

Notice of Modification

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

As delegate of the Minister for Planning under delegation dated 16 February 2015, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin
Acting Director
Regional Assessments

Sydney 11 NOVEMBER 2015

SCHEDULE 1

Development Approval: MP 07_0146 granted by the then Minister for Planning on 4 November 2008

For the following: Integrated Oilseed Processing Plant

Applicant: Riverina Oils and Bioenergy Pty Ltd

Consent Authority: Minister for Planning

The Land: 177 Trahairs Road, Bomen, NSW (Lot 12 DP 1130519)

Modification: MP 07_0146 MOD 2: the modification includes increasing the capacity and production rate of the existing facility.

DEFINITIONS

- (a) Delete the definitions for "Director-General", "Department" and "OEH" and insert in alphabetical order the following:

Department	<u>Department of Planning and Environment</u>
Director-General	<u>Secretary</u>
OEH	<u>EPA</u>

- (b) Insert the definition for **VOC in alphabetical order:**

<u>VOC</u>	<u>Volatile Organic Compounds</u>
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SCHEDULE 2

The above approval is modified as follows:

- (c) Delete all references to "**Director-General**" and replace with "**Secretary**"
- (d) Delete all references to "**OEH**" and replace with "**EPA**"
- (e) Schedule 2 – Condition 2 is amended by the insertion of the **bold and underlined** words / numbers as follows:
 - 2. The Project shall carry out the project generally in accordance with the:
 - (a) EA;
 - (b) Revised site plans (see Appendix A);
 - (c) Response to Submissions;
 - (d) Revised Statement of Commitments (Appendix B);
 - (e) Modification Application 07_0146 MOD 1 and supporting documentation titled *Riverina Oils and Bioenergy, Integrated Oilseed Processing Plant*, Environmental Assessment, August 2010, prepared by Lennon Salvestro Planning, and 299 Trahairs Road, Wagga Wagga, Response to Submissions – 07_0146 Mod 1, Integrated Oilseed Processing Plant, January 2011, prepared by RPS
 - (f) **Modification Application 07_0146 MOD 2 and supporting documentation titled *Riverina Oils and BioEnergy, Section 75W Modification Environmental Assessment***;
 - (g) conditions of this approval.
- (f) Schedule 2 – Condition 6 is amended as follows:
 - 6. The Proponent shall not process more than ~~165,000~~ **200,000** tonnes per year of oil seed, and shall not produce more than ~~90,000~~ **116,000** tonnes per year of vegetable protein meal and ~~66,000~~ **81,500** tonnes per year of refined vegetable oil.
- (g) Schedule 2 – Insert new Condition 15 as follows:
 - 15. **Prior to the commencement of the modified operations (under MP 07_0146 MOD 2) the Proponent shall pay a contribution of 1% of the additional cost of carrying out the modified development in accordance with the *City of Wagga Wagga Section 94A Levy Contributions Plan 2006*.**

Notes: This contribution is subject to indexation to reflect quarterly variations in the Consumer Price Index All Group Index Number for Sydney, as published by the Australian Bureau of Statistics.
- (h) Schedule 3 – Condition 27 is amended as follows:
 - 27. After the commencement of **the modified** operations **under MP 07_0146 MOD 2** during a period of normal operating conditions, the proponent shall undertake a noise compliance validation assessment. The noise compliance validation assessment shall identify whether the project is complying with the project noise limits specified in Condition ~~28~~ **24**.
- (i) Schedule 3 – Condition 28 is amended as follows:
 - 28 The Proponent shall prepare a Noise Compliance Validation Report outlining the findings of the noise compliance validation assessment. The Report shall be prepared by a suitably qualified expert and be submitted to the ~~OEH~~ **EPA** and the

~~Director-General~~ **Secretary** for approval within three months of the commencement of **the modified operations under MP 07_0146 MOD 2**. The Report shall include:

- (a) monitored noise levels, compared against project noise limits specified in Condition 24.
- (b) additional measures that would be implemented to ensure compliance, if non-compliances are detected;
- (c) details of how the effectiveness of these measures would be measured and reported to the Secretary; and
- (d) details of any noise related complaints and action taken to respond to these complaints.

(j) Schedule 3 –Condition 32 and 32a is amended as follows:

- 32 ~~The Proponent shall undertake an odour audit of the facility during operation, to demonstrate compliance with Section 129 of the *Protection of the Environment Operations Act 1997*, to the satisfaction of the OEH.~~

When directed by the EPA, the Proponent shall commission a comprehensive odour audit of the fully operational facility to confirm compliance with Section 129 of the *Protection of the Environment Operations Act 1997*.

The comprehensive odour audit must be prepared by a recognised odour control specialist to quantify the odour abatement efficiency of the odour controls and the odour emission rate of the discharge to atmosphere, and confirm compliance with odour assessment specifications and assumptions.

The recognised odour control specialist must also conduct a review of Project operations against each of the mitigation measures and management practices described in the Odour Management Plan and the documents submitted in support of the project, as modified.

The scope and timing of the odour control specialist's audit report and review shall be to the satisfaction of the EPA.

- 32a. In the event that the odour audit referred to in Condition 32 above identifies an exceedance, the Proponent shall outline the measures to remediate the issue and prevent future incidents occurring. ~~These measures shall be determined in consultation with OEH, and The measures to be implemented and the timing of their implementation shall be to the satisfaction of the~~ **EPA** ~~Director-General~~.

(k) Schedule 3 –Condition 38 and 39 are amended as follows:

- 38 After the commencement of **the modified** operations under **MP 07_0146 MOD 2**, the Proponent shall undertake source emission validation monitoring to demonstrate compliance with:

- a) air emission predictions in the EA **submitted in support of Modification Application 07_0146 MOD 2** and;
- b) **the air concentration limits specified in the EPL** ~~compliance with the *Protection of the Environment Operations (Clean Air) Amendment (Industrial and Commercial Activities and Plant) Regulation 2005.*~~

- 39 The proponent shall prepare an Emission Validation Monitoring Report outlining the findings of the source emission validation monitoring. The Report shall be prepared by a suitably qualified expert and be submitted to the ~~OEH~~ **EPA** and the ~~Director-General~~ **Secretary** for approval within three months of the commencement of **the modified** operations. The Report shall include:

- a) levels of emissions measured, compared against air emission predictions in the EA **submitted in support of Modification Application 07 0146 MOD 2 and the air concentration limits specified in the EPL** ; and ~~with the Protection of the Environment Operations (Clean Air) Amendment (Industrial and Commercial Activities and Plant) Regulation 2005; and~~
- b) any additional measures that would be implemented to comply with the **air concentration limits specified in the EPL** ~~requirements in conditions 37 and 41.~~

(l) Schedule 3 –Condition 42 is amended as follows:

- 42. At least two months prior to commissioning **of the modified operations under MP 07 0146 MOD 2**, the Proponent shall prepare and submit the following pre-commissioning studies for the approval of the Secretary:
 - a) an **updated** Emergency Plan detailing emergency procedures for the **modified** project, including detailed procedures for the safety of people outside of the project who may be at risk from the project. The **updated** Emergency Plan must be prepared **in** accordance with the Department's Hazardous Industry Planning Advisory Paper No. 1 'Industry Emergency Planning Guidelines'; and
 - b) an **updated** Safety Management System covering all on-site operations and associated transport activities involving hazardous materials. The **updated** Safety Management System must be prepared in accordance with the Department's Hazardous Industry Planning Advisory Paper No.9 'Safety Management' and must specify all safety related procedures, responsibilities and policies, along with mechanisms for ensuring adherence to the procedures. Records shall be kept on-site and be available for inspection by the **Secretary** ~~Director General~~ upon request.

End of Modification