



Deniliquin Ethanol Plant

*State Significant
Development
Modification Assessment
(SSD 6281 MOD 1)*

May 2019

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Glossary

Abbreviation	Definition
CIV	Capital Investment Value
Consent	Development Consent
Council	Edward River Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Planning Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development



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1. Introduction

This report provides an assessment of an application to modify the State significant development consent (SSD 6281) for the Deniliquin Ethanol Plant.

The modification application seeks approval to change the name of the Applicant specified on the consent from 'Dongmun Greentec Pty Ltd' to 'Deniliquin Ethanol Plant Pty Ltd'.

The application has been lodged by Dongmun Greentec Pty Ltd (the Applicant) pursuant to section 4.55(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The Applicant has consent to construct and operate an ethanol plant capable of producing up to 115 megalitres (ML) of ethanol annually at Lots 234, 272 and 273 of DP 756325 at Barham Road, Deniliquin in the Edward River local government area (LGA).

The 120-hectare (ha) site is in the Murray–Lower Darling Region of south-western NSW in Deniliquin. The site is on the southern side of Barham Road approximately five kilometres (kms) south of the township of Deniliquin and approximately 250 km north of Melbourne. The agriculturally intensive Riverina Region is located to the north-west of the site where the majority of wheat grain will be sourced for the production of ethanol. A locality plan of the subject site is illustrated in **Figure 1**. The two northern lots (Lot 234 and Lot 272) are owned by Edward River Council (Council) and have been de-stocked in the last 10 years. Lot 273 in the south is privately owned and is still actively being used for sheep grazing.

1.2 Applicant's Justification

The Applicant is now seeking to change the name of the Applicant specified on the consent to 'Deniliquin Ethanol Plant Pty Ltd' to facilitate the financial arrangements for investment in the approved development. The Applicant name specified on the consent, Dongmun Greentec Pty Ltd, has other investments it is now pursuing and is no longer the financial entity that will construct and operate the ethanol plant. The investors require the plant to be constructed by a stand-alone company before they will provide the necessary finance for the development. Modifying the Applicant's name on the consent will provide certainty that the consent, as modified, rests with Deniliquin Ethanol Plant Pty Ltd and not Dongmun Greentec Pty Ltd.

1.3 Approval History

On 1 July 2016, development consent was granted by the Executive Director, Key Sites and Industry Assessments (under delegation) for the development of the ethanol plant. The development consent permits the construction and operation of an ethanol production plant and associated infrastructure, administrative buildings, car parking, landscaping and stormwater infrastructure.

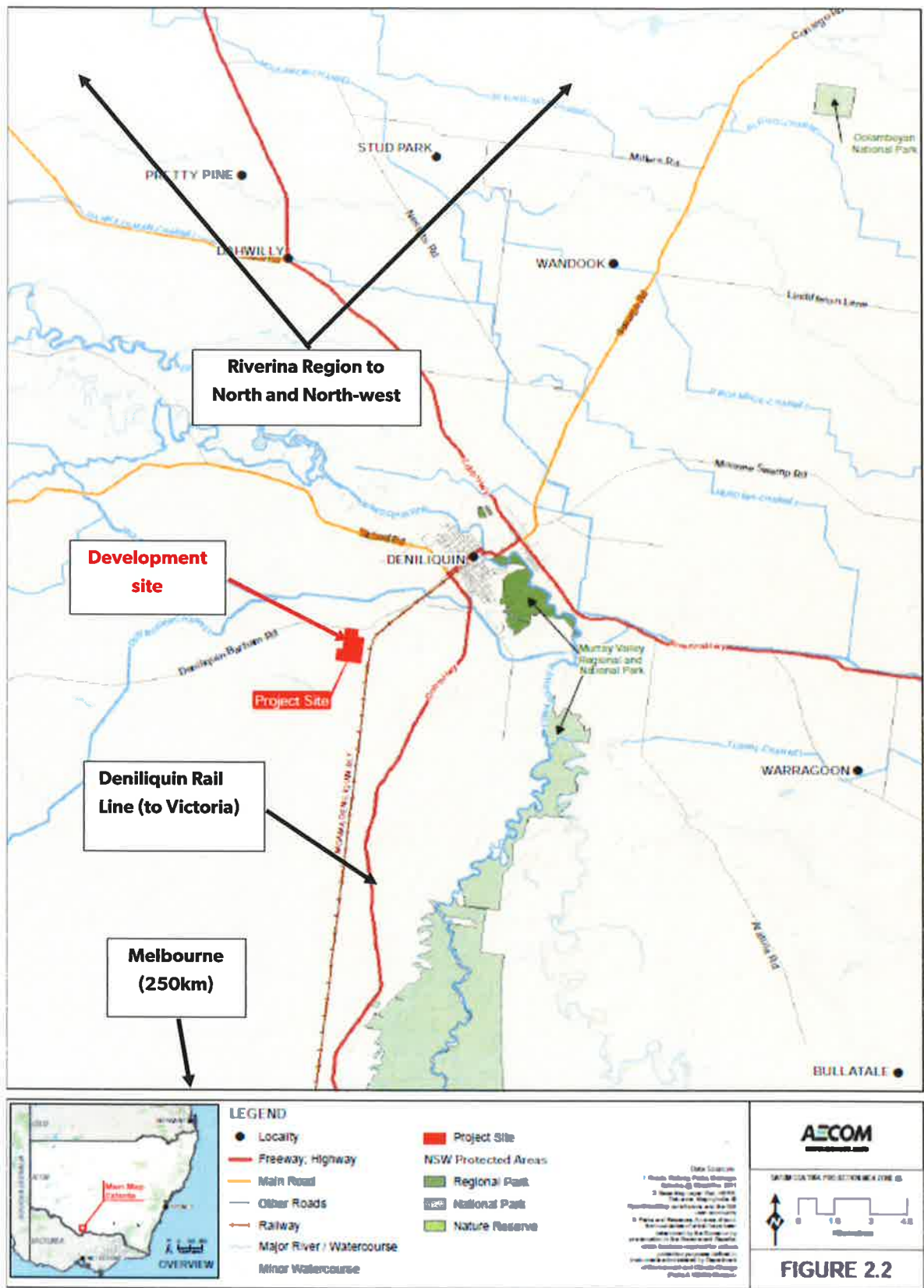


Figure 1 | Site Location



2. Proposed Modification

The Applicant has lodged a modification application under section 4.55(1) of the EP&A Act to modify the name of the Applicant on the development consent. The modification is described in full in the modification application included in **Appendix A**.

The development consent identifies the Applicant as 'Dongmun Greentec Pty Ltd' in Schedule A of the consent and defines the Applicant as 'Dongmun Greentec Pty Ltd, or anyone else entitled to act on this consent'.

The modification involves deleting the words 'Dongmun Greentec Pty Ltd' in Schedule A of the consent and in the consent Definitions and replacing these words with 'Deniliquin Ethanol Plant Pty Ltd' in both instances. No conditions of consent are proposed to be modified.



3. Statutory Context

3.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as an administrative modification involving a misdescription of the Applicant name as the proposal relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the approved project would not change as a result of the proposed modification
- the modification is of a scale that warrants the use of section 4.55(1) of the EP&A Act
- the approved production rates of products would remain unchanged as a result of the proposed modification
- the modification would not increase the environmental impacts of the project as approved
- the development is substantially the same development as originally approved.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1) 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(1) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent Authority

Minister's delegate as consent authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director Industry Assessments may determine the application as:

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

4. Engagement

4.1 Department's Engagement

The Department made the modification application available on its website. Given the minor nature of the modification application, the Department did not formally seek submissions on the application. The application was forwarded to Council for comment, however, Council did not make a submission. Notwithstanding, Council provided a letter of support to the modification which was submitted as part of the Applicant's modification application.

4.2 Summary of Submissions

No submissions were received.

4.3 Key Issues – Council

Council has no objection to the proposed modification.

5. Assessment

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

- modification application provided to support the proposed modification (see **Appendix A**)
- assessment report for the original development application and subsequent modification application(s)
- letter of support from Council (as landowner) (**Appendix C**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The modification is purely administrative to change the name of the Applicant on the consent. The modification has no environmental impacts.

The Department also notes the address of the site is incorrectly described as 'Deniliquin Barham Road', rather than 'Barham Road' in the description of the land in Schedule A and in Condition C8(e) in Schedule C of the consent. The modification therefore also seeks to correctly describe the land as being located on 'Barham Road'.

6. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed modification is appropriate on the basis that the proposed modification is administrative in nature involving a minor misdescription and will not result in any environmental impacts beyond the approved facility.

The Department is satisfied the modification should be approved.



7. Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application MOD 1 falls within the scope of section 4.55(1) the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **modify** the consent SSD 6281
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:

Sally Munk

Principal Planner

Industry Assessments



8. Determination

The recommendation is: **Adopted by:**

Chris Ritchie

Director

Industry Assessments

22/5/19.



Appendices

Appendix A – Modification Application

Appendix B – Notice of Modification

Appendix C – Letter of Support from Council

Appendix D – Consolidated Consent