



# Shoalhaven Starches Gas Pipeline Modification 1

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Increase in Pipeline Diameter and Associated Works  
State Significant Infrastructure Modification Assessment  
(10\_0108-Mod-1 & 10\_0144-Mod-1)

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*Cover image: Shoalhaven Starches Facility (Source: Manildra Group)*

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# Glossary

Abbreviation	Definition
<b>ASS</b>	Acid Sulphate Soils
<b>ASSMP</b>	Acid Sulphate Soil Management Plan
<b>BDAR</b>	Biodiversity Development Assessment Report
<b>CEMP</b>	Construction Environment Management Plan
<b>Council</b>	Shoalhaven City Council
<b>Department</b>	Department of Planning and Environment
<b>DN</b>	Diameter Nominal
<b>DPI</b>	Department of Primary Industries
<b>EGP</b>	Eastern Gas Pipeline
<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>EP&amp;A (ST&amp;OP) Regulation</b>	Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>GPRF</b>	Gas Pressure Reduction Facility
<b>HIPAP</b>	Hazardous Industry Planning and Advisory Paper
<b>Minister</b>	Minister for Planning
<b>Modifications</b>	Modification Applications (10_0108-Mod-1 & 10_0144-Mod-1)
<b>NRAR</b>	Natural Resources Access Regulator
<b>PHA</b>	Preliminary Hazard Analysis
<b>Proponent</b>	Cowman & Studdert Pty Ltd
<b>RFS</b>	NSW Rural Fire Service
<b>Secretary</b>	Planning Secretary of the Department of Planning and Environment
<b>SSEEP</b>	Shoalhaven Starches Ethanol Expansion Project (06_0228, as modified)

<b>Starches</b>	Shoalhaven Starches Pty Ltd
<b>SIA</b>	Staged Infrastructure Application
<b>SSI</b>	State Significant Infrastructure
<b>TfNSW</b>	Transport for NSW

# Executive Summary

In 2012, the Planning Assessment Commission granted two approvals for the Shoalhaven Starches Gas Pipeline Project under the now repealed Part 3A of the *Environmental Planning and Assessment Act 1979*. The approvals allow for the construction and operation of a 5.5 kilometre long private pipeline to connect Shoalhaven Starches' wheat product and ethanol production facility directly into the Eastern Gas Pipeline in order seek an improved cost of supply of gas to the factory by taking advantage of competition between various gas retailers.

The above approvals consisted of the concept plan approval (10\_0144) and the project approval (10\_0108). In April 2021, the project and concept plan approvals were transitioned to State significant infrastructure approvals.

Cowman Stoddart Pty Ltd is seeking to modify the project and concept approvals of the development under section 5.25 of the *Environmental Planning & Assessment Act 1979* for an increase in diameter of the pipeline from Diameter Nominal 150 to Diameter Nominal 300, the relocation of the gas pressure reduction facility and a change of the pipeline's route through the existing Starches facility at the southern end.

The development is proposed to be modified to resolve a siting conflict with the packing plant of the Starches facility (currently under construction) and to meet the requirements of the proposed gas fired co-generation plant (currently under assessment), which will require an increased gas pipeline diameter.

The Department of Planning and Environment has assessed the modification applications in accordance with the EP&A Act. The Department did not exhibit the modification applications, however, they were made publicly available on the Department's website on 7 October 2021 and were referred to Shoalhaven City Council and several State government agencies. No objections were raised by Council or the State government agencies.

The Department of Planning and Environment's assessment identified hazards and risk as the key assessment issue. The Department's internal hazards specialists reviewed the Preliminary Hazard Analysis, concluding the risk from the modified pipeline would comply with the NSW land use safety risk criteria. Other aspects including, flooding, air quality, traffic and soil contamination and visual amenity were also considered in Department's assessment. The Department considers these impacts to be minor and can be managed through existing or recommended conditions of approval.

The Department's assessment has concluded the modification applications are approvable subject to conditions.

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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 infrastructure (SSI) approval for the Shoalhaven Starches Gas Pipeline Project. The development was approved under a project approval (10\_0108) and a concept plan approval (10\_0144).

The modification applications (modifications) are being sought as a result of layout changes within the Shoalhaven Starches facility and changing gas supply needs. As such, the modifications seek approval to increase the diameter along the entire length of the pipeline and change the route of the pipeline through the Shoalhaven Starches packing plant site, including the relocation of the gas pressure reduction facility (GPRF) approved as part of the original project.

The modifications were lodged on 13 August 2021 (10\_0108) and 5 October 2021 (10\_0144) by Cowman & Studdert Pty Ltd (the Proponent) pursuant to section 5.25 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.1 Background

Shoalhaven Starches Pty Ltd (Starches), operates a wheat product and ethanol production factory at Bomaderry in the Shoalhaven local government (LGA) (Starches facility). Starches 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.

At present, Starches use a range of energy sources in its operations (including natural gas). As Starches increases ethanol production in accordance with the Shoalhaven Starches Ethanol Expansion Project (SSEEP) (06\_0228, as modified), there will be a significant increase in consumption of all energy sources.

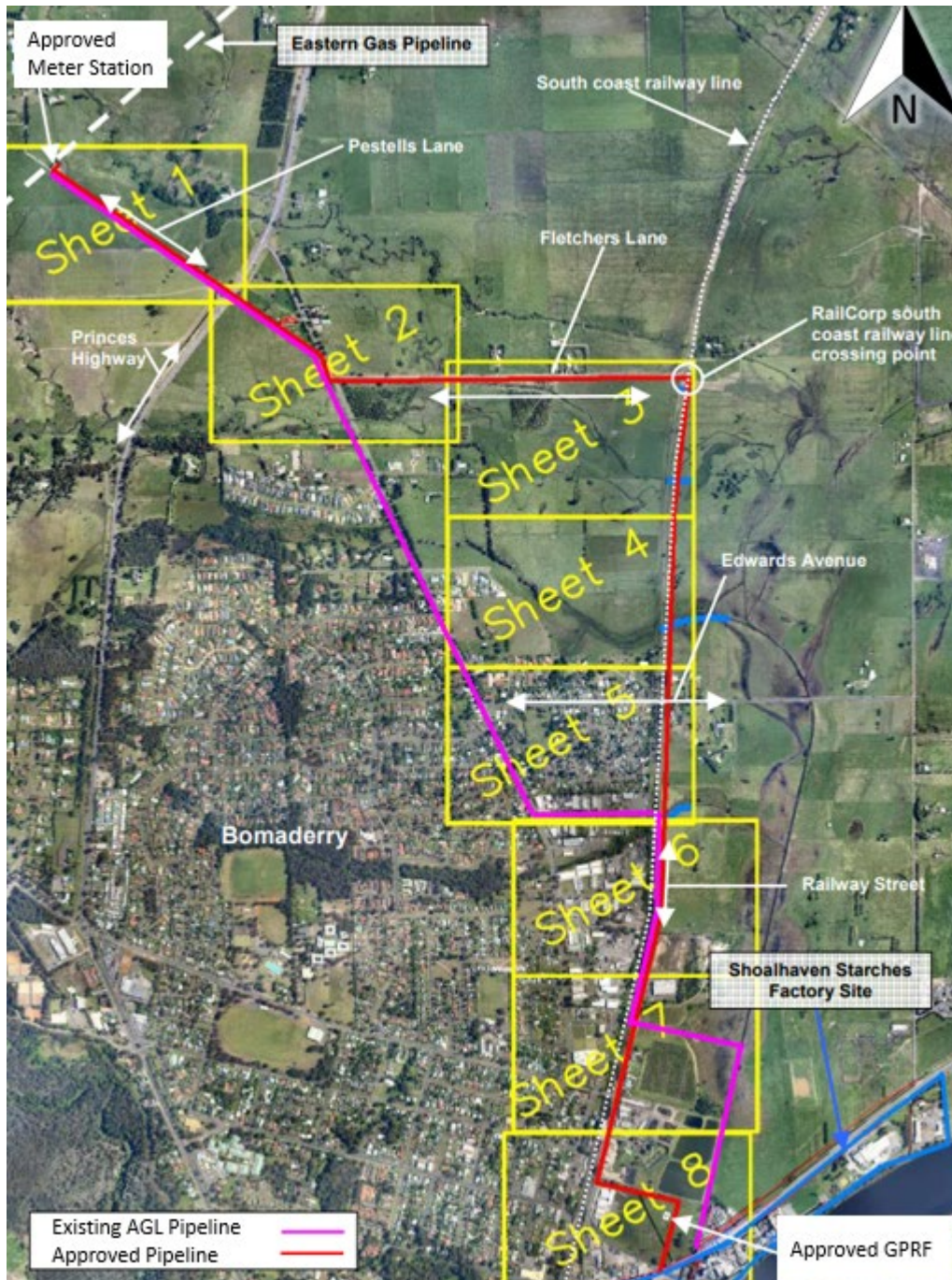
At present, natural gas is supplied to the Starches facility by a private gas pipeline owned and operated by AGL Energy which is connected to the Eastern Gas Pipeline (EGP) at a point at Meroo Meadow to the north west of the Starches site (see **Figure 1**). The EGP is a 797 kilometre (km) long pipeline, owned and operated by Jemena which transports natural gas from the Gippsland Basin in Victoria to markets in Sydney and a number of regional centres including Bomaderry, Wollongong and Canberra. The private ownership of the AGL pipeline connecting to the EGP means AGL has a monopoly on the supply of gas to the Starches facility and surrounding industries in Bomaderry.

As such, the original approval sought to build a new 5.5 km underground pipeline between the Starches facility and Meroo Meadow to allow direct access to the EGP and to avoid monopolistic trading practices. The approval also allowed for associated infrastructure, including a metre station on the northern end of the pipeline and the GPRF at the southern terminus. While some survey and field works have occurred, construction work on the gas pipeline project has not yet commenced.

The approved pipeline would cross underneath four minor watercourses, four roads (including one major road being the Princes Highway) and Sydney Trains' Main South Coast Line. For the majority of its length, the approved pipeline would be located alongside rural road reserves owned by Shoalhaven City Council (Council) and adjacent to farmland. These constitute small rural roads with low volumes of traffic. The distance between the approved pipeline construction works and the nearest residences would vary along the route but would be within approximately 40 metres (m) to 50 m in some instances

along Edwards Avenue. The approved pipeline's southern terminus is in the Starches facility, north of Bolong Road (see **Figure 2**).

It is noted the proposed modifications do not seek changes to the route of the pipeline outside of the Starches facility.



**Figure 1 | Regional Context Map and Route of Approved Pipeline**

Since the approval of the gas pipeline project, the SSEEP has been subject to several modifications, including changes to the siting and an increase in size of the packing plant (see **Figure 2**), which is currently under construction. Changes to the SSEEP's gas fired co-generation plant are also proposed, with this aspect currently under assessment by the Department (see **Section 1.2**). As a result, Starches' gas supply needs have changed and the siting of the approved GPRF and pipeline route through

Starches' packing plant site is now in conflict with the SSEEP. The modifications seek to address these siting conflicts and the gas supply requirements of the gas co-generation plant.



**Figure 2 | Local Context Map**

## 1.2 Approval History

On 30 October 2012, the PAC granted two approvals for the development under the now repealed Part 3A of the EP&A Act. This consisted of the concept plan approval (10\_0144) and the project approval (10\_0108). The approvals permit the construction and operation of a 5.5 km long private pipeline to connect the Starches facility directly into the EGP. The pipeline would be located in a 660 millimetre (mm) wide trench for the majority of its length. Associated infrastructure, including a metre station adjacent to the EGP and a GPRF within Starches' packing plant site were also part of the development.

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 an SSI approval and 10\_0144 to be an approval for a staged infrastructure application (SIA).

The development approvals have not been modified previously.

### Other Approvals

In January 2009, the then Minister for Planning approved the SSEEP (06\_0228) 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 plant, ethanol and starch plants, a new packing plant, rail siding and product and wastewater pipelines.

At the time of writing this report, this consent has been modified on 20 occasions, with two further modifications currently under assessment by the Department.

Mod 23 of the SSEEP, which is currently under assessment by the Department, seeks to modify the Starches facility to construct and operate a new gas-fired co-generation plant. This results in an increased gas supply demand for the site.

As part of the original SSEEP, a packing plant was approved to be located on the northern side of Bolong Road. Since the approval of the pipeline project, the SSEEP has been modified to expand and change the location of the packing plant. This has resulted in the approved GPRF and pipeline route conflicting with the siting of the SSEEP packing plant.

## 2 Proposed Modification

The Proponent has lodged two modifications under section 5.25 of the EP&A Act to modify SSI approval 10\_0108 and SIA approval 10\_0144. The modifications are described in full in the Modification Reports included in **Appendix A** and is illustrated in **Figure 3** and **Figure 4**.

### SSI Approval 10\_0108

The Proponent seeks to modify 10\_0108 to increase the diameter of the gas pipeline from Diameter Nominal (DN) 150 to DN 300. The increase in diameter of the pipeline is a result of the SSEEP changing energy needs on site, which requires additional gas quantities.

The pipeline as approved sits within a 660 mm trench for the majority of its route. The Proponent has confirmed the increase in diameter of the pipeline will still comfortably sit within the approved trench width. As such, no changes are proposed to the size of the trench, meaning the development footprint for the majority of the project remains unchanged, as does the route of the pipeline outside of the packing plant site.

As a result of modifications to the SSEEP, the location of the packing plant conflicts with the approved siting of the GPRF and pipeline route through the packing plant site. As such, the modification also seeks a change to the approved route of the pipeline through the packing plant site and changes to the approved location and size of the GPRF (see **Figure 3**). The pipeline through the site remains underground, with the exception of the connection to the GPRF.

The GPRF is proposed to shift further south, adjoining Bolong Road to avoid conflict with built form approved under the SSEEP, as modified. The footprint of the GPRF is also proposed to increase in size from approximately 15 m by 15 m (225 square metres (m<sup>2</sup>)) to 42 m by 25 m (1,050 m<sup>2</sup>) with the four flues at a maximum height of 11 m (see **Figure 4**). The GPRF would feed the existing and proposed gas fired plants on site through connections proposed as part of Mod 23 of the SSEEP.

### SIA Approval 10\_0144

The SIA approval 10\_0144 was issued as part of the original project in order to address issues with permissibility, however, did not approve the construction and operation of the pipeline. As such, the conditions of approval of the SIA are limited to the requirement to carry out the development in line with the original environmental assessment, statement of commitments and approved plan.

To ensure consistency and reduce conflict, the Proponent seeks to modify the SIA approval to reflect the project details in the 10\_0108 modification.

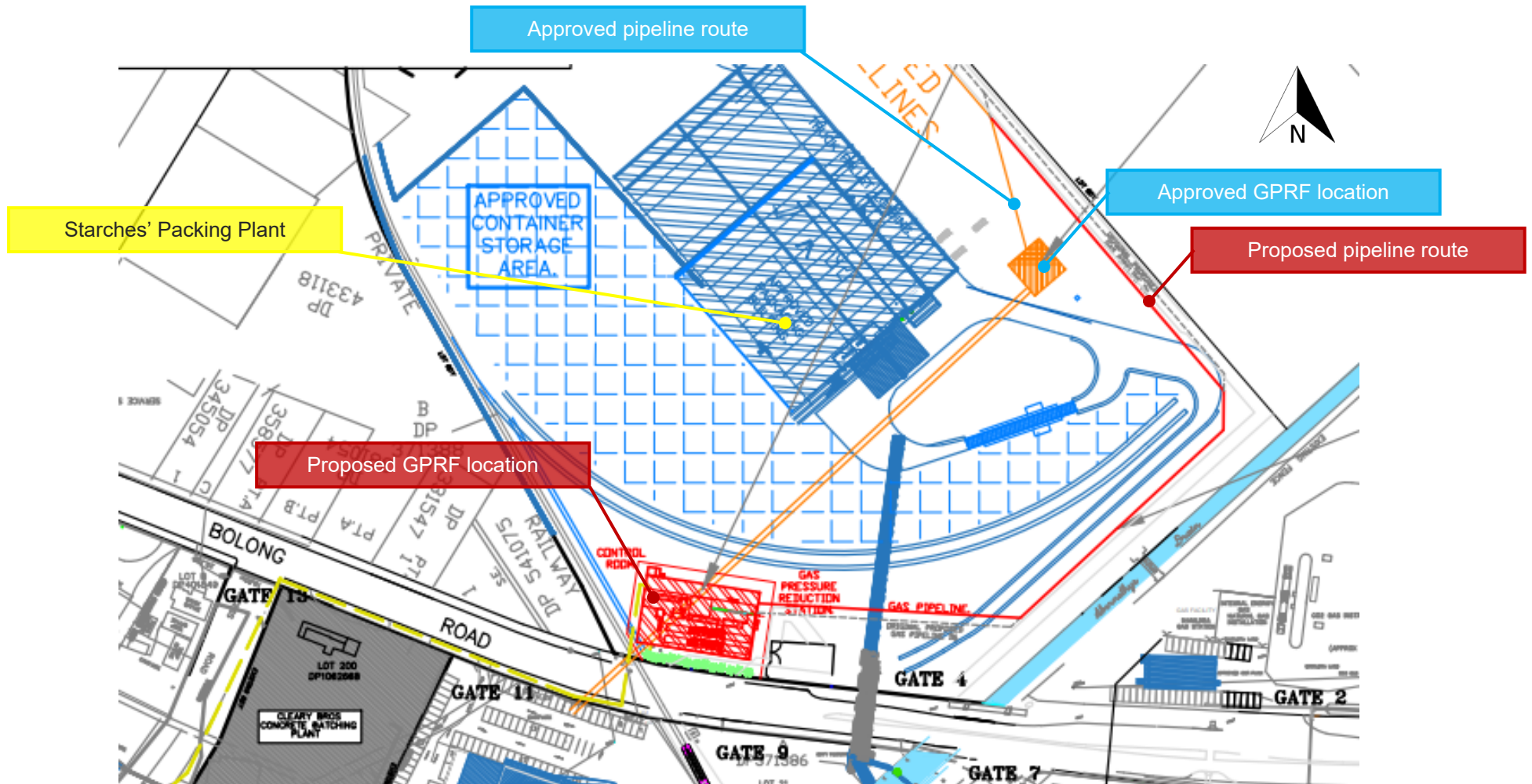
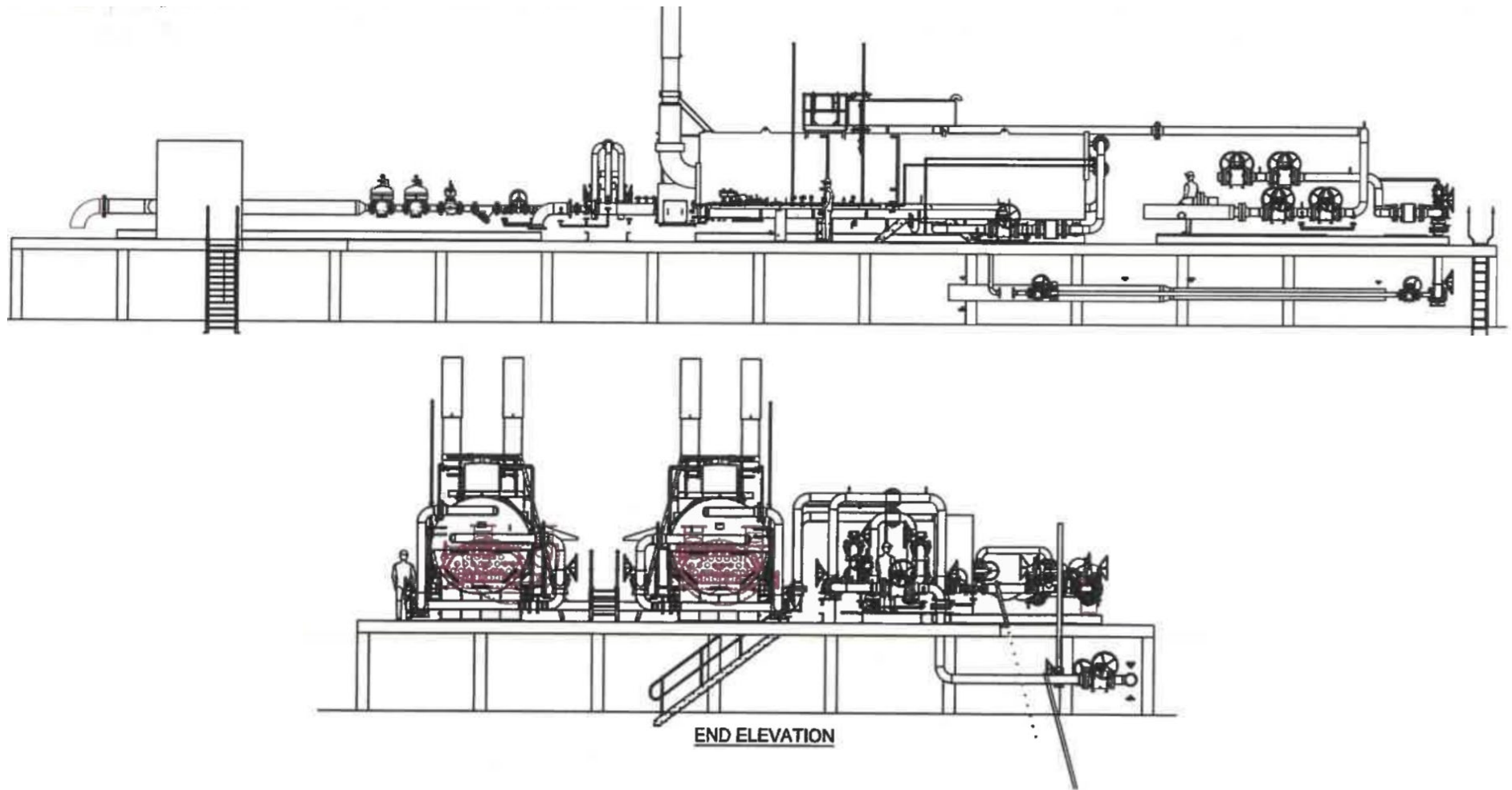


Figure 3 | Realignment of route and GPRF in Packing Plant Site



**Figure 4** | Elevations of GPRF

## 3 Statutory context

### 3.1 Scope of Modifications

In accordance with section 5.25 of the EP&A Act, a Proponent may request the Minister to modify an approval for State significant infrastructure. The Minister's approval for a modification is not required if the infrastructure as modified will be consistent with the existing approval. Modifications to increase the size of the pipeline, change its route and the location of the GPRF are not considered consistent with the existing approval. Consequently, modification of the Minister's approval under Section 5.25 of the EP&A Act is required.

### 3.2 Approval Authority

The Minister is the approval authority for the modifications under section 5.25 of the EP&A Act.

Under the Instrument of Delegation dated 26 April 2021, the functions and powers of the Minister under section 5.25 of the Act to determine a modification of the Minister's approval may be delegated to the Team Leader, Industry Assessments, where:

- the modification relates to a minor matter or involves minor environmental assessment
- the relevant local 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.
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.

The modifications meet the terms of this delegation.

### 3.3 Part 3A Transition to State Significant Infrastructure

This project approval was originally approved under the former section 75J of the EP&A Act and the concept plan approval under former section 75O and 75P of the EP&A Act. Both projects were transitional Part 3A project under Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (EP&A (ST&OP) Regulation).

Following amendments to the EP&A Act and the commencement of the associated EP&A (ST&OP) Regulation on 1 March 2018, the power to modify Part 3A project approvals under former section 75W is no longer available for modifications submitted after 1 March 2018. In order to modify a transitional Part 3A project approval, the Minister can declare the development to be SSI by order under clause 5 of Schedule 2 of the EP&A (ST&OP) Regulation. If a declaration is made the project approval becomes an SSI approval and the concept plan approval becomes a staged infrastructure application approval which can be modified under section 5.25 the EP&A Act if it meets the relevant criteria.

On 26 April 2021, the then Acting Director, Industry Assessments (as delegate of the Minister), made an order under clause 5 of Schedule 2 to the EP&A (ST&OP) Regulation declaring the development the subject of project approval to be SSI. The order was published in the NSW Government Gazette on 30 April 2021 and took effect from that date.

The effect of this order is that:

- the project approval (10\_0108) is taken to be an SSI approval under Division 5.2 of the EP&A Act for the carrying out of the development
- the concept plan approval (10\_0144) is taken to be an approval (and the concept proposal) for an SIA under Subdivision 3 of Division 5.2 of the EP&A Act.

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

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 increase in pipeline diameter will not result in a larger development footprint of the approved trench and the realignment of the pipeline through the Starches facility will not result in any additional vegetation removal given the footprint of the proposal is already cleared of vegetation.

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

## 4 Engagement

### 4.1 Department's Engagement

Section 5.28(1)(g) of the EP&A Act requires the Planning Secretary to make requests for modification of approvals determined by the Minister publicly available. Accordingly, the Department made the modifications publicly available on its website on 7 October 2021.

The Department also referred the modifications to Council, the Environment Protection Authority (EPA), Transport for NSW (TfNSW), Sydney Trains, NSW Rural Fire Service (RFS), Department of Primary Industries (DPI), the Department's Water Group (DPE Water) and Natural Resources Access Regulator (NRAR).

### 4.2 Government Advice

Advice was received from seven government authorities and Council. A summary of this advice is provided below.

**Council** noted that the GPRF appears to encroach onto Council land. It also recommended two conditions relating to structural adequacy of the GPRF during flood events.

The **EPA** recommended the Proponent take all reasonable steps to mitigate any water pollution, and noise and air quality impacts from construction activities and that excavated soils be classified in accordance with EPA's Waste Classification Guidelines.

**RFS** raised no objection.

**TfNSW** and **Sydney Trains** recommended amendments to conditions to update the agency name and to modify the statement of commitments to include boring clearance requirements under the Princess Highway and consultation with the Princess Highway upgrade team prior to commencement of construction works.

**DPI** raised no objection.

**NRAR** and **DPE Water** recommended the Department request further details on groundwater inflows and if above three million litres a year, require the Proponent to obtain a water access licence and prepare an Acid Sulphate Soil Management Plan (ASSMP). NRAR and DPE Water also raised concerns about the reduction in setback to Abernethy's Creek from 18 m to 15 m. It was recommended the Proponent provide further details on excavation works within the reduced setback and provide an assessment against Guidelines for Controlled Activities on Waterfront Land.

The Department requested the Proponent provide further justification and clarification on the scenarios and calculations carried out in the Preliminary Hazard Analysis (PHA) and confirmation that the new location of the GPRF will continue to meet the Department's relevant risk criteria.

### 4.3 Response to Request for Information

On 9 November 2021, the Proponent provided a combined response to the request for information (RtRFI) for both modifications, providing an updated PHA to reflect the Department's comments and

responding to the advice from government authorities. In respect of matters raised by the EPA, the Proponent noted that the existing conditions of approval require the Proponent to prepare a Soil and Water Management Plan, ASSMP and implement all reasonable and feasible measures during the construction regarding air quality, as well as construction noise limits.

In response to Council's concerns relating to encroachment into a Council owned site, the Proponent updated plans to make clear that no encroachment will occur. The Proponent also supported the amendments to the statement of commitments proposed by TfNSW.

On 13 January 2022, the Proponent provided a response to DPE Water and NRAR's advice. The Proponent confirmed that groundwater inflows during construction would be less than 0.4 million litres a year, substantially less than the trigger for a water access licence. The Proponent also submitted updated plans which increased the pipeline's setback from to Abernethy's Creek to 19 m, outside of the riparian zone and within the setback approved for development as part of the SSEEP.

## 5 Assessment

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

- the modification reports and RtrFIs provided to support the modifications (see **Appendix A**)
- the documentation and Department's assessment report for the original development application (see **Appendix A**)
- advice from the State government authorities and 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 considers the key assessment issue to be Hazard and Risk.

The Department's assessment of other issues is provided in **Table 1**.

### 5.1 Hazard and Risk

Changes to the pipeline diameter has the potential to alter fire and leakage risks along the route of the pipeline given the close proximity to residents (approximately 40 m at some points). Further, the changes to scale and location of the GPRF and alignment of the pipeline through the packing site has potential to increase propagation risks, given the proximity to the existing Starches facility.

Pinnacle Risk Management Pty Ltd (Pinnacle) prepared a PHA to assess the potential hazardous events and corresponding risks associated with the modifications. The PHA was prepared in accordance with the Department's Hazardous Industry Planning and Advisory Paper (HIPAP) No. 6 – Hazard Analysis and Multi-Level Risk Assessment. The PHA evaluated the level of risk to off-site land uses and compared this with the Department's land use safety risk criteria (detailed in HIPAP No. 4).

The PHA identified that the only hazardous material used in the pipeline was natural gas. Potential hazardous scenarios surrounding this involve the loss of containment or over pressurisation of the pipeline. The worst case scenarios of these events were concluded to be jet fire, flash fire or vapour cloud explosion.

The PHA identified safeguards for the prevention, detection and mitigation of hazardous events consistent with those identified in the original approval. The PHA considered potential societal (fatality risk to larger populations) and area cumulative and propagation (risks to and from other hazardous infrastructure) risks.

The PHA concluded that the risks are acceptable and comply with all risk criteria. The primary reason for the low risk levels from the natural gas pipeline is the low likelihood of significant pipe failures leading to off-site impact from jet or flash fires, or explosions. This is due, in part, to the design, operation and maintenance requirements of the Australian Standards.

The Department's Hazards specialist team reviewed the PHA and sought further information regarding some of the assumptions made, including the maximum release rate of gas, pipeline puncture scenarios, the impact of wind direction during pipeline failure events, and risk relating to the GPRF being relocated closer to the Starches facility.

In its RtRFI, the Proponent updated its PHA to address the Department’s comments, which included clarification on maximum release rate of gas, and changes to failure scenarios to consider additional pipeline puncture situations and to address impacts of wind direction. The update PHA also confirmed the relocated GPRF would meet the Department’s risk criteria. As a result of this, the updated PHA concluded that the risk associated with the development has increased since the approval of the pipeline but did not exceed the Department’s risk criteria.

The Department reviewed the updated PHA and considers it to provide an adequate and realistic modelling assumption on the risks of the modified development. The Department concurs with the conclusion reached in the revised PHA that the risk associated with the modifications did not exceed the risk criteria in the Department’s HIPAP No. 4.

The Department also reviewed the original assessment and existing conditions of approval. It is noted the existing conditions of approval require the Proponent to prepare a number of hazard related studies to ensure safe operation of the pipeline throughout its lifespan. These include:

- undertake a Construction Safety Study, Final Hazards Analysis and Hazard and Operability Study consistent with the Department’s relevant guideline/s
- prepare and implement an Emergency Plan and Safety and Operating Plan for the project
- submit Pre and Post-Start-up Compliance Reports detailing compliance with all conditions required to be satisfied prior to and after operation has commenced
- undertake on-going reviews of the Safety and Operating Plan for the project to ensure safety and compliance with all statutory requirements.

The Department considers the existing conditions requiring the above plans and studies to be undertaken are sufficient in continuing to manage the risks and hazards involved in the modifications.

The Department has reviewed the modification reports, including the PHA and concludes the modifications would not significantly increase the risk of hazards to people or the environment and remain compliant with the Department’s risk criteria, subject to the implementation of existing conditions of approval.

## 5.2 Other Issues

**Table 1 | Assessment of Other Issues**

Findings	Recommendations
<b>Flood</b>	
<ul style="list-style-type: none"> <li>• The southern end of the pipeline and the GPRF are located on the floodplain of the lower Shoalhaven River and largely designated as high hazard flood storage in a 1% annual exceedance probability flood event.</li> <li>• The increase in diameter of pipeline is not expected to impact on flooding as it remains underground. However, the relocation and increase in size of the GPRF has potential to impact on flood waters.</li> <li>• The Proponent engaged hydraulic specialists to assess the impact the modifications may have on flood waters. The</li> </ul>	<p>Require the Proponent to:</p> <ul style="list-style-type: none"> <li>• engage a professional engineer to certify the GPRF is designed to withstand floodwaters.</li> </ul>

## Findings

## Recommendations

assessment found that due to the GPRF being constructed on piers, and being largely open sided, it would not impact on the existing flood storage capacity of the site. However, it was recommended that the GPRF be constructed to withstand inundation in the event of a flood and potential debris in flood waters.

- Council concurred with the Proponent's findings that the modifications would have minimal impact on flood water storage. It recommended two conditions requiring the certification of the structure by a professional engineer demonstrating structural soundness in flood events and ensuring parts of the structure below the flood planning level are built from flood compatible materials.
- The Department has reviewed the Proponent's assessment and Council's advice and agrees that due to the GPRF being open and on piers, it will have negligible impact on flood water levels in a flood event. Due to the relocation of the GPRF to a lower elevation, the Department recommends conditions requiring the Proponent to ensure the GPRF is structurally sound to resist 1% annual exceedance probability flood events.
- The Department concludes that due to the below ground nature of the pipeline, and the open sided nature of the GPRF, the development will have negligible impact on and from the effects of flood waters, subject to the recommended conditions.

## Air Quality

- The pipeline would be mostly underground and would not generate air emissions under normal operating conditions. However, the GPRF would be located at the end of the pipeline opposite the Starches facility on Bolong Road.
- In its modification reports, the Proponent advised the increase in pipeline diameter will not increase air emissions from the facility beyond that considered in the original assessment and the relocation of the GPRF within the packing plant site, would have a negligible impact.
- Council raised no comments relating to air quality. The EPA recommended the Proponent take reasonable and feasible measures to mitigate any air quality impacts from construction activities.
- The Department has considered the details in the modification report, existing conditions of approval and the EPA's comments. The Department's original assessment found that the main impact on air quality would come from the construction phase of the development. As the trench in which the pipeline lays will not increase, the Department does not expect the modifications to increase these air quality impacts.
- The Department notes that the modifications are proposed to support increased energy needs at the Starches facility, which may in turn increase air quality impacts. While the increase in pipeline diameter will increase the flow of gas to the facility, any increased energy consumption owing to this will be assessed as part of the SSEE.

No additional or modified conditions required.

## Findings

## Recommendations

- The Department notes that existing conditions of approval require the Proponent to implement best practice air quality management during construction and operation of the development, ensuring odour, fume and dust emissions remain in line with that predicted under the original environmental assessment.
- The Department concludes that the modifications would have a negligible difference in air quality impacts over the original development, and remains acceptable, subject to existing conditions of approval.

## Traffic

- The modified pipeline would be installed along existing Council road reserves and Sydney Train's rail reserve for the majority of its length, which remains unchanged from the approved development.
- In its modification report, the Proponent advised that the traffic movements and construction plans along transport corridors would remain in line with that considered under the original assessment.
- TfNSW reviewed the proposal and raised no concerns. However, given the increase in pipeline diameter, TfNSW recommended an additional requirement in the Proponent's statement of commitments to ensure boring under the Princess Highway is located at least 1.5 m clear of the existing drainage channel and consultation with the Princess Highway upgrade project team is undertaken.
- Sydney Trains advised that it is now the rail authority for the South Coast Line and no updates to conditions were required, however requested the Proponent obtain written confirmation from Sydney Trains that relevant conditions, requirements or commitments have been met.
- In its RTS, the Proponent agreed to an update to its statement of commitments to reflect the additional requirements recommended by TfNSW.
- The Department concurs with the findings of the Applicant's assessment that the traffic impacts would remain consistent with that considered under the original assessment. The Department notes that the Proponent is required to prepare and gain approval for an infrastructure impact management plan, prepared in consultation with Railcorp (now Sydney Trains), Roads and Maritime Services (now TfNSW) and Council, as well as preparing a Construction Traffic Management Plan (CTMP).
- The Department considers these management plans sufficient in managing any impact on road networks and to address Sydney Trains consultation request.
- Given the change in pipeline diameter, and boring under the Princess Highway, the Department recommends an update to the statement of commitments requiring a clearance between the pipeline and Princess Highway infrastructure, as recommended by TfNSW and agreed to by the Proponent.
- The Department concludes that the modifications would not increase impacts on the efficiency of the road and rail network

Update to statement of commitments to:

- ensure appropriate clearance between the pipeline and Princess Highway infrastructure.

## Findings

## Recommendations

over the original approval, subject to updates to the statement of commitments and existing conditions.

### Soil and Groundwater

- Given the project includes excavation works over a long route, there is potential for soil contamination to be encountered.
  - In its modification report, the Proponent provided an updated assessment on contaminated soils and acid sulphate soils (ASS) impacts. The assessment concluded that due to the pipeline's trench size not changing, the majority of the pipeline's route would not impact on soils any more than that originally considered.
  - The Proponent provided a contamination and ASS assessment prepared by specialist relating to the relocated GPRF, which found that while the likelihood for contamination was low, there was potential for ASS to be encountered. The Proponent's assessment concluded that an ASSMP and Construction Environment Management Plan (CEMP) relating to contamination should be prepared.
  - The EPA and Council raised no objections in terms of soil and contamination impacts. NRAR and DPE Water recommended the Proponent prepare an ASSMP and a Dewatering Management Plan following determination.
  - The Department has reviewed the original approval and assessment and the modification report by the Proponent and notes that existing conditions of approval require the Proponent to prepare and implement an ASSMP, a Soil and Water management plan, as well as a CEMP that includes contamination find protocols.
  - Due to the modifications having a similar development footprint to that approved, it is considered contamination, groundwater and ASS risk and impacts can be appropriately managed through existing conditions of approval.
  - The Department concludes the modifications' impact on ground water, contamination and ASS are in line with that considered under the original assessment and can be effectively managed through existing conditions of approval.
- No additional or modified conditions required.

### Visual Amenity

- While the pipeline remains underground and is not expected to create a visual change, changes to the GPRF location and size have potential to increase the visual prominence of the development and impact on visual amenity to residential areas to the west of the site.
  - In its modification report, the Proponent noted the relocation of the GPRF towards Bolong Road had potential to create further impacts, however concluded that the GPRF would remain in character with the existing industrial nature of Bolong Road and further construction activities planned. The Proponent also confirmed that the
- No additional or modified conditions required.

## Findings

## Recommendations

GPRF would not exceed the current 11 m height limits on the site under the Shoalhaven Local Environmental Plan 2014.

- The Department has reviewed the proposal and the visual environment surrounding it and notes the GPRF will be located within close proximity of the packing plant approved as part of the SSEEP. This combined with the existing large industrial structures across Bolong Road ensures that the GPRF will remain in character with the industrial nature of the area.
- The Department concludes that the visual amenity impacts of the modifications will be in keeping with the original assessment and can be continued to be managed through existing conditions of approval requiring visual mitigation measures and vegetation management.

## 6 Evaluation

The Department has assessed the modifications in accordance with the relevant requirements of the EP&A Act.

State government authorities and Council raised no significant concerns with the modifications as the modification's impacts were considered to remain generally consistent with that considered in the original assessment.

The Department's assessment considered potential hazards and risk to be the key matter for consideration. The Department considers the modifications is appropriate on the basis that:

- it would result in minimal environmental impacts beyond the approved facility
- the relocation of the route and GPRF through the packing site would not impact on flood waters
- the risk profile of the development would be in line with that originally approved.

The Department concludes the proposal is in the public interest and the modifications should be approved, subject to conditions

## 7 Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the applications 10\_0108-Mod-1 & 10\_0144-Mod-1 fall within the scope of section 5.25 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 the modifications as the modifications 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 modifications
- **modifies** the approvals 10\_0108-Mod-1 and 10\_0144-Mod-1
- **signs** the attached approval of the modifications (**Appendix B**).

**Recommended by:**



21 January 2022

**Thomas Bertwistle**  
Environmental Assessment Officer  
Industry Assessments

## 8 Determination

The recommendation is **Adopted** by:



21 January 2022

**Sally Munk**

A/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 Applications

- 'Modification Report - Application to Modify Concept Plan (MP10\_0144) and Project Approval (MP10\_0108), prepared by Cowman Stoddart, dated 20 July 2021 -

10\_0108-Mod-1 <https://www.planningportal.nsw.gov.au/major-projects/project/42606>

10\_0144-Mod-1 <https://www.planningportal.nsw.gov.au/major-projects/project/42956>

### Submissions and Advice

10\_0108-Mod-1- <https://www.planningportal.nsw.gov.au/major-projects/project/42606>

10\_0144-Mod-1 - <https://www.planningportal.nsw.gov.au/major-projects/project/42956>

### Response to Submissions

- Response to Request for Additional Information, prepared by Cowman Stoddart Pty Ltd, dated 9 November 2021
- Response to Request for Additional Information from DPIE – Water, prepared by Cowman Stoddart Pty Ltd, dated 13 January 2022

10\_0108-Mod-1 <https://www.planningportal.nsw.gov.au/major-projects/project/42606>

10\_0144-Mod-1 <https://www.planningportal.nsw.gov.au/major-projects/project/42956>

### Department's Assessment Report for 0108-Mod-1 and 0144-Mod-1

10\_0108-Mod-1- <https://www.planningportal.nsw.gov.au/major-projects/project/42606>

10\_0144-Mod-1 - <https://www.planningportal.nsw.gov.au/major-projects/project/42956>

## Appendix B – Modification Instrument

The recommended modification instrument for 10\_0108-Mod-1 can be found on the Department's website at: <https://www.planningportal.nsw.gov.au/major-projects/project/42606>

The recommended modification instrument for 10\_0144-Mod-1 can be found on the Department's website at: <https://www.planningportal.nsw.gov.au/major-projects/project/42956>

## Appendix C – Consolidated Approval

The recommended consolidated approval for 10\_0108-Mod-1 can be found on the Department's website at: <https://www.planningportal.nsw.gov.au/major-projects/project/42606>

The recommended consolidated approval for 10\_0144-Mod-1 can be found on the Department's website at: <https://www.planningportal.nsw.gov.au/major-projects/project/42956>