

Modification of Minister's Approval

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

As delegate for the Minister for Planning under delegation executed on 14 September 2011, the Planning Assessment Commission of NSW (the Commission) modifies the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Member of the Commission

Sydney

Monday 14 March 2016

SCHEDULE 1

Project Approval:	MP 08_0255 granted by the Minister for Planning on 11 January 2012
For the following:	Elf Substrate Plant and Elf Mushroom Farm Project
On land comprising:	Substrate Plant Site Lot 14 DP 1138749 and part Lot 13 DP 1138749 108 Mulgrave Road, Mulgrave Mushroom Farm Site Land Lot 138 DP 752037, 521 The Northern Road, Londonderry
Modification Number:	MP 08_0255 MOD 1
Modification:	The modification relates to the Substrate Plant site only and includes: <ul style="list-style-type: none">• a new odour management system in the form of a biofilter and six ammonia scrubbers;• an additional 6 phase 2/3 tunnels; and• the continued use of fill associated with the biofilter pad.

SCHEDULE 2

This approval is modified as follows:

In the definitions table:

1. Deleting the definition for Department, Director-General, EPA, Minister and Project and inserting the following definitions in alphabetical order:

Department	Department of Planning and Environment or its successors in title
EPA	Environment Protection Authority
Minister	Minister for Planning
Secretary	Secretary of the Department of Planning and Environment, or nominee
Project	development described in the EA as modified by MOD 1

2. Inserting the following definitions in alphabetical order:

MOD 1 The modification as described in the Environmental Assessment, titled *Mushroom Substrate Plant Modification to Approved Project Environmental Assessment* dated February 2015, prepared by Perram and Partners, the letter Response to Submissions titled *Mushroom Substrate Plant, Mulgrave Application to Modify Project Approval and Concept Plan Approval (08_0255 MOD 1)*, dated 29 August 2015, prepared by Perram and Partners and the *Assessment of Biofilter Filling* dated 17 December 2015, including the letter by WMA Water dated 21 January 2016, prepared by Perram and Partners

Noise Wall As described in the EA

Odour emissions plant Ammonia scrubbers and biofilter as described in MOD 1

In Schedules 2, 3 and 4:

3. Deleting all instances of the word Director-General and replacing with the word Secretary.
4. Deleting all instances of the word OEH and replacing with the word EPA except in Conditions 20 and 21 of Schedule 4.
5. Deleting Condition 2(d) of Schedule 2 and replacing with a new Condition 2(d):

2(d) MOD 1.

6. Replacing Condition 7(2)b) of Schedule 2 with the following new Condition 7(2)b):

7(2)b) an independent audit of the site operating in this range has been prepared and submitted in accordance with Condition 5(c) of Schedule 3.

Production of up to 2,400 tonnes of phase 1 substrate a week may not occur until the Proponent has received the written approval of the Secretary.

7. Replacing Condition 7(3)b) of Schedule 2 with the following new Condition 7(3)b):

7(3)b) an independent audit of the site operating in this range has been prepared and submitted in accordance with Condition 5(c) of Schedule 3.

Production of up to a maximum of 3,200 tonnes of phase 1 substrate a week may not occur until the Proponent has received the written approval of the Secretary.

8. Inserting the following new Condition 7(4)d) after Condition 7(4)c) of Schedule 2:

7(4)d) consider EPA advice regarding compliance with the POEO Act.
9. Inserting the following new Condition 7A after Condition 7 of Schedule 2:

7A Unless otherwise agreed in writing by the Secretary, the Proponent shall ensure that the work associated with MOD 1, with the exception of the additional Phase 2/3 tunnels and the pre-wet tunnels to be constructed as part of Stage 3 (as identified on the plan in Appendix 2), has been constructed and is operating within two years from the date of the approval of MOD 1.
10. Inserting the following new Condition 7B after Condition 7A of Schedule 2:

7B Nothing in this approval permits the construction of the landscaped mound along the Substrate Plant site's western boundary identified in the letter from WMA Water dated 21 January 2016.
11. Inserting the following new Condition 11A after Condition 11 of Schedule 2:

11A The Proponent shall ensure that any structures which require a relevant alternative solution developed to meet the performance requirements of the BCA shall be designed in consultation with Fire and Rescue NSW.
12. Inserting the following new Condition 1A after Condition 1 of Schedule 3:

1A The Proponent shall update the CEMP required by Condition 1 of Schedule 3 to include the works associated with MOD 1. The updated plan shall be submitted to and approved by the Secretary prior to the commencement of any construction works associated with MOD 1.

The revised CEMP shall be implemented throughout the construction works.
13. Deletion of Condition 3 of Schedule 3.
14. Inserting the following new Condition 3 after Condition 2 of Schedule 3:

Odour Emissions Plant Design and Construction

- 3 Prior to the commencement of construction of the works associated with MOD 1, the Proponent shall commission and pay the full cost of an independent odour specialist to review the detailed design of the odour emissions plant and assess its capacity to meet the performance criteria within the Environmental Assessment for MOD 1. The review shall:
 - (a) be provided to the Secretary and the EPA within two weeks of finalisation of the review; and
 - (b) be endorsed by the Secretary in consultation with the EPA prior to the commencement of construction of the works associated with MOD 1.

Should the review not certify that the odour emissions plant has the capacity to meet the performance criteria within the Environmental Assessment for MOD 1, then the Proponent shall undertake additional design to meet the criteria, to the satisfaction of the Secretary within the timeframe specified by the Secretary. The additional design is to be endorsed by the independent odour specialist.

15. Inserting the following new Condition 3A after condition 3 of Schedule 3:
- 3A The Proponent shall construct the odour emissions plant in accordance with the final design endorsed by the independent odour specialist required by Condition 3.
16. Insert the following new condition 3B after condition 3A Schedule 3:
- 3B Prior to the commencement of operation of the odour emissions plant, the Proponent shall commission and pay the full cost of an independent odour specialist to certify that the 'as constructed' odour emissions plant has been undertaken in accordance with the final detailed design with reference to the Environmental Assessment for MOD 1 and the outcomes of Condition 3 of Schedule 3.
- A copy of the certification is to be provided to the Secretary and the EPA within one week of its finalisation.
17. Inserting the following new Condition 3C after Condition 3B of Schedule 3:
- 3C The Proponent shall implement all reasonable and feasible measures to ensure that all new structures are constructed to prevent corrosion from the atmosphere contained within those structures.
18. Inserting the following new Conditions 4A and 4B after Condition 4 of Schedule 3:
- 4A The Proponent shall update the Odour Management Plan for the Substrate Plant site, in consultation with the EPA, to the satisfaction of the Secretary. This plan is to update the plan approved under Condition 4 of Schedule 3 and shall:
- (a) be prepared a suitably independent, qualified and experienced expert whose appointment has been endorsed by the Secretary;
 - (b) be submitted to the Secretary for approval within one month of the date of endorsement by the Secretary of the odour emissions plant design as required under Condition 3(a) of the approval;
 - (c) identify of all major sources of odour;
 - (d) include management measures to ensure no offensive odours from the Substrate Plant site;
 - (e) include procedures for the monitoring of odour emissions, in accordance with the requirements of the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales* and any requirements of the EPA. The odour monitoring program shall include, but not be limited to:
 - i. results of the complaints handling system; and
 - ii. system and performance review for continuous improvement;
 - (f) include odour management performance parameters that are consistent with the manufacturers' performance guarantees provided for the biofilter and scrubbers;
 - (g) include measures to prevent and/or mitigate fugitive emissions;
 - (h) include triggers for remedial and contingency action; and
 - (i) include contingency measures in the event of failure of any component of the odour emissions plant and biofilter system or identification of fugitive emissions from the facility. Contingency measures shall include enclosing the West Water Recycle pit and treating the post 36 hour emissions from the Phase 2/3 building via the ammonium scrubbers and biofilter.
- 4B The approved updated Plan (as revised and approved by the Secretary from time to time), shall be implemented for the life of the Project as soon as written endorsement by the Secretary is received.

19. Replacing Condition 5 of Schedule 3 with the following:

Odour Emissions and Biofilter Control System Audit

- 5 The Proponent shall undertake an Odour Emissions and Biofilter Control System Audit to quantify the odour abatement efficiency of the odour emissions plant and assess the effectiveness of all other odour controls on the Substrate Plant site:
- (a) within six weeks of the commissioning of the biofilter;
 - (b) within six weeks of the decommissioning of the bioscrubber;
 - (c) prior to the commencement of each increase in production, in accordance with Conditions 7(2) and 7(3) of Schedule 2;
 - (d) and as directed by the Secretary;
 - (e) each audit required under (a) to (d) inclusive, shall:
 - i. be undertaken and prepared by a suitably qualified, experienced and independent expert whose appointment has been endorsed by the Secretary;
 - ii. be prepared in consultation with the EPA;
 - iii. report on the results of the source emissions sampling and analysis undertaken in accordance with the Odour Management Plan (required by Condition 4A of Schedule 3) or as otherwise agreed to in writing by the EPA;
 - iv. review the Proponent's production data (that are relevant to the audit) and complaints record;
 - v. review any complaints received during the relevant period;
 - vi. determine whether the Project is complying with condition 2 of Schedule 3; and, if necessary;
 - vii. recommend whether any additional management works and/or management practices are required to ensure no offensive odours from the Substrate Plant site.

20. Inserting the following new Condition 6A after condition 6 of Schedule 3:

- 6A Two months after the completion of the audits required under Conditions 5 (a) and 5(b) of Schedule 3, the Proponent shall submit to the satisfaction of the Secretary, a report verifying that any actions identified in the audit have been implemented.

21. Replacing Condition 11 of Schedule 3 with the following Condition 11:

- 11 The Proponent shall ensure that all dangerous goods and hazardous substances are stored and handled on the Substrate Plant site in accordance with the Dangerous Goods Code and *AS 1940-2004: The storage and handling of flammable and combustible liquids* and *AS 3780-2008 The Storage and Handling of Corrosive Substances*.

22. Inserting the following new Conditions 16A and 16B after Condition 16 of Schedule 3:

- 16A The Proponent shall ensure that the earthworks associated with the biofilter pad do not act as a source of sedimentation. The Proponent shall stabilise the area of fill associated with the biofilter within one week of the approval of MOD 1.
- 16B Prior to the commencement of construction of the biofilter, the Proponent shall submit to the Secretary, details demonstrating that the earthworks in the area of the biofilter have been:
- (a) undertaken in accordance with AS 3798; and
 - (b) compacted to 98% Standard dry density ratio (AS1289 E4.1).

23. Inserting the following Condition 17A after Condition 17 of Schedule 3:

- 17A The Proponent shall prepare an updated Water Management Plan for the Substrate Plant site required by Condition 17 of Schedule 3 to include the works associated with MOD 1. The plan shall be submitted to the Secretary for approval prior to the commencement of operation of MOD 1.

Operation of works associated with MOD 1 shall not commence until the Proponent has received written approval of the plan. The approved Plan shall be implemented for the life of the Project.

24. Inserting the following Condition 17B after Condition 17A of Schedule 3:

- 17B The Proponent shall ensure that the western dam at the Substrate Plant site (identified on the plan in Appendix 2 of this approval) does not receive process water.

Notes: The dam may receive water from direct rainfall, area runoff and groundwater and during times of emergency.

25. Inserting the following Condition 17C after Condition 17B of Schedule 3:

- 17C Notwithstanding Condition 17B of Schedule 3, in the event of an emergency such as a high rainfall event or plant breakdown, the Proponent may use the western dam. Notification of any emergency use of the dam shall be provided to the Secretary in writing within 7 days of the emergency.

26. Replacing Condition 19 of Schedule 3 with the following:

- 19 The Proponent shall ensure that the operational noise generated by the Substrate Plant site does not exceed the criteria in Table 2.

Table 2: Operational Noise impact assessment criteria dB(A)

Receiver/Location	Day /Evening L _{Aeq} (15 minute)	Night L _{Aeq} (15 minute)
R1 – 46 Mulgrave Road, Mulgrave	43	43
R2 – Mulgrave Industrial area	42	42
R3 – 2 Railway Road, Mulgrave	42	37
R4 – 126 Mulgrave Road	44	41
R5 – Chisholm Place, South Windsor	44	42

Noise generated by the Project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

27. Replacing Condition 21 of Schedule 3 with the following:

- 21 The Proponent shall construct the 7 m high noise wall adjacent to the southern side of the bale storage shed or implement 'other noise mitigation measures' with the same or greater effect, prior to commencement of stage 2B construction works.

Should 'other noise mitigation measures' be implemented, the Proponent shall demonstrate, to the satisfaction of the Secretary, that the chosen measures will be as effective as modelled for the noise wall. Construction of Stage 2B cannot commence unless the Proponent has received the Secretary's approval for the 'other noise mitigation measures'.

28. Inserting the following new Conditions 22A and 22B after Condition 21 of Schedule 3:

- 22A The Proponent shall update the Noise Management Plan for the Substrate Plant site, to the satisfaction of the Secretary. This plan is to update the plan approved under Condition 22 of Schedule 3 and shall include:
- (c) the works associated with MOD 1; and
 - (d) a revised monitoring protocol for evaluating compliance with the noise impact assessment criteria in this approval once all construction works associated with MOD 1 are complete.
- 22B Operation of works associated with MOD 1 shall not commence until the Proponent has received the Secretary's written approval of the plan. The approved Plan (as revised and approved by the Secretary from time to time), shall be implemented for the life of the Project as soon as written endorsement by the Secretary is received.

29. Inserting the following new Conditions 24A and 24B after Condition 24 of Schedule 3:

- 24A The Proponent shall prepare a Landscape Management Plan for the Substrate Plant site. The plan shall:
- (a) be prepared in consultation with Council;
 - (b) identify screen planting to minimise visual impacts of the site, particularly the new biofilter; and
 - (c) be approved by the Secretary prior to the commencement of construction of the works associated with MOD 1.
- 24B The landscaping around the site of the new biofilter required under MOD 1 shall be installed within three months following the completion of the construction of the biofilter. All other landscaping shall be installed prior to the commencement of operation of the works associated with MOD 1.

30. Replacing Condition 3 of Schedule 5 with the following:

- 3 By the end of September 2016, and annually thereafter, unless otherwise agreed by the Secretary, the Proponent shall review the environmental performance of the Project to the satisfaction of the Secretary. This review must:
- (a) describe the operations that were carried out during the reporting period;
 - (b) analyse the monitoring results and complaints records of the Project during the reporting period, which includes a comparison of these results against the:
 - i. relevant statutory requirements, limits or performance measures/ criteria;
 - ii. monitoring results of previous years; and
 - iii. relevant predictions in the EA;
 - (c) identify any non-compliance during the reporting period, and describe what actions were (or are being) taken to ensure compliance;
 - (d) identify any trends in the monitoring data over the life of the Project; and
 - (e) describe what measure(s) will be implemented during the next reporting period to improve the environmental performance of the Project.

31. Inserting the following Condition 3A after Condition 3 of Schedule 5

Independent Environmental Audit

- 3A Within six months of the approval of MOD 1, and every two years thereafter, unless otherwise agreed by the Secretary, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the Project. This audit must:

- (a) be conducted by suitably qualified, experienced and independent team of experts (including an odour expert), whose appointment has been endorsed by the Secretary;
- (b) include consultation with the relevant agencies;
- (c) include a full odour audit of the Project, taking into consideration the relevant technical guidelines and any odour complaints made since the previous audit;
- (d) assess the environmental performance of the project and assess whether it is complying with the relevant requirements in this approval and any other licenses and approvals that apply to the project, (including any assessment, plan or program required under these approvals);
- (e) review the adequacy of strategies, plans or programs required under these approvals; and, if appropriate;
- (f) recommend measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under these approvals.

Within six weeks of the completing of this audit, or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

32. Replacing Condition 4 of Schedule 5 with the following:

- 4 Within three months of the submission of an:
 - (a) incident report under condition 5 of schedule 5;
 - (b) review under condition 3 of schedule 5, and
 - (c) audit under condition 3A of Schedule 5,

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

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

33. Inserting the following new Conditions 6 and 7 after Condition 5 of Schedule 5:

Access to Information

- 6 The Proponent shall prepare a Community Consultation Strategy for the Substrate Plant site to address existing and future operations at the Substrate Plant site, including construction of works associated with MOD 1. This Plan shall:
 - (a) be submitted to the satisfaction of the Secretary within one month from the approval of MOD 1;
 - (b) include procedures for updating the community on the general operation of the site as well as the progress of any construction works; including
 - i. a newsletter for the local community which details the:
 - construction activities and the expected duration of works;
 - a general summary of the environmental management to be implemented; and
 - telephone number for taking complaints or enquiries in relation to the activities;
 - ii. the website required by Condition 7 of Schedule 5; and
 - iii. public meetings;
 - (c) describe the distribution area for the newsletter (at a minimum all residents within 2 km from the site boundary), prepared in consultation with Council; and

- (d) include procedures for handling and monitoring all complaints received; and detail what management and/or contingency actions will be taken if complaints are received.

7 The approved Strategy (as revised and approved by the Secretary from time to time), shall be implemented for the life of the Project as soon as written endorsement by the Secretary is received.

34. Inserting the following Condition 8 after Condition 7 of Schedule 5

8 Within three months from the date of the approval of MOD 1, the Proponent shall make the following information (unless commercially sensitive) freely available on a publicly accessible website, as it is progressively required under the approval:

- (a) all current statutory approvals, including this approval and any modifications to it;
- (b) plans and programs required under this approval;
- (c) technical analysis/reports of monitoring results, which have been reported in accordance with the various plans and programs approved under the conditions of this approval;
- (d) a complaints register, which is to be updated on a monthly basis;
- (e) a copy of any review as required under Condition 3 of Schedule 5 (over the last five years);
- (f) updates on the progress of the construction works associated with MOD 1; and
- (g) any other material as required by the Secretary.

35. Replacing Appendix 1 with the Proponent's revised statement of commitments dated 22 May 2015 as shown in Appendix 1.

36. Replacing Appendix 2 with the revised Substrate Plant Site Layout and Stages as shown in Appendix 2.

APPENDIX 1
PROPONENT'S STATEMENT OF COMMITMENTS

APPENDIX 2 SUBSTRATE PLANT SITE LAYOUT and STAGES

