

## APPENDIX A – NOTICE OF MODIFICATION

See separate file at [http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7560](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7560)

# Modification to 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, we the Planning Assessment Commission of New South Wales (the Commission) hereby approve the modification of the project approval referred to in Schedule 1, subject to the conditions outlined in Schedule 2.

### Member of the Commission

Sydney 2017

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### 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 9 – Packing Plant

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### SCHEDULE 2

This approval is modified by:

#### In the Definitions List:

1. Inserting a new definition as follows:

ENM Excavated natural material

2. Replacing the following definition:

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, MP 06\_0228 MOD 5, MP 06\_0228 MOD 6, MP 06\_0228 MOD 7, MP 06\_0228 MOD 8 and MP 06\_0228 MOD 9

3. Replacing the following definition:

Statement of Commitments The Proponent's commitments in the EA and MOD 1, MOD 2, MOD 3, MOD 4, MOD 5, MOD 6, MOD 7, MOD 8 and MOD 9

#### In Schedule 2: Administrative Conditions:

4. Replacing Condition 2 with the following:

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) modification proposal MP 06\_0228 MOD 6, accompanying Environmental Assessment and accompanying plans dated October 2015, prepared by Cowman Stoddart Pty Ltd (see Appendix 2F);
- h) modification proposal MP 06\_0228 MOD 7, accompanying Environmental Assessment and accompanying plans dated November 2015, prepared by Cowman Stoddart Pty Ltd (see Appendix 2G);
- i) modification proposal MP 06\_0228 MOD 8, accompanying Environmental Assessment and accompanying plans dated November 2015, prepared by Cowman Stoddart Pty Ltd (see Appendix 2H); and
- j) modification proposal MP 06\_0228 MOD 9, accompanying Environmental Assessment and plans dated March 2016, prepared by Cowman Stoddart Pty Ltd and Noise Assessment for Night Time Operations dated November 2016, prepared by Harwood Acoustics (see Appendix 2I).

5. Inserting new Condition 2A after Condition 2 as follows:

- 2A. The Proponent shall carry out the project in accordance with the:
  - a) statement of commitments; and
  - b) conditions of this approval.

6. Inserting a note after Condition 5 as follows:

*Note: This does not include DA 14/1327 and DA 11/1936 issued by Council for other facilities not related to this approval located on Lot 143 on DP 1069758.*

7. Inserting new Condition 10A after Condition 10 as follows:

**Protection of Private Infrastructure**

- 10A. The Proponent shall:
  - a) consult Telstra and Jemena during preparation of detailed design for the under-boring of pipework under Bolong Road as described in MOD 9;
  - b) contact Telstra and Jemena at least two weeks prior to the commencement of the under-boring works;
  - c) ensure that mechanical excavation or boring works are undertaken in accordance with the requirements of Telstra and Jemena in order to protect the private infrastructure assets; and
  - d) complete restoration works to the ground surface and footpath.

**In Schedule 3: Specific Environmental Conditions:**

8. Deleting the following words from Condition 4 as follows:

and implement

9. Deleting the following words from Condition 10 as follows:

and implement

10. Inserting new Condition 13A after Condition 13 as follows:

- 13A. The Proponent shall implement a Construction Noise Management Plan (CNMP) to manage the noise impacts of construction of MOD 9. The CNMP shall:
  - a) be prepared in accordance with the EPA's *Interim Construction Noise Guideline*;
  - b) be submitted to the Secretary prior to the commencement of piling activities on MOD 9;
  - c) include procedures for notifying affected residences of the timing and duration of piling works; and

- d) include procedures for proactively responding to noise complaints and implementing all reasonable and feasible work practices to limit construction noise impacts.

11. Deleting the following words from Condition 14 as follows:

and implement

12. Inserting new Conditions 14F to 14H after Condition 14E as follows:

#### **Design, Operation and Noise Validation MOD 9**

##### Design

- 14F. Prior to the commencement of operation of the packing plant, the Proponent shall provide evidence to the satisfaction of the Secretary to confirm that the design specifications detailed in the EA for MOD 9 have been implemented. The design specifications include:
- a) the walls and ceiling of the packing plant building have a minimum weighted sound reduction index of Rw 33, unless otherwise agreed in writing by the Secretary;
  - b) all external doors are a minimum 44 mm thick, solid core timber construction, or equivalent material, in well-sealed frames;
  - c) building openings without acoustic treatments shall not exceed 36 square metres and shall be located in the south-eastern part of the packing plant building, as shown in Appendix 2I;
  - d) external motors on the five storage silos shall have a maximum sound power level of 78dB(A), unless otherwise agreed to by the Secretary in accordance with condition 14H;
  - e) permanent sound barriers a minimum 11 m high relative to the finished ground level of the container storage yard. Barriers shall extend along the entire length of the north-western boundary of the container storage area, connecting to the packing plant along the north-eastern boundary (see the figure in Appendix 2I);
  - f) permanent sound barriers a minimum 9 m high relative to the finished ground level of the container storage yard, along the south-western side of the rail spur lines, as shown in the figure in Appendix 2I; and
  - g) sound barriers shall be constructed as solid masonry walls, or other equivalent material, without holes or gaps, other than a maximum of 50 mm at the base.

##### Operating Conditions

- 14G. The Proponent shall:
- a) ensure roller door openings on the south-western facade remain closed when containers are not being loaded in this location;
  - b) locomotive shunting does not occur whilst trains are being unloaded or loaded;
  - c) stacking of containers is limited to a maximum of three containers high; and
  - d) minimise the stacking of containers during the night-time period.

##### Noise Validation

- 14H. Prior to the construction of any external mechanical plant exceeding a sound power level of 78dB(A), the Proponent shall prepare a noise validation report to demonstrate that operation of the mechanical plant meets the noise limits in Condition 12. The noise validation report shall:
- a) be prepared by an appropriately qualified and experienced noise expert;
  - b) be approved by the Secretary, prior to the installation of the external mechanical plant;
  - c) demonstrate that the location, design and operation of the external mechanical plant would achieve the noise limits in Condition 12;
  - d) describe any acoustic treatments required to ensure compliance with the noise limits in Condition 12; and
  - e) if necessary, recommend, prioritise and implement measures to improve noise controls on-site to ensure the project meets relevant noise criteria and protects off-site receivers from excess noise.

- 14I. Within 12 months of operation of the modified packing plant, the Proponent shall undertake noise validation to confirm that the noise levels comply with the predictions in the EA for MOD 9, to the satisfaction of the EPA.

13. Replacing Condition 17 with the following:

17. The Proponent shall store all chemicals, fuels and oils used on site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participant's Handbook*.

14. Replacing Condition 18 with the following:

18. The Proponent shall:
- a) ensure that only VENM or ENM or other material approved in writing by the EPA is used as fill on the site;
  - b) keep accurate records of the volume and type of fill to be used; and

c) make these records available to the Department upon request.

15. Deleting the following words from Condition 19 as follows:

and implement

16. Inserting the following words into Condition 20A after the words 'works associated with MOD 7':

and MOD 9

17. Inserting the following words into Condition 20B after the words 'as described in MOD 7':

and the packing plant as described in MOD 9.

18. Inserting new Conditions 20C and 20D after Condition 20B as follows:

20C. The Proponent shall implement a procedure for the testing, dewatering, storage, treatment and disposal of contaminated groundwater that is intercepted during excavation works for MOD 9.

**Asbestos**

20D. Prior to the commencement of construction work on the container storage area described in MOD 9, the Proponent shall remove asbestos containing materials in accordance with the requirements of Condition 9B in Schedule 2.

19. Replacing Condition 21 with the following:

21. The Proponent shall prepare an Acid Sulfate Soil Management Plan for the project, as modified. The plan must be prepared in accordance with the *Acid Sulfate Soils Manual* (Acid Sulfate Soils Management Advisory Committee, 1998), and be submitted to the Secretary prior to the commencement of construction.

If a modification does not require an update of the plan listed above, the Proponent shall provide written justification to the satisfaction of the Secretary.

20. Deleting the following words from Condition 22 as follows:

and implement

21. Deleting the following words from Condition 25 as follows:

and implement

22. Replacing the word 'MOD 7 and MOD 8' in Condition 26A with the following words:

each modification.

23. Replacing Condition 26Aa) with the following:

a) be prepared in consultation with Council and be submitted to the Secretary prior to operation of each modification;

24. Inserting the following words at the end of Condition 26A as follows:

If a modification does not require an update of the plan listed above, the Proponent shall provide written justification to the satisfaction of the Secretary.

25. Deleting Condition 27C.

26. Replacing Condition 28 with the following Conditions 28A, 28B and 28C:

28A. Prior to construction of the packing plant, the Proponent shall:

- a) construct the proposed left turn only access to the packing plant site from Bolong Road in accordance with the requirements of Council;
- b) submit civil design plans for the access works referred to in sub clause a) above to Council for approval;
- c) obtain approval for the road works under Section 138 of the *Roads Act 1993*;
- d) consult with Shoalhaven Water and comply with the requirements of Shoalhaven Water's development application notice for works near Shoalhaven Water assets; and
- e) provide alternative access arrangements for the vehicles from the adjoining Shoalhaven Water site, and dedicate any additional land required for these alternative access arrangements to Council as a road reserve.

- 28B. During construction of the packing plant, the Proponent shall ensure heavy vehicles enter only via the left turn access from Bolong Road. The Railway Street access is only to be used for heavy vehicles exiting the packing plant site and for light vehicle access and egress.

*Note: Construction access in and out of Bolong Road and Railway Street is allowed whilst the internal access road is being constructed.*

- 28C. The Proponent shall:

- a) upgrade Railway Street adjacent and to the south of the packing plant site access, to accommodate the turning paths of the largest vehicles accessing the packing plant (addressing road widening and strengthening requirements for turns in all permitted directions);
- b) submit civil design plans for the road upgrade works referred to in sub clause a) above to Council for approval;
- c) obtain approval for the road works under Section 138 of the *Roads Act 1993*; and
- d) complete the approved road upgrade prior to operation of the packing plant.

27. Replacing Condition 29 with the following:

29. Prior to the commencement of construction on the proposed packing plant site, the Proponent shall prepare a Construction Traffic Management Plan to manage traffic movements during construction. The plan shall be prepared in consultation with Council and submitted to the Secretary prior to the commencement of construction.

28. Inserting new Condition 29A after Condition 29 as follows:

- 29A. The Proponent shall prepare a dilapidation report for the section of Railway Street from the access point at the packing plant to the intersection with Bolong Road. The report shall be submitted to Council prior to the commencement of construction of the packing plant, as described in MOD 9.

29. Replacing Condition 30c) and 30d) with the following:

- c) upgrade the street lighting along Bolong Road, in accordance with AS/NZS 1158: *Lighting for Roads and Public Spaces* to ensure pedestrian pathways, pedestrian refuges and access points are suitably lit; and
- d) complete the works to the satisfaction of Council.

30. Deleting the following Note from Condition 30:

*Note: The pedestrian pathway over Abernathy Creek must be designed and constructed in accordance with DWE's Guidelines for Controlled Activities – Watercourse Crossings, dated February 2008.*

31. Replacing Conditions 34 and 35 with the following:

34. The Proponent shall manage the rail level crossings at Bolong Road and Railway Street in accordance with the requirements of the Office of the National Rail Safety Regulator and any Safety Interface Agreement with Council.
35. Prior to operation of the packing plant, the Proponent shall upgrade the Railway Street level crossing in accordance with the requirements of Council. The works shall include delineation improvements, including kerb and guttering and associated pavement works, on the approaches to the crossing and signs and line works in accordance with AS1742.2 *Traffic Control Devices for General Use* and AS 1742.7 *Railway Crossings*.

32. Inserting the following note at the end of Condition 37:

*Note: If a modification does not require an update of the studies listed in Conditions a) and c) above, the Proponent shall provide written justification to the satisfaction of the Secretary.*

33. Replacing the words 'including steel mill slag' in Condition 40A with the following words:

material on the site,

34. Inserting new Condition 40B after Condition 40A as follows:

- 40B. Prior to the reuse of any waste material on the site, the Proponent shall provide details of the source, type and quantity of the material in writing to the EPA and the Secretary.

35. Deleting the following words from Condition 41 as follows:

and implement

36. Deleting the following words from Condition 43 as follows:

and implement

37. Inserting a new heading before Condition 43A as follows:

**Riverbank Stability**

38. Inserting a new heading before Condition 44 as follows:

**Landscaping**

39. Deleting the following words from Condition 44 as follows:

to the satisfaction of the Secretary

40. Inserting a new heading before Condition 47 as follows:

**Visual Amenity**

41. Inserting the following words in Condition 47 after the words 'of the Project' as follows:

as modified

42. Inserting a new heading before Condition 48 as follows:

**Tall Structures**

43. Inserting new Condition 51 after Condition 50 as follows:

51. One month following the completion of construction of the modified packing plant described in MOD 9, the Proponent shall provide as-constructed details to Airservices Australia.

44. Inserting new Conditions 52 and 53 after Condition 51 as follows:

**Riparian Management**

52. The Proponent shall ensure the filled area for construction of the access road and rail lines described in MOD 9 is setback a minimum of 18 metres from Abernathy's creek.

53. Within 6 months of the commencement of operation of the packing plant described in MOD 9, the Proponent shall provide evidence to the Secretary to demonstrate that landscaping and revegetation works have been fully implemented. The works shall include:

- a) landscaping along the northern side of Bolong Road as described in MOD 9; and  
b) a minimum 18 metre wide section of the western bank of Abernathy's creek from Bolong Road to the northern boundary of the packing plant site.

**In Schedule 4: Environmental Management, Reporting & Auditing**

45. Deleting the following words from Condition 1 as follows:

and implement

46. Inserting new Condition 2 as follows:

2. The Proponent shall implement the Environmental Management Strategy and the management plans required in Schedule 3 of this approval (as revised and approved by the Secretary from time to time) for the duration of the project.

47. Removing the following words from Condition 5A:

review, and

**In the Appendices:**

48. Inserting a new line in the table in Appendix 1 as follows:

<b>Lot</b>	<b>DP/FP</b>
	<b><i>Factory</i></b>
21	1000265

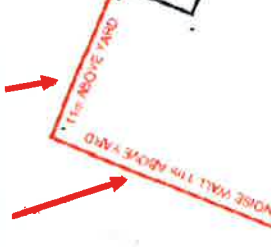
49. Inserting a new Appendix 2I after Appendix 2H as follows:







**11 m high noise walls**

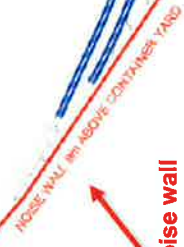


**Packing Plant**

**Rail spur lines**

**TRAIN ACCESS**

**9 m high noise wall**



**MANILDRA GROUP - NOWRA  
PROPOSED SOUND BARRIER WALLS**

**Noise Barrier Walls**

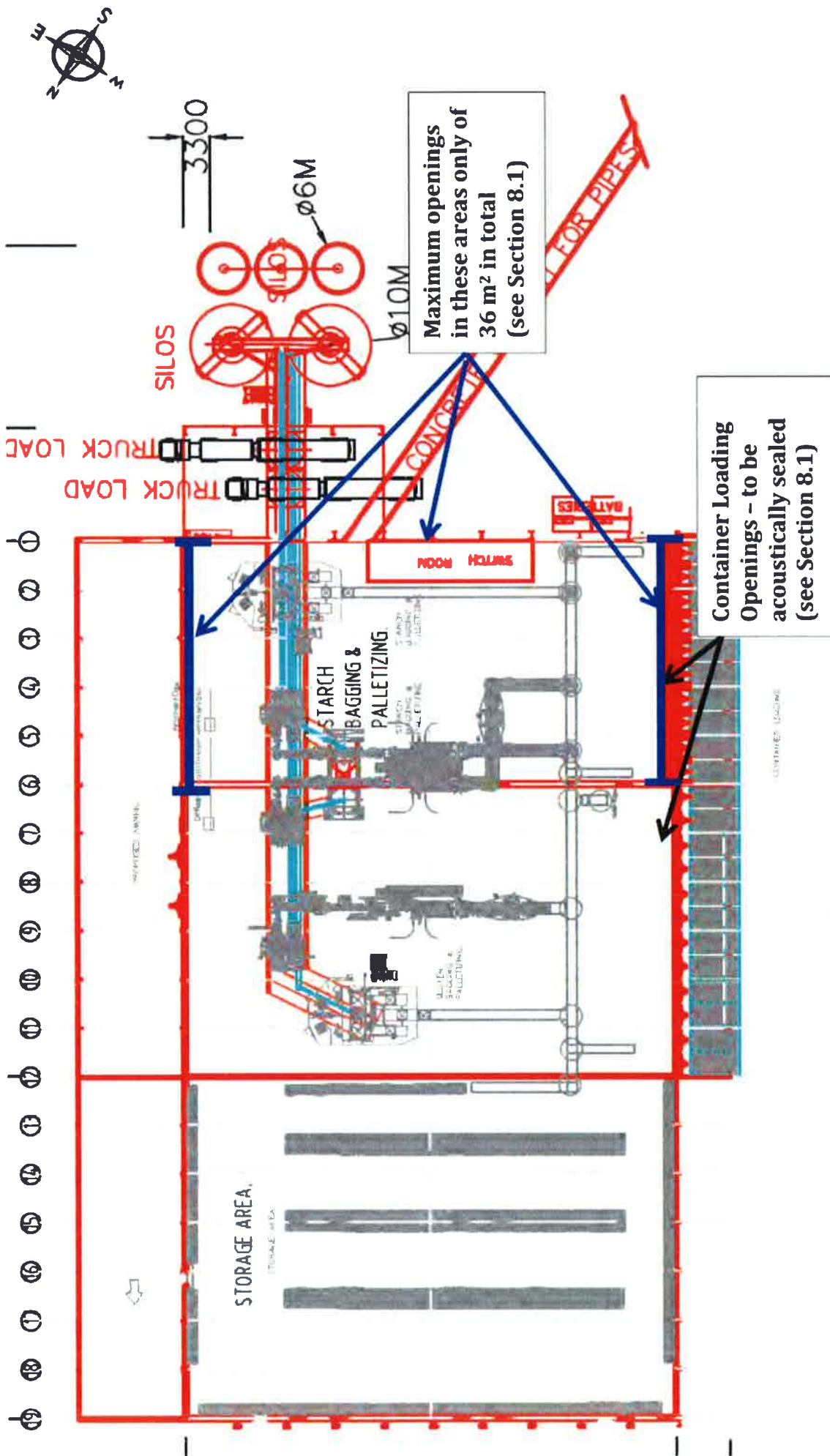
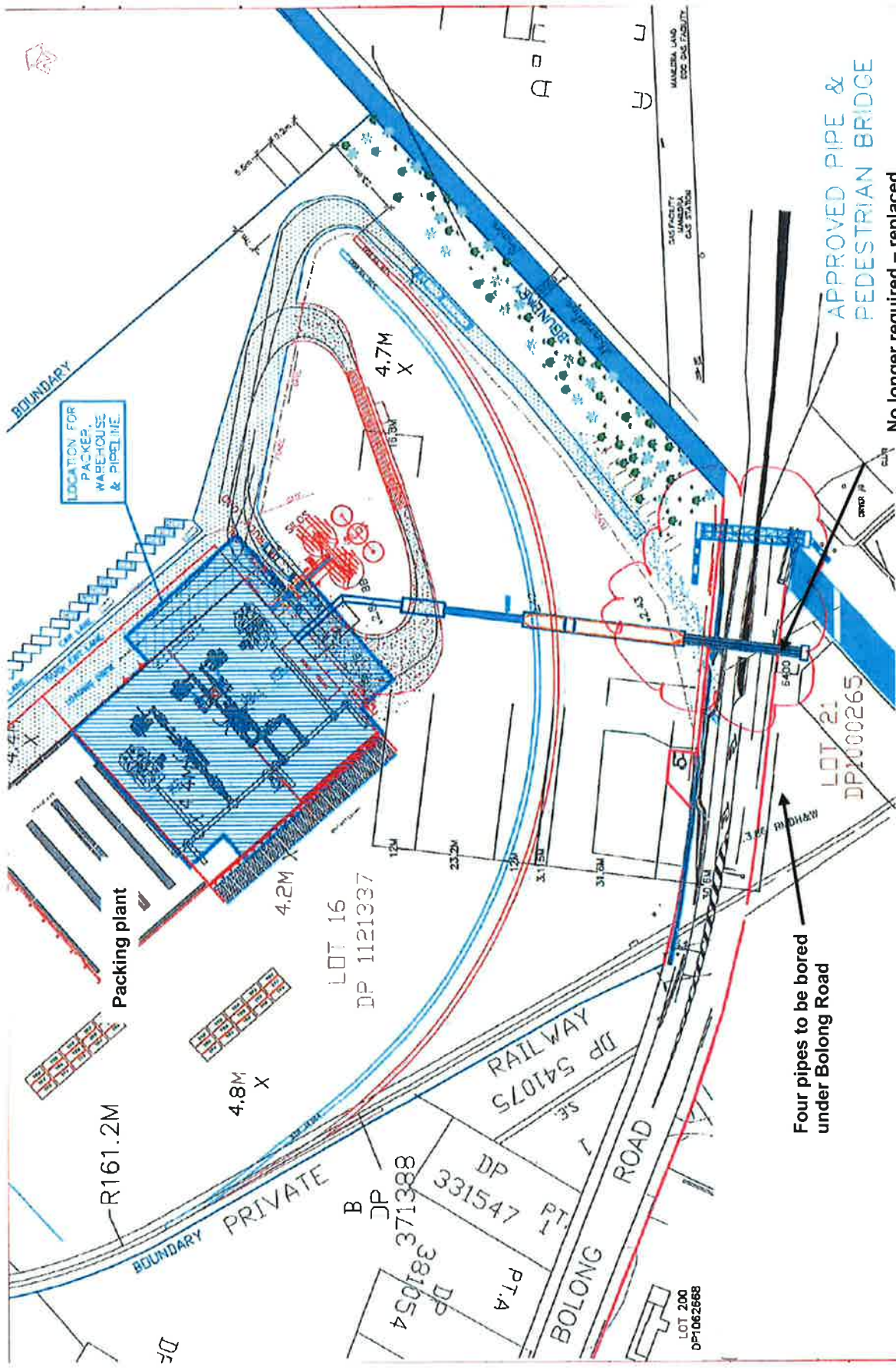


FIGURE 8.10 Location of Building Openings





Four pipes to be bored under Bolong Road

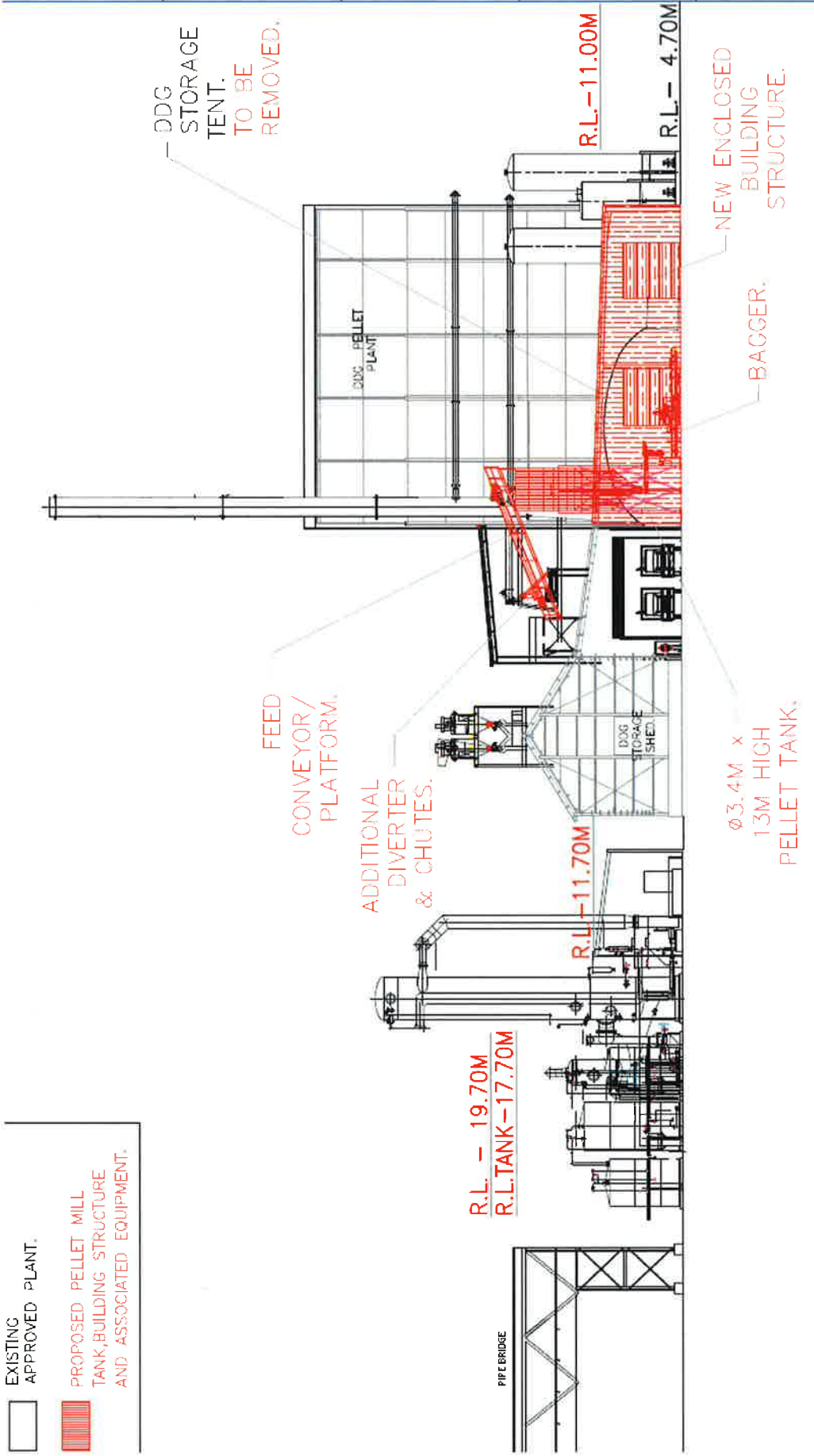
APPROVED PIPE & PEDESTRIAN BRIDGE

No longer required - replaced by pipes under Bolong Road

Under-bore pipes under Bolong Road

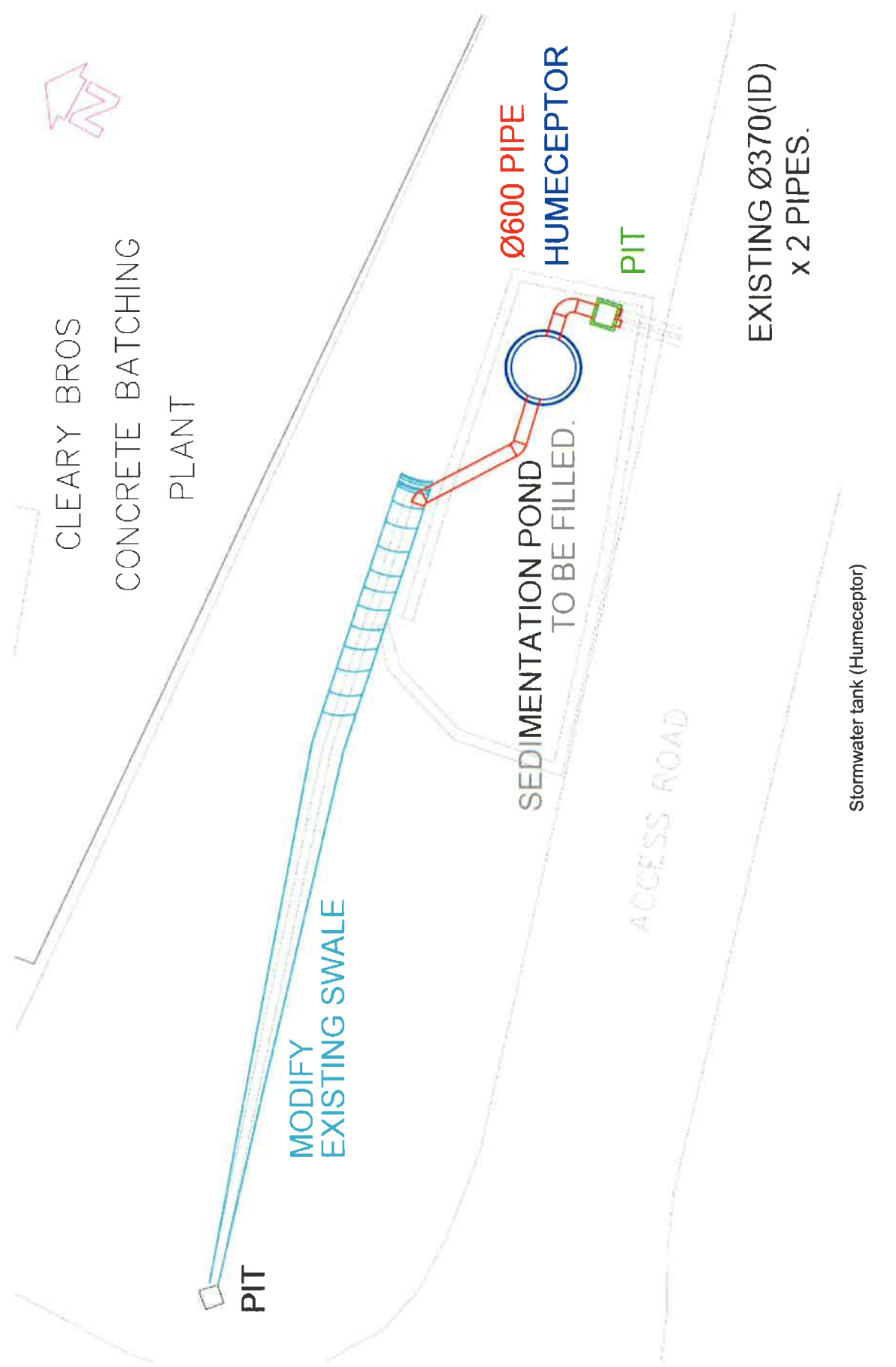
EXISTING APPROVED PLANT.

PROPOSED PELLET MILL TANK, BUILDING STRUCTURE AND ASSOCIATED EQUIPMENT.



Northern elevation

Bag Packer, Storage Shed and Silo at DDG Pellet Plant



CLEARLY BROS  
CONCRETE BATCHING  
PLANT

PIT

MODIFY  
EXISTING SWALE

SEDIMENTATION POND  
TO BE FILLED.

Ø600 PIPE  
HUMECEPTOR

PIT

ACCESS ROAD

EXISTING Ø370(ID)  
X 2 PIPES.

Stormwater tank (Humeceptor)