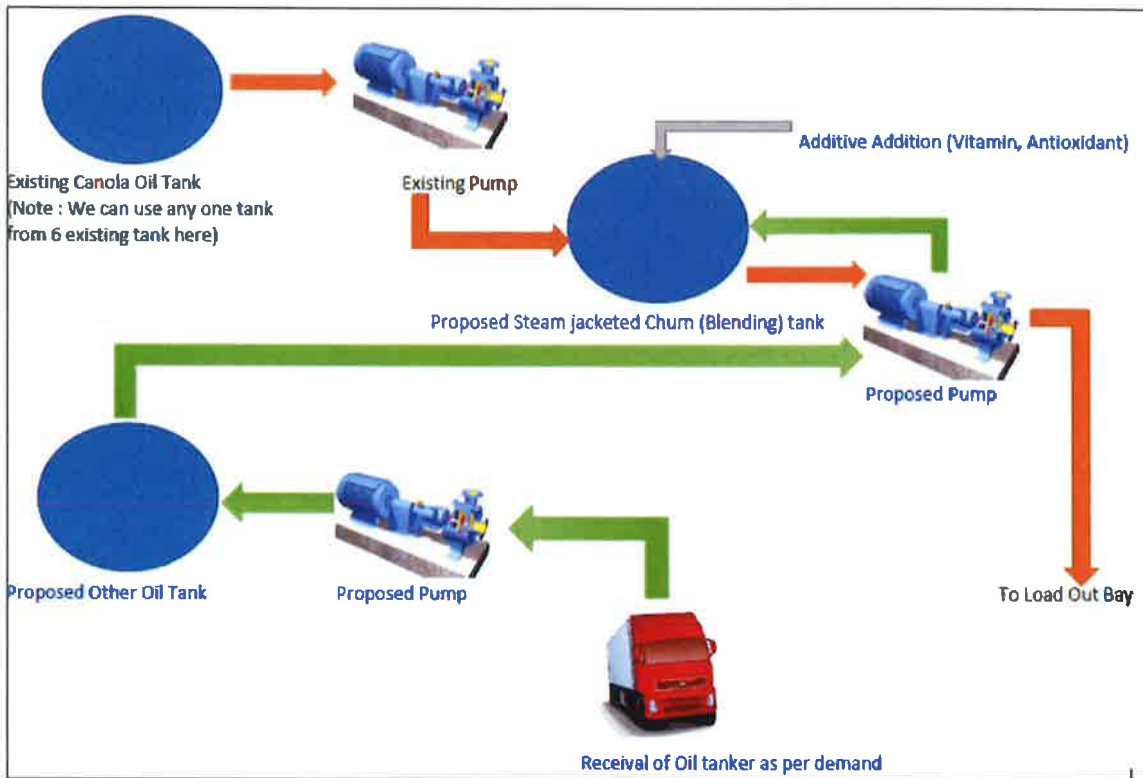


Figure 5 | Blending Process

The modification application does not seek to increase the capacity of oilseed crushing, vegetable oil production or vegetable protein meal production on site. There is also no change sought to the vegetable oil storage capacity. Rather, the modification seeks approval to blend oil produced in the SPP with other oil brought to the site. The Applicant has indicated these changes are necessary in response to market demand for blended oils.



3. Strategic Context

The subject site is in the Riverina Murray region, which is supported by the Riverina Murray Regional Plan 2036 (the RMRP). The RMRP sets out the NSW Government's 20-year blueprint for the future of the Riverina Murray and establishes a framework for guiding land use planning priorities and decisions throughout the region. The NSW Government's vision for the Riverina Murray is to create a diversified economy founded on Australia's food bowl, iconic waterways and a strong network of vibrant and connected communities. The proposed modification would continue to support the directions and objectives of the RMRP by:

- 'value adding' to the existing integrated oilseed processing plant by incorporating an additional processing element to produce blended oils in response to market demand (see Direction 3)
- facilitating the on-going use of the site for industrial purposes within the Bomen Business Park (see Direction 4).



4. Statutory Context

4.1 Scope of Modifications

The Department of Planning, Industry and Environment (the Department) has reviewed the scope of the modification application and is satisfied the proposed modification would result in minimal environmental impacts, and relates to substantially the same development as the original Project Approval (as last modified under the former section 75W of the EP&A Act) on the basis that:

- the primary function and purpose of the approved development, being an integrated oilseed processing facility that produces vegetable oil, would not change as a result of the proposed modification
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act given the modification will not alter the production and storage capacity on site
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent.

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.

4.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(1) of the EP&A Act. Under the Minister's delegation of 11 October 2017, the Acting Director, Industry Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.



5. Engagement

5.1 Department's Engagement

Clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to SSD. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website and was referred to Wagga Wagga City Council (Council) and the Environment Protection Authority (EPA) for comment.

5.2 Summary of Submissions

Council provided in principle support for the modification application, noting that the integrated oilseed processing plant is an important industry within the Bomen Industrial Area and that the addition of a blending component to existing operations is positive for the area.

EPA advised that there is no requirement to vary the existing Environment Protection Licence (EPL 13097) as the modification application will not increase the production capacity on site. On that basis, no further comments were provided.



6. Assessment

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

- EA provided to support the proposed modification (see **Appendix A**)
- the application, supporting documents and assessment report and subsequent modification applications
- existing conditions of consent (as modified)
- submissions received from Council and the EPA (see **Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

As the modification is primarily minor in nature and does not seek to change the production capacity of the site, the original studies assessed as part of the original development application and subsequent modifications are considered to remain valid for this modification.

The Department's assessment of the modification application is provided in **Table 2** below.

Table 2 | Assessment of Issues

Issue	Findings	Recommended Condition
<p>Hazards</p>	<ul style="list-style-type: none"> • The existing operations on site have been assessed as potentially hazardous. The Applicant has therefore submitted a PHA with the modification application. • The PHA relies on the Final Hazard Analysis (FHA) prepared by SKM Consulting in 2012 for the facility. The PHA considered the potential risk impact for the overall site from the modification application and demonstrated that the cumulative risk for the site would comply with the risk criteria for potentially hazardous facilities. The individual fatality risk levels remained unchanged and comply with the risk criteria for industrial land uses of 5 in a million per year. • The Department carefully considered the findings of the PHA and is satisfied the proposed modification would meet the relevant risk criteria, provided all recommendations in the PHA are implemented. • The Department has recommended the Fire Safety Study, Emergency Plan and Safety Management System should be updated to incorporate the proposed modification. The Department also considers that the additional tanks should be sub-bundled separately from the existing tank farm. These conditions have been included in the modifying instrument. • Subject to the above studies and plans being updated and a condition of consent requiring that the additional tanks are sub-bundled 	<ul style="list-style-type: none"> • Conditions are recommended requiring updates to the Fire Safety Study, Emergency Plan and Safety Management System and a condition requiring the additional tanks to be sub-bundled from the existing tank farm.

separately from the existing tank farm, the Department's assessment concludes that the proposed modification would not result in any additional safety concerns.

<p>Visual Impacts</p>	<ul style="list-style-type: none"> The tanks and ancillary structures would be screened to the north by the existing tank farm and to the north-east by the refinery building. Potential visual impacts are therefore limited to receivers to the east, south and west. The closest receivers are the residential properties located 1 km west of the site, between Byrnes Road and Olympic Highway. Other residential receivers are located approximately 3 km east of the site and 2 km south-east. The Applicant's EA noted that the trees along Byrnes Road would screen the tanks from the closest receiver to the west and concluded that while the additional tanks would be visible from the receivers to the east and south-east, there would be a negligible impact. The existing tank farm includes 12 storage tanks which are each 16.09 m high. The additional 350 kl oil storage tank would be the same height as the existing tanks whilst the churn tank would only be 13.54 m high. The additive tank and panel room are approximately 2.6 m and 3.5 m high. While the proposed modification would increase the number of tanks within the tank farm, approval has previously been granted for up to 24 storage tanks under 07_0146 Mod 1 but to date only 12 have been installed. The Department's assessment concludes that the additional tanks and ancillary works are consistent with the scale of the structures on site, particularly within the tank farm and would not lead to a visual impact beyond that already assessed and approved under 07_0146 Mod 1. 	<ul style="list-style-type: none"> Managed through the existing conditions of consent for 07_0146
<p>Noise Impacts</p>	<ul style="list-style-type: none"> The proposed modification has the potential to generate additional noise emissions from the facility due to the blending process. The Applicant's EA indicates that the process of blending would not emit any noise during operation and the additional pumps would generate noise within approved limits under the project approval and the EPL. Noise monitoring was undertaken by GHD for the facility in 2016, identifying the closest receiver as a residential property approximately 1 km west of the site. Noise levels at the closest receiver to the site were measured at 26 dB(A), well below the 35 dB(A) $L_{Aeq(15\text{ minute})}$ noise limit imposed under Condition 24 of 07_0146 and EPL 13097. Council and the EPA did not raise any concern regarding potential noise impacts resulting from the proposed modification. Condition 64 of 07_0146 requires that an Independent Environmental Audit (IEA) is 	<ul style="list-style-type: none"> Managed through the existing conditions of consent for 07_0146 with further noise compliance monitoring undertaken as part of future IEAs if required as per Condition 64.

submitted every three years to the Secretary. The most recent IEA was prepared in 2017 and noted that the EPA did not require noise compliance monitoring on a routine basis and further monitoring would only be required in response to a complaint.

- The Department is satisfied that the facility operates well within existing noise limits and concludes that the proposed modification would not lead to any significant operational noise impacts beyond those already assessed and approved.

Traffic Management

- The Applicant's EA identifies that the proposed modification would increase traffic generation by one additional heavy vehicle trip (two vehicle movements) per day.
- The Applicant's Operational Traffic Management Plan noted that existing operations generate 29 heavy vehicle trips (58 vehicle movements) per day. This is confirmed by the AEMR 2018 previously submitted to the Department. This is within the limits of traffic generation assessed and approved under 07_0146 Mod 1 of up to 75 vehicle movements per day.
- Council did not raise any concern regarding the additional vehicle trip resulting from the proposed modification.
- The Department is satisfied that the increase in traffic generation is negligible and that the proposed modification would not lead to any significant traffic impacts beyond those already assessed and approved.
- The Department has included a condition requiring the Applicant to review and update where necessary all relevant strategies, plans and programs within three months of approval of the modification application.
- Insert a condition requiring the Applicant to review and update where necessary all relevant strategies, plans and programs within three months of approval of the modification application

Odour

- The proposed modification has the potential to generate additional odour from the facility due to the blending process.
- The Applicant's EA notes that the proposed modification does not include any additional emission stacks and that nitrogen blanketing is used to stop oil vapour escaping into the atmosphere from tank breather valves.
- An Odour Management Plan (OMP) prepared by GHD in 2018 identifies that the predominant odour generating activities on site occur within the Seed Preparation Plant, the Solvent Extraction Plant and the refinery.
- The OMP identifies the tank farm as a diffusive odour source that makes a minor contribution to site odour emissions with only a localised oily odour evident.
- The IEA 2017 prepared by GHD identifies that the existing facility is free from the emission of offensive odours as per the requirement of EPL 13097.
- Managed through the existing conditions of consent for 07_0146 with further odour audits undertaken as directed by the EPA.

- The EPA did not raise any concern regarding potential odour impacts resulting from the proposed modification.
- The Department is satisfied that the modification application is unlikely to cause any significant odour impacts and that any impacts can be managed by the EPL and Condition 32 and Condition 32(a) of 07_0146 which require odour audits to be undertaken by the Applicant at the direction of the EPA, with any exceedances to be mitigated.



7. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. On balance, the Department considers the proposed modifications are appropriate on the basis that the:

- proposed modifications are substantially the same development as that originally approved, as the blending tank is a form of oil processing consistent with existing activities on site
- will result in minimal environmental impacts beyond the approved Integrated Oilseed Processing Facility
- proposed modification will not increase the seed crushing or refining capacity, oil storage capacity or the extent of vegetable protein meal produced.

Consequently, the Department is satisfied that the modification should be approved, subject to the recommended modifying conditions.



8. Recommendation

It is recommended that the Acting Director, Industry Assessments, as delegate of the Minister for Planning and Public spaces:

- **considers** the findings and recommendations of this report
- **determines** that modification application 07_0146 MOD 4 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all the findings and recommendations in this report as the reasons for making the decision to grant approval to the modification application
- **modify** the consent 07_0146
- **signs** the attached modification instrument (**Appendix C**).

William Hodgkinson

Senior Environmental Assessment Officer
Industry Assessments

Pamela Morales

A/Team Leader
Industry Assessments



9. Determination

The recommendation is **Adopted** by:

Joanna Bakopanos 30/8/19

Joanna Bakopanos

A/Director

Industry Assessments



Appendices

Appendix A – List of Documents

Environmental Assessment -

<https://www.planningportal.nsw.gov.au/major-projects/project/17011>

Submissions –

<https://www.planningportal.nsw.gov.au/major-projects/project/17011>

Appendix B – Modification Application

Available on the Department's Website at -

<https://www.planningportal.nsw.gov.au/major-projects/project/17011>

Appendix C – Notice of Modification

Available on the Department's Website at -

<https://www.planningportal.nsw.gov.au/major-projects/project/17011>