

Notice of Modification

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

As delegate of the Minister for Planning 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.

Member of the Commission

Member of the Commission

Sydney

2015

SCHEDULE 1

Application Number:	MP 06_0228
Proponent:	Shoalhaven Starches Pty Ltd
Approval authority:	Minister for Planning
Project:	Shoalhaven Starches Expansion Project
Date of original approval:	29 January 2009
Modification:	MP 06_0228 MOD 5 – Modification to the design, footprint and odour controls on the Dried Distillers Grain Pelletising Plant

This approval is modified by:

1. Deleting the definition of 'Director-General' in the definitions list.
2. Inserting the following new definitions in alphabetical order in the definitions list as follows:

CEMP	Construction Environmental Management Plan
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this approval
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
NOW	Department of Primary Industries – NSW Office of Water
Secretary	Secretary of the Department (or nominee)

3. Replacing all references throughout the approval to 'Director-General' with 'Secretary'.
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, MP 06_0228 MOD 4 and MP 06_0228 MOD 5
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5. Amending the definition of 'Minister' in the definitions list as follows:

Minister	Minister for Planning (or delegate)
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6. Replacing Condition 2 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) modification proposal MP 06_0228 MOD 5, accompanying Environmental Assessment and accompanying plans dated June 2015, prepared by Cowman Stoddart Pty Ltd (see Appendix 2E);
 - g) statement of commitments; and
 - h) conditions of this approval.
7. Inserting new Condition 8B after Condition 8A in Schedule 2 as follows:

Structural Adequacy of Early Works (MP 06_0228 MOD 5)

- 8B. Within three (3) months of the date of approval of MP 06_0228 MOD 5, the Proponent shall:
- a) obtain and provide copies to the Secretary of all necessary building certificate(s) from Council for any structures proposed as part of MP 06_0228 MOD 5 that have been constructed or partially constructed prior to the approval of MP 06_0228 MOD 5; and
 - b) ensure that all new structures, and any alterations or additions to existing structures, are constructed in accordance with the relevant requirements of the Building Code of Australia.
8. Deleting Condition 3C in Schedule 3 and inserting the words '*Deleted*':

3C. *Deleted.*

9. Inserting a new Condition 6B after Condition 6A in Schedule 3 as follows:

- 6B. The Proponent shall construct, commission and operate the DDG exhaust stack in accordance with the following specifications:
- a) 49.2 metres in height;
 - b) 1.5 metres in diameter;
 - c) discharge air temperature of 60 degrees Celsius; and
 - d) exit velocity of 12 metres per second.

Note: Conditions c) and d) apply unless otherwise prescribed in an EPL for the project.

10. Inserting a new Condition 6C after Condition 6B in Schedule 3 as follows:

- 6C. The Proponent shall conduct quarterly odour monitoring from the DDG exhaust stack and report the results in the independent odour audit required under Condition 5 of Schedule 3.

If the results of monitoring show any odour impact greater than that predicted by the odour dispersion modelling in the EA for MP 06_0228 MOD 5, the Proponent shall investigate and implement further odour treatment options as directed by the Secretary or the EPA.

11. Replacing Condition 12 in Schedule 2 with the following:

Staged Submission of Plans or Programs

- 12A. With the approval of the Secretary, the Proponent may:
- a) submit any strategy, plan or program required by this approval on a progressive basis; and/or
 - b) combine any strategy, plan or program required by this approval.

- 12B. Until they are replaced by an equivalent strategy, plan or program approved under this approval, the Proponent shall continue to implement existing strategies, plans or programs for operations on site that have been approved by previous consents or approvals.

Note:

- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages and the trigger for updating the strategy, plan or program.*
- *There must be a clear relationship between the strategy, plan or program that are to be combined.*

12. Inserting new Condition 14 after Condition 13 in Schedule 2 as follows:

Compliance

14. In the event of a dispute between the Proponent and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Project, either party may refer the matter to the Secretary for resolution. The Secretary's determination of any such dispute shall be final and binding on the parties.

13. Replacing Condition 39B in Schedule 3 with the following:

Pre-commissioning Studies for MP 06_0228 MOD 5

- 39B. The Proponent shall develop and implement the plans and systems set out under subsections a) to c). No later than one month prior to the commencement of commissioning of MP 06_0228 MOD 5, or within such further period as the Secretary may agree, the Proponent shall submit for the approval of the Secretary documentation describing those plans and systems. Commissioning of MP 06_0228 MOD 5 shall not commence until approval has been given by the Secretary:
- a) an updated Emergency Plan for the project as modified by MP 06_0228 MOD 5 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 5 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 5 prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis*. The FHA shall undertake an assessment of the potential risks arising from MP 06_0228 MOD 5. It should verify the potential risk imposed by the addition of process equipment and evaluate the risk arising from deviations from the MOD 4 design.

14. Replacing Condition 39C in Schedule 3 with the following:

Hazard Audit

- 39C. Twelve months after the commencement of operations of MP 06_0228 MOD 5 and every three years thereafter, or at such intervals as the Secretary 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 Secretary.

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.

15. Inserting a new Condition 46 after Condition 45 in Schedule 3 as follows:

46. Prior to operation of the pelletising plant described in MP 06_0228 MOD 4 and as modified by MP 06_0228 MOD 5, the Proponent shall provide evidence to the satisfaction of the Secretary demonstrating that the Landscape Plan/s in Appendix 2B have been fully implemented.

16. Inserting a new Condition 47 after Condition 46 in Schedule 3 as follows:

47. Where possible the Proponent shall utilise building materials that will minimise the potential visibility of the Project (i.e. use of non-reflective materials).

17. Inserting a new Condition 48 after Condition 47 in Schedule 3 as follows:

Tall Structures

47. One month following the completion of construction of the DDG exhaust stack described in MP 06_0228 MOD 5, the Proponent shall provide as-constructed details to Airservices Australia.

18. Replacing Condition 2 in Schedule 4 with new Conditions 2A and 2B as follows:

- 2A. The Proponent shall notify the Secretary and any other relevant agencies of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment associated with the facility immediately after the Proponent becomes aware of the incident.
- 2B. Within 7 days of the date of this incident, the Proponent shall provide the Secretary and any relevant agencies with a detailed report on the incident.

19. Replacing Condition 3 in Schedule 4 with the following:

3. By the end of October each year, or other timing as may be agreed by the Secretary, the Proponent shall review the environmental performance of the Project to the satisfaction of the Secretary. This review must:
- a) be submitted to the Secretary by the end of October each year;
 - b) describe the development that was carried out over the previous 12 month period, and the development that is proposed to be carried out over the next year;
 - c) include a summary of monthly production levels over the year;
 - d) include a comprehensive review of the monitoring results and complaints records of the Project over the previous year, which includes a comparison of these results against the
 - (i) the relevant statutory requirements, limits or performance measures/criteria;
 - (ii) requirements of any plan or program required under this approval;
 - (iii) the monitoring results of previous years; and
 - (iv) the relevant predictions in the EA;
 - e) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
 - f) identify any trends in the monitoring data over the life of the Project;
 - g) identify any discrepancies between the predicted and actual impacts of the Project, and analyse the potential cause of any significant discrepancies; and
 - h) describe what measures will be implemented over the next year to improve the environmental performance of the Project.

20. Replacing Condition 5A in Schedule 4 with the following:

- 5A. Within 3 months of the submission of an:
- a) annual review under condition 3;
 - b) incident report under condition 2;
 - c) audit under condition 4; or
 - d) any modification to the conditions of this approval,

the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Secretary.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the Project.

21. Replacing Condition 6 in Schedule 4 with the following:

6. The Proponent shall:
- a) make copies of the following publicly available on its website:
 - (i) the documents referred to in Condition 2 in Schedule 2;
 - (ii) all current statutory approvals for the Project;
 - (iii) all approved strategies, plans and programs required under the conditions of this approval;
 - (iv) a comprehensive summary of the monitoring results of the Project, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs;
 - (v) a complaints register, updated on an annual basis;
 - (vi) minutes of community meetings;
 - (vii) the annual reviews of the Project;

- (viii) any independent environmental audit of the Project, and the Proponent's response to the recommendations in any audit;
 - (ix) any other matter required by the Secretary; and
- b) keep this information up to date,

Note: This condition does not require any confidential information to be made available to the public.

22. Inserting a new Appendix 2E after Appendix 2D as follows:

APPENDIX 2E – SITE PLANS AND ELEVATIONS (MP 06_0228 MOD 5)

Drw.MN236-108C



MANILDRA-5653	
1.	12/01/15,P.C.
A-27-01-15	Approved and proposed separated.
B-28-01-15	Scale increased.
C-30-01-15	Notes amended, grain silos added.



PROPOSED DDG
PELLET PLANT
EXHAUST STACK.

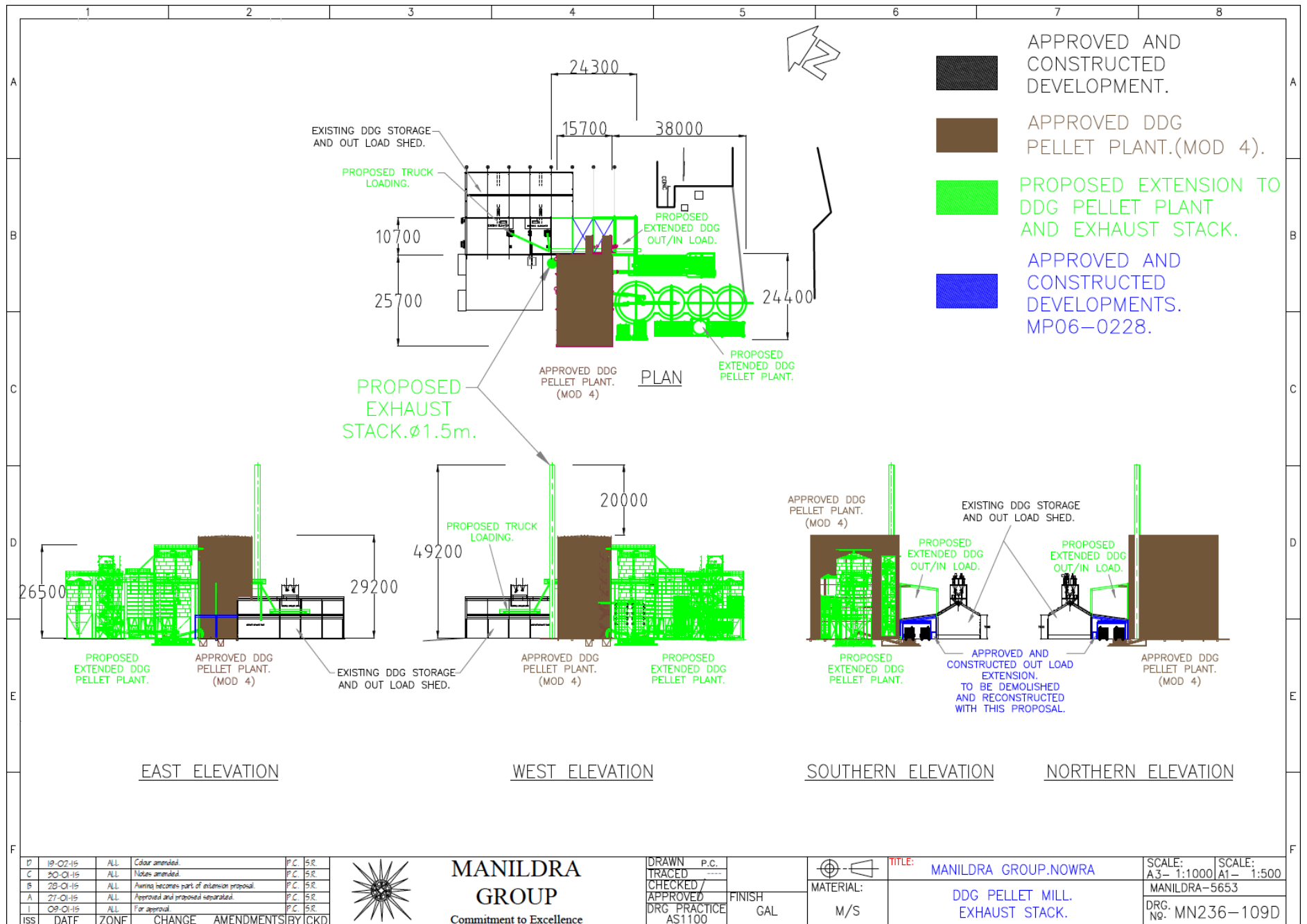
AREA ASSOCIATED
WITH THIS
MODIFICATION
PROPOSAL.

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SCALE 1:400 (A3)





D	19-02-15	ALL	Colour amended.	P.C.	SR
C	20-01-15	ALL	Notes amended.	P.C.	SR
B	28-01-15	ALL	Avining becomes part of extension proposal.	P.C.	SR
A	27-01-15	ALL	Approved and proposed separated.	P.C.	SR
I	09-01-15	ALL	For approval.	P.C.	SR
ISS	DATE	ZONE	CHANGE	AMENDMENTS	BY CKD



**MANILDRA
GROUP**
Commitment to Excellence

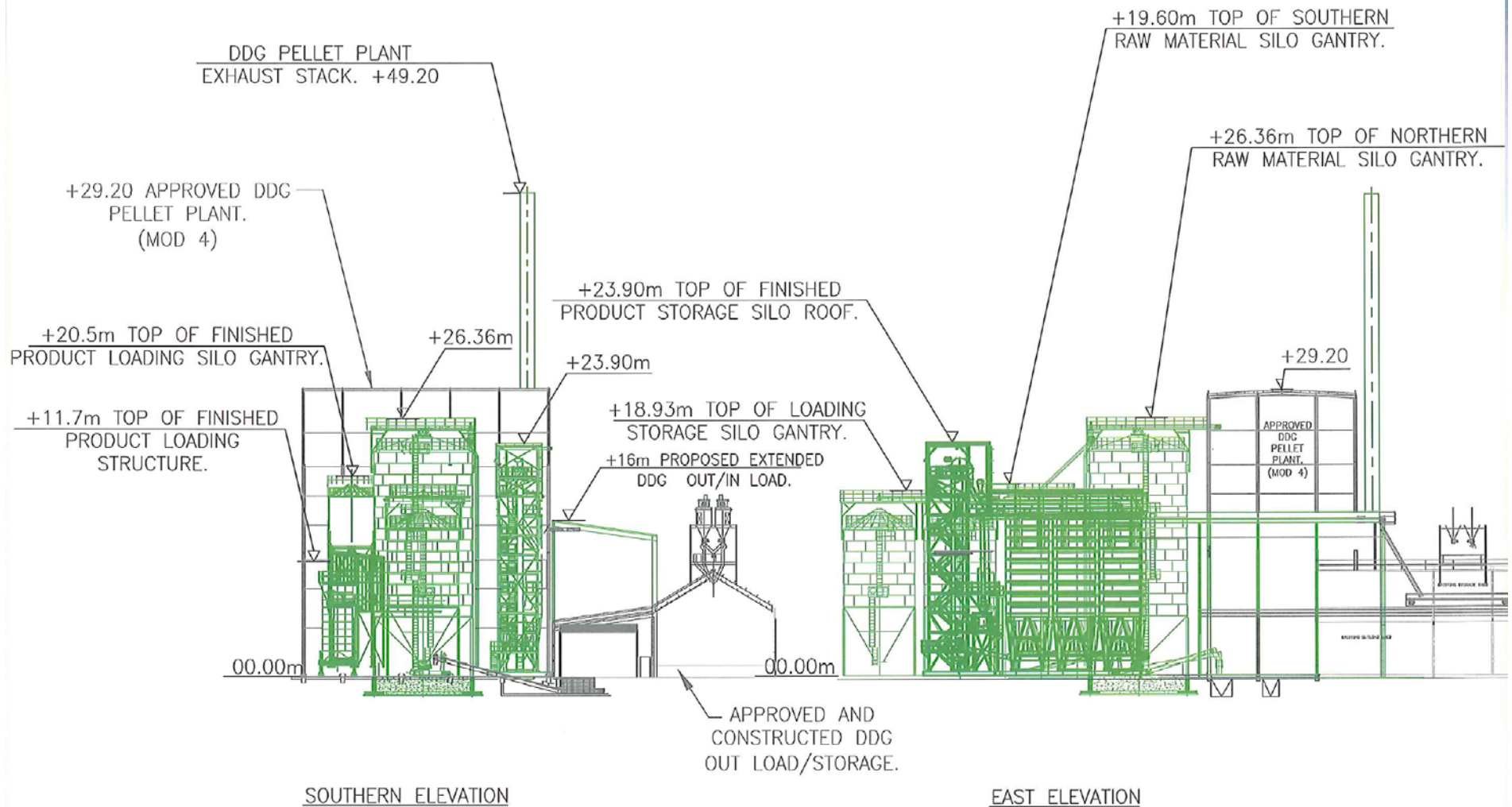
DRAWN P.C.
TRACED
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DRG PRACTICE
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FINISH
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MATERIAL:
M/S

TITLE: **MANILDRA GROUP.NOWRA**
**DDG PELLET MILL.
EXHAUST STACK.**

SCALE: A3- 1:1000 A1- 1:500
MANILDRA-5653
DRG. No. MN236-109D



0 50 m 100 m
SCALE 1:400 (A3)

PROPOSED MODIFICATION TO
PELLET PLANT.(MOD 5).
ELEVATIONS.