

# Notice of Modification

## Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, we the Planning Assessment Commission of New South Wales (the Commission) hereby approve the modification of the project application referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



**Garry West**  
**Member of the Commission**

Sydney

25 March 2014

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### SCHEDULE 1

Application Number:	MP 06_0228
Proponent:	Shoalhaven Starches Pty Ltd
Approval authority:	Minister for Planning and Infrastructure
Project:	Shoalhaven Starches Expansion Project
Date of original approval:	29 January 2009
Modification:	MP 06_0228 MOD 4 – Modification to the footprint, design and location of Dried Distillers Grain Pelletising Plant

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This approval is modified by:

1. Deleting the definition of 'OEH' in the definitions list.
2. Inserting a new definition of 'EPA' in alphabetical order in the definitions list as follows:  

EPA            Environment Protection Authority
3. Replacing all references throughout the approval to 'OEH' with 'EPA'.
4. Replacing the definition of 'Project' in alphabetical order in the definitions list as follows:  

Project    The development described in the EA, which includes the continued implementation of all existing and approved development on site, as modified by MP 06\_0228 MOD 1, MP 06\_0228 MOD 2, MP 06\_0228 MOD 3 and MP 06\_0228 MOD 4.
5. Replacing Condition 2 after Condition 1 in Schedule 2 with the following:

#### Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
  - a) EA and associated site plans (see Appendix 2);
  - b) amended modification proposal MP 06\_0228 MOD 1 prepared by ME Engineering Pty Ltd and dated 21 December 2010;
  - c) modification proposal MP 06\_0228 MOD 2, accompanying Environmental Assessment dated January 2012 and response to submissions report dated 4 May 2012, prepared by Cowman Stoddart Pty Ltd, accompanying plans (see Appendices 2A and 2B) and supplementary odour report dated 30 July 2012, prepared by PAE Holmes Pty Ltd;
  - d) modification proposal MP 06\_0228 MOD 3, accompanying Environmental Assessment dated May 2012, response to submissions report dated 20 July 2012 and further response to submissions report dated 24 August 2012, prepared by Cowman Stoddart Pty Ltd and accompanying plans (see Appendix 2C);

- e) modification proposal MP 06\_0228 MOD 4, accompanying Environmental Assessment and accompanying plans (see Appendix 2D) dated February 2014, prepared by Cowman Stoddart Pty Ltd;
- f) statement of commitments; and
- g) conditions of this approval.

6. Inserting a new Condition 3C after Condition 3B in Schedule 3 with the following:

- 3C. Prior to the commencement of construction of the DDG pelletising plant as described in the modification application MP 06\_0228 MOD 4, the Proponent shall engage a suitably qualified and experienced expert to demonstrate to the satisfaction of the Director General and the EPA that the existing bio-filters can accommodate the additional odour load of the DDG pelletising plant while maintaining acceptable treatment performance.

In the event that it is found that the bio-filters cannot maintain an acceptable odour treatment performance, the Proponent shall comply with any direction/s from the Director-General in consultation with the EPA to install additional odour treatment controls or modify the existing odour treatment controls at the facility.

7. Inserting a new Condition 37B after Condition 37A in Schedule 3 with the following:

**Pre-construction Studies for MP 06\_0228 MOD 4**

- 37B. At least one month prior to the commencement of construction of MP 06\_0228 MOD 4 (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Director-General may agree, the Proponent shall prepare and submit for the approval of the Director-General the studies set out under subsections (a) to (d). Construction of MP 06\_0228 MOD 4 shall not commence until approval has been given by Director-General:
- a) a Construction Safety Study prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No.7 - Construction Safety Guidelines*, for MP 06\_0228 MOD 4.;
  - b) an updated Preliminary Hazards Analysis (PHA) for the project as modified by MP 06\_0228 MOD 4 prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No.6 – Guidelines for Hazard Analysis*. The PHA shall undertake an assessment of the potential risks arising from MP 06\_0228 MOD 4;
  - c) an updated Fire Safety Study for the project as modified by MP 06\_0228 MOD 4 prepared in accordance with the Department's Hazardous Industry Planning Advisory Paper No.2 - Fire Safety Study Guidelines and the New South Wales Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems. The Fire Safety Study shall also be prepared and implemented to the satisfaction of the NSW Fire Brigade; and
  - d) a Hazard and Operability Study for MP 06\_0228 MOD 4 prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 8 - HAZOP Guidelines*, chaired by an independent qualified person approved by the Director-General. This study shall include a program for the implementation of all recommendations made during the study; and if the Proponent intends to defer the implementation of certain recommendations, then justification shall be provided for the proposed deferral.

8. Deleting Condition 39 after Condition 38 in Schedule 3 and inserting the words 'Deleted'.

9. Replacing Condition 39B after Condition 39A in Schedule 3 with the following:

**Pre-commissioning Studies for MP 06\_0228 MOD 4**

- 39B. The Proponent shall develop and implement the plans and systems set out under subsections (a) to (c). No later than two months prior to the commencement of commissioning of the proposed development, or within such further period as Director-General may agree, the Proponent shall submit for the approval of the Director-General documentation describing those plans and systems. Commissioning of MP 06\_0228 MOD 4 shall not commence until approval has been given by the Director-General:
- a) an updated Emergency Plan for the project as modified by MP 06\_0228 MOD 4 prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1- Industry Emergency Planning Guidelines*;
  - b) an updated Safety Management System for the project as modified by MP 06\_0228 MOD 4 prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No.9 - Safety Management*, and specifies all safety-related procedures, responsibilities and policies, along with mechanisms for ensuring adherence to these procedures; and
  - c) an updated Final Hazards Analysis (FHA) for the project as modified by MP 06\_0228 MOD 4 prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis*.

10. Inserting a new Condition 39C after Condition 39B in Schedule 3 with the following:

**Hazard Audit**

- 39C. Twelve months after the commencement of operations of MP 06\_0228 MOD 4 and every three years thereafter, or at such intervals as the Director-General may agree, the Proponent shall carry out a comprehensive Hazard Audit of the project as modified and the site, and within one month of each audit submit a report to the Director-General.

The audits shall be carried out at the Proponent's expense by a qualified person or team, independent of the project, prior to commencement of each audit and shall be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 5 - Hazard Audit Guidelines*.

11. Inserting a new Appendix 2D after Appendix 2C as follows:

[illegible]



