



Ms Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

27 April 2018

Dear Ms McNally

**Determination of Modification Request
Shoalhaven Starches Ethanol Expansion Project (MP06_0228 MOD 14)**

Thank you for your Department's letter received on 20 April 2018 referring the above modification application (the application) to the Independent Planning Commission (the Commission), for determination under Ministerial delegation of 14 September 2011. Professor Mary O'Kane, Chair of the Commission nominated me, Ms Abigail Goldberg, to constitute the Commission to determine the application.

The Commission notes the amendments to the *Environmental Planning and Assessment Act* entered into force on 1 March 2018, before the completion of this report. However, this does not affect the determination of the modification application.

Shoalhaven Starches Pty Ltd (the proponent) seeks to incorporate the former Shoalhaven Paper Mill into the Shoalhaven Starches Ethanol Expansion Project (the SSEEP) to address current storage shortages and reduce congestion of finished products, engineering plant, construction materials and shipping containers. The application also proposes to construct a pergola extension on the Paper Mill's main administration building, and a dough mixer building within the starch plant on the factory site.

I have considered carefully the Department of Planning and Environment's (the Department) environmental assessment report, all of the information provided by the proponent, public submissions and information provided by government agencies and section 75W of the *Environmental Planning and Assessment Act 1979*.

I note that one public submission was received during the notification period. The submission raised concerns that the development would increase truck movements on Cambewarra Road and Meroo Street, resulting in noise impacts during night-time periods, and requiring continual road repairs. The submission also raised concerns in relation to impacts to air quality from the use of nut coal and the need for the proponent to address odour and dust emissions in consultation with residents.

I note that the proponent has responded to this submission, and that the concerns raised are outside the scope of this modification as they pertain to the overall impacts of the SSEEP. Nevertheless, I note that in relation to noise, the Department has recommended to limit the use of the Paper Mill site to day time hours only and to meet existing noise limits at residential receivers. I am satisfied with this outcome.

I note that no government agencies have objected to the modification but have provided recommendations to the proposed modification conditions. These recommendations have been incorporated into the modification instrument.

I am satisfied with the Department's assessment of the remaining issues and recommendations in relation to noise, flooding, traffic, access and parking, riverbank stability, visual amenity and impacts, air quality, hazardous materials, and operating conditions of the Paper Mill; and agree that these can be managed through the existing and recommended conditions. These matters are not elaborated on in this letter.

I consider the proposed modifications to the SSEEPP do not fundamentally change the essential nature of the development in its currently approved form. The proposed modifications, if undertaken in accordance with the modified conditions, would have minimal impacts beyond the approved facility as there would be no increase above the approved production levels. In my view, the proposed changes are within the scope of section 75W and may be considered under section 75W.

For the reasons set out above, I have determined to approve the modification request, subject to the conditions set out in the instrument of modification.

A handwritten signature in black ink, appearing to read 'Abigail Goldberg', with a stylized, cursive script.

Abigail Goldberg
Member of the Commission (Chair)

cc. The Hon. Anthony Roberts, MP
Minister for Planning
GPO Box 5341
SYDNEY NSW 2001