

## APPENDIX A – INSTRUMENT OF MODIFICATION

# 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 2018

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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 13 – Conversion of Boilers

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### SCHEDULE 2

This approval is modified by:

#### In the Definitions List:

1. 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, MP 06_0228 MOD 9, MP 06_0228 MOD 10, MP 06_0228 MOD 11, MP 06_0228 MOD 12 and MP 06_0228 MOD 13
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2. 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, MOD 9, MOD 10, MOD 11, MOD 12 and MOD 13
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#### In Schedule 2: Administrative Conditions:

3. Inserting new Condition 2n) after Condition 2m) as follows:

- n) modification request MP 06\_0228 (MOD 13), accompanying Environmental Assessment and plans dated June 2017, prepared by Cowman Stoddart Pty Ltd (see Appendix 2M).

4. Replacing existing Condition 8 with the following:
  8. The Proponent must ensure all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

*Note: Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. Part 8 of the EP&A Regulation sets out the requirements for the certification of the Development.*

5. Inserting new Condition 8C after Condition 8B as follows:

- 8C. By the end of July 2018, the Proponent shall provide copies of building certificates, where required, to demonstrate compliance with the BCA for the alterations to structures and additional structures listed in Table A. If an item in Table A does not require a building certificate in accordance with the BCA, the Proponent shall provide written evidence, to the satisfaction of the Secretary.

Table A: Alterations and Additions to Structures

Structure	Location	Audit Ref No. <sup>1</sup>
Fermenter tank 15, gantry and bund wall	Factory east (Fermenters)	A6_01B, M2_04B, M2_09B
Flour Mill	Factory south (Flour Mill)	A6_03B
Product Dryer 6	Factory north (Gluten)	A6_019B
Starch Dryer 5	Factory north (Starch)	M7_01 to M7_33
Biofilters	Factory south west	A6_29B, A6_29C
Weighbridge	Factory west	DA223_01B
Woodchip shelter	Factory west	US_03
Storage shed	Environmental Farm	US_05
Shipping containers	Environmental Farm	US_79 to US_83

<sup>1</sup> Reference numbers as stated in the Independent Compliance Audit, April 2017, prepared by GHD.

6. Inserting new Condition 15 after Condition 14 as follows:
  15. Prior to the commencement of construction of the gas-fired cogeneration plant described in the EA, the Proponent shall apply to the Secretary to modify the location of the plant. The plant shall not be constructed until an application to modify the location has been approved by the Secretary.

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

7. Replacing existing Condition 9 with the following.

**Emission Limits - Boiler Stacks**

9. The Proponent shall ensure the emissions from boiler stacks 2, 4 and combined boiler stack 5 and 6 comply with the limits in the EPL.

8. Inserting new Conditions 9A, 9B and 9C after Condition 9 as follows:

- 9A. The sulfur content of boiler 2, boiler 4 and boiler 5/6 coal must not exceed 0.4% by weight (air dried basis).

**Post Commissioning Verification Report**

- 9B. Within three months of commissioning a modification to boiler 2, 4 and/or 6 and again after all boiler modifications have been commissioned, as described in MOD 13, the Proponent shall submit a written report to the Secretary and the EPA detailing the results of post-commissioning monitoring. The report shall:
  - a) include the results of source emissions sampling and analysis undertaken in accordance with the requirements in Table B;
  - b) include data to demonstrate the operational capacity of the boilers during sampling, with sampling undertaken when the boilers are operating at maximum capacity; and
  - c) assess compliance with the limits in Table C.

- 9C. If the post commissioning verification report shows that an emission concentration limit is not being met, the Proponent is required to implement all reasonable and feasible measures to achieve compliance with the relevant limit, to the satisfaction of the Secretary.

9. Replacing existing Condition 20B with the following:

- 20B. The Proponent shall implement an unexpected finds protocol for the duration of construction of the modifications described in Schedule 2, Condition 2.

*Note: If a modification does not involve any subsurface excavations and an unexpected finds protocol is not required, the Proponent shall provide written justification to the satisfaction of the Secretary.*

10. Inserting new Condition 35C after Condition 35B as follows:

**Construction Traffic**

- 35C. Prior to the commencement of construction of the modifications described in Schedule 2, Condition 2, the Proponent shall submit a construction traffic management plan for the modification to Council.

*Note: If a modification does not require a construction traffic management plan, the Proponent shall provide written justification to the satisfaction of Council.*

11. Inserting the following words in Condition 37c after the words *adherence to the procedures*:

Records must be kept on-site and must be available for inspection by the Secretary upon request.

12. Inserting new Condition 37A after Condition 37 as follows:

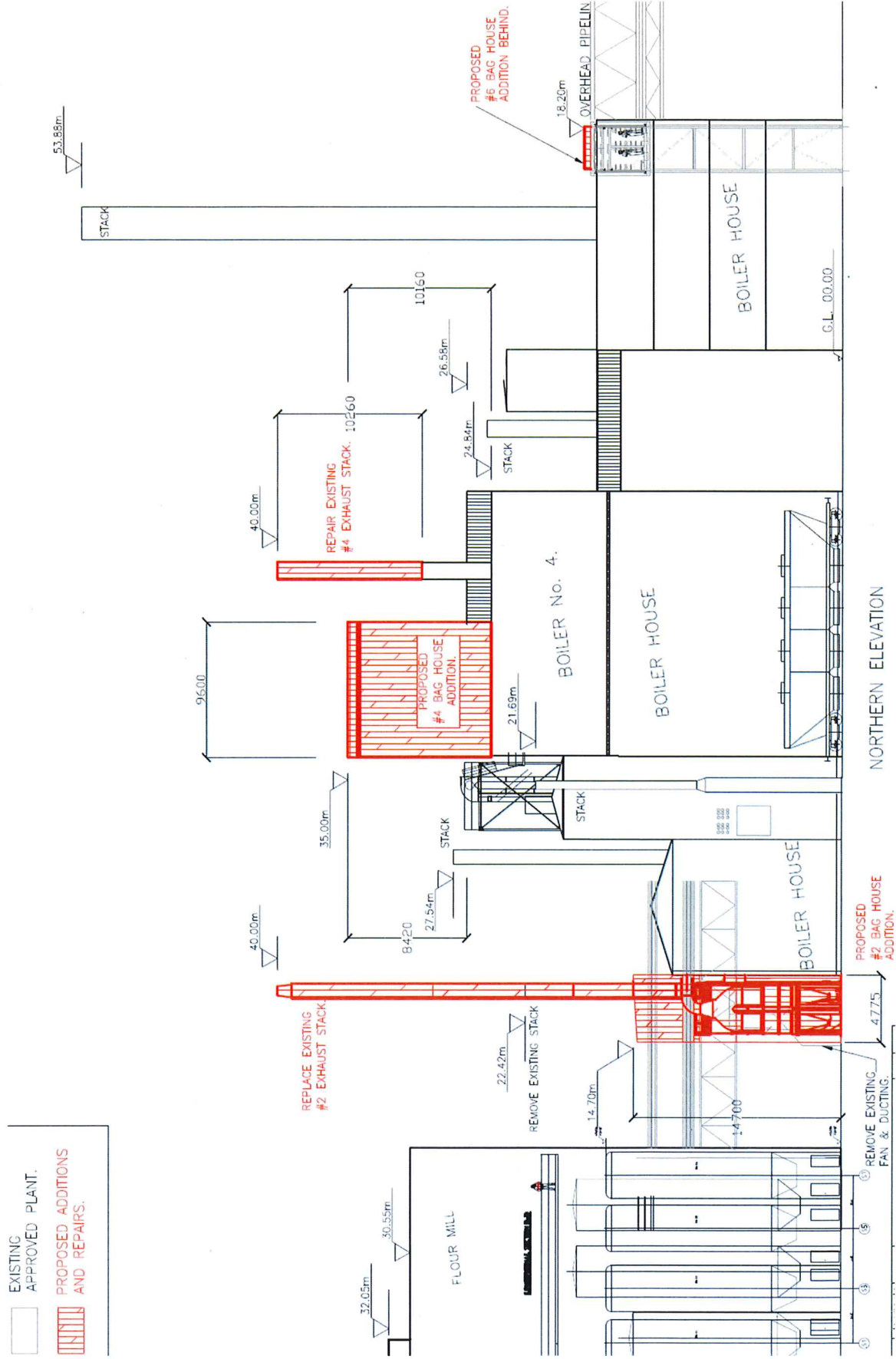
**MOD 13 – BOILERS**

- 37A. One month prior the commencement of commissioning, or as otherwise agreed with the Secretary, a testing program must be undertaken in accordance with the International Standard (IEC 61508) *Functional Safety of Electrical/Electronic/Programmable Electronic Safety-related Systems*. The testing shall verify that all safety related equipment and controls in the existing coal handling equipment for the boilers are fit for re-use. A report of the findings of the testing program must be provided to the Secretary describing the scope, methodology and testing results. This equipment must include the safety instrumented controls and any mechanical protective systems.

**In the Appendices:**

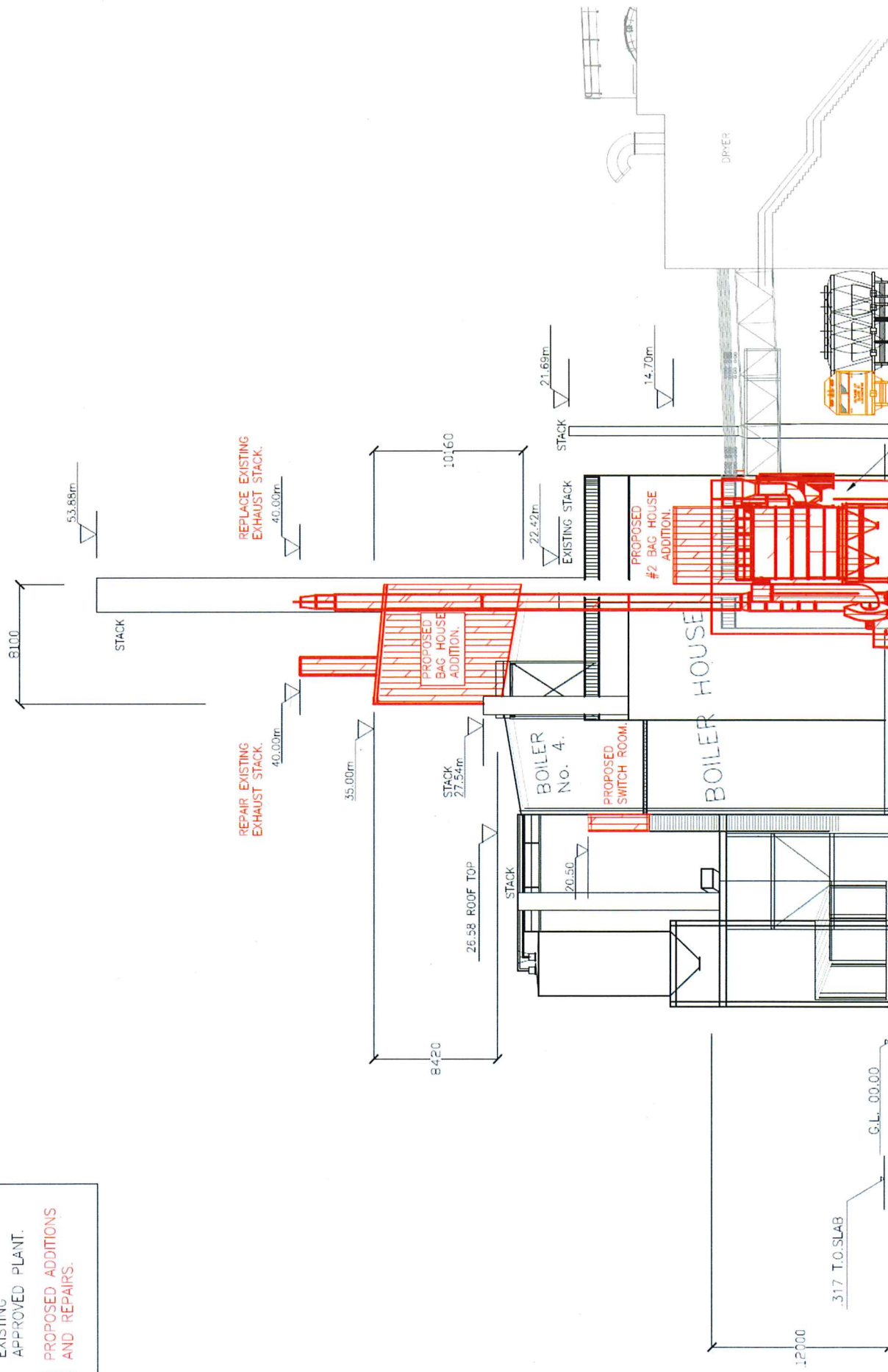
27. Inserting a new Appendix 2M after Appendix 2L as follows:

# APPENDIX 2M – SITE PLANS (MP 06\_0228 MOD 13)



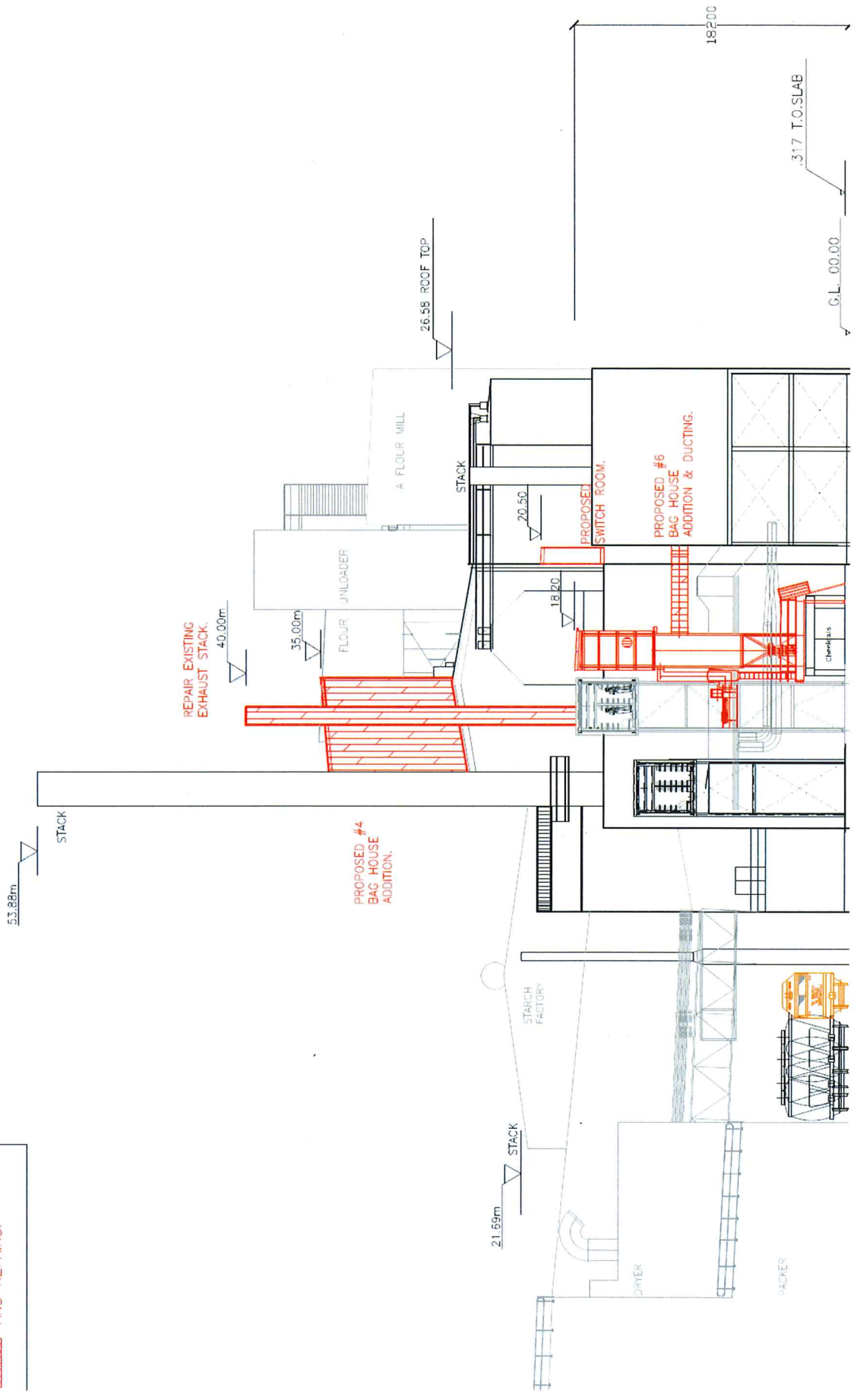
Modifications to Boiler Numbers 2, 4 and 6 – Northern Elevation

- EXISTING APPROVED PLANT.
- PROPOSED ADDITIONS AND REPAIRS.



Modifications to Boiler Numbers 2, 4 and 6 – Eastern Elevation

	EXISTING APPROVED PLANT.
	PROPOSED ADDITIONS AND REPAIRS.



Modifications to Boiler Numbers 2, 4 and 6 – Western Elevation

	EXISTING APPROVED STRUCTURES
	APPROVED LOCATIONS.
	AS CONSTRUCTED LOCATIONS.



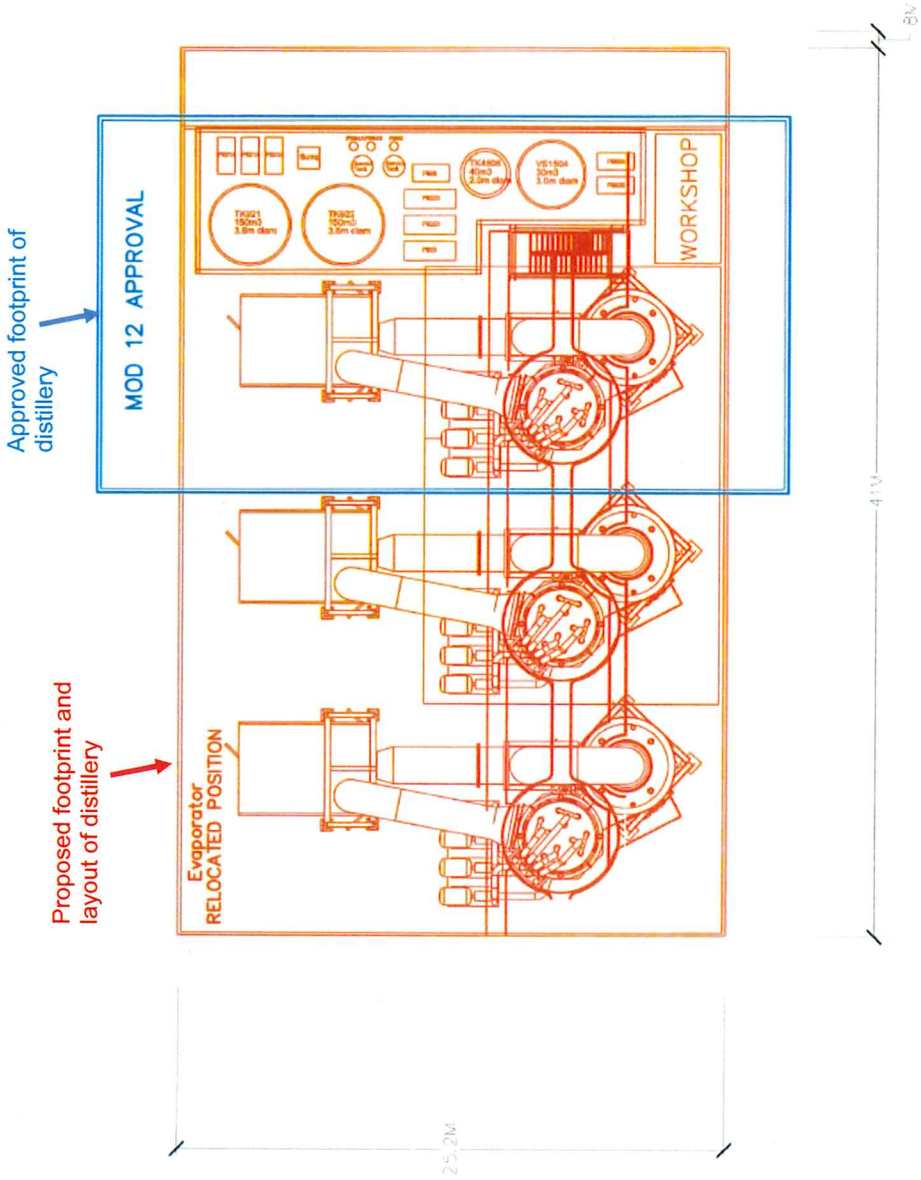
SEE DRAWING MN.6376-009 FOR FARM AREA.

**Regularise Existing Structures**

(Reference: Shoalhaven Starches Bomaderry Independent Compliance Audit, April 2017, GHD)



PROPOSED MOD 12 VARIATION - RED



PLAN VIEW

Beverage Grade Ethanol Distillery Footprint Change

FUTURE APPROVED FERMENTER 17

FERMENTER 16