

Enforceable Undertaking by Shoalhaven Starches Pty Ltd

This is an Enforceable Undertaking given under Section 9.5 of the *Environmental Planning and Assessment Act 1979 (NSW)* (**EP&A Act**) by Shoalhaven Starches Pty Ltd (ABN 94 000 045 045) (**Shoalhaven Starches**).

Person(s) giving the Undertaking

This Undertaking is given to the Department of Planning, Housing and Infrastructure (**Department**) by Shoalhaven Starches, for the purposes of section 9.5 of the EP&A Act.

Background

The Shoalhaven Starches factory, located on Bolong Road, Bomaderry, produces a range of products for the food, beverage, confectionary, paper and motor transport industries including starch, gluten, glucose and ethanol.

This factory is operated under Project Approval MP 06_0228, which was granted by the Minister for Planning on 28 January 2009 and which has been modified on a number of occasions (**Project Approval**).

In February 2024, Shoalhaven Starches lodged an application to modify the Project Approval (**Modification Application**) to, among other things, extend the existing rail line that services the factory operations from its present terminus at the eastern boundary of Lot 1 DP544730 in an easterly direction across adjoining lands that previously formed part of the Australian Pulp and Paper Mills site (**Rail Line**).

On 13 December 2024, the Department issued a notice to furnish information and records to Shoalhaven Starches, with respect to the Department's investigation as to whether Shoalhaven Starches commenced construction of the Rail Line prior to any approval of the Modification Application, in breach of:

- section 4.2(a) of the EP&A Act, by carrying out works without a development approval; and
- section 4.2(b) of the EP&A Act by carrying out works not in accordance with the conditions of the Project Approval.

In response to the Department's investigation, Shoalhaven Starches has:

- admitted that it's conduct in commencing construction of the Rail Line contravened sections 4.2(a) and 4.2(b) of the EP&A Act; and
- offered this Enforceable Undertaking ('EU') to the Department.

Commencement of this Undertaking

This EU comes into effect when:

- (a) this Undertaking is executed by Shoalhaven Starches, and
- (b) this Undertaking so executed is accepted by the Planning Secretary of the Department or delegate.

(Commencement Date).



Undertaking

Shoalhaven Starches undertakes for the purposes of section 9.5 of the Act that it will:

- i. Engage a consultant to develop and deliver a training package to Shoalhaven Starches directors and senior managers, on the key requirements and responsibilities under Part 4 of the EP&A Act, being a program designed to minimise Shoalhaven Starches risk of future breaches of the Part 4 of the EP&A Act and to ensure its awareness of the responsibilities and obligations in relation to the requirements of Part 4 of the EP&A Act. This package is to be delivered to all directors and managers within 6 months of the Commencement Date.
- ii. Plant native trees along the boundary of Shoalhaven Starches' Bolong Road operations to provide additional screening of the factory for the community, and plant trees along the proposed rail line extension, in accordance with the plans and details in Annexure A and to the value of \$68,481.86. These works are to be completed within 6 months of the Commencement Date, or within such other timeframe as agreed to in writing by the Department, having regard to potential delaying factors such as wet weather and flooding. Evidence of the expenditure will be furnished to the Department within 7 days after payment is made.
- iii. Pay Shoalhaven Landcare Association Incorporated \$30,000 for use towards the Shoalhaven Riverwatch Oyster Reef Project, to be carried out by Shoalhaven Landcare Association Incorporated, as described in the letter from Shoalhaven Landcare Association provided at Annexure B. These funds are to be paid to Shoalhaven Landcare Association Incorporated within 6 months of the Commencement Date. Proof of the payment will be furnished to the Department within 7 days after the payment is made.
- iv. Pay Shoalhaven City Council \$25,000 towards the Bomaderry Creek Weed Control and Revegetation Project, to be carried out by Shoalhaven City Council, as described in the letter from Shoalhaven City Council provided at Annexure C. These funds are to be paid to Shoalhaven City Council within 3 months of the Commencement Date. Proof of the payment will be furnished to the Department within 7 days after the payment is made.
- v. Pay Shoalhaven City Council \$31,275 towards the Reid Park Upgrade Project, to be carried out by Shoalhaven City Council, as described in Annexure D. These funds are to be paid to Shoalhaven City Council within 3 months of the Commencement Date. Proof of the payment will be furnished to the Department within 7 days after the payment is made.

If Shoalhaven Starches is unable to finalise any agreement with the entities referred to in paragraphs (iii), (iv) and (v) above to fund the projects referred to in those paragraphs, or if any agreements with those entities are terminated before all payments are made by Shoalhaven Starches in accordance with this Undertaking, Shoalhaven Starches may pay any such unspent funds to the Department or to another entity or organisation for administration, use or oversight as directed by or agreed with the Department.



Acknowledgments

Shoalhaven Starches acknowledges that:

- a) the Department will make this Undertaking publicly available including by publishing it on the Department's public register of section 9.5 undertakings on its website.
- b) the Department will, from time to time, make public reference to this Undertaking including in news media statements and in department's publications.
- c) this Undertaking in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.

Executed as an Undertaking

Executed by Shoalhaven Starches Pty Ltd (ABN 94 000 045 045) pursuant to section 127(1) of the Corporations Act 2001 by:

Corporations Act 2001 by:	
lee	Class'-
Signature of director	Signature of company secretary
LAN HANRAHAN	CHRISTIAN PAPALIA
Name of director (print)	Name of company secretary (print)
20 MAY 2025.	20 MAY 2025
Date	Date
to Section 9.5 of the Environmental Planning	and Assessment Act 1919 Oil.
Date	
Abelin	
and signed on behalf of the Department	
Abbie Galvin, A/Deputy Secretary	
Planning Secretary or delegate	
4 June 2025	
Date	



Annexure A - Tree Planting

The following trees will be planted as part of these works.

Botanical name	me Common Name Size (QTY
Dairy farmers (105Lm - 210m2)	@ 2m2)		
casuarina Glauca	She -oak	250mm	71
Callistemon citrinus	Bottle brush	300mm	71
Grevillia	Robyn Gordon	200mm	71
Leptospermum petersonii	Lemon scented tea tree	300mm	71
Melaleuca linariifolia	Snow in summer	200mm	72
Syzygium australe	Bush cherry (large)	300mm	72
Waterhousea floribunda	Weeping Lilly pilly	300mm	72
		Total:	500
Low growing near the entrance	shoulder. (6Lm - 37m2)		
Lomandra Longifolia	Lomandra	50mm	72
Dianella caerulea var. caerulea	Blue flax lilly	50mm	72
Westringea fruticosa	Native Rosmary	140mm	24
Themeda triandra	Kangaroo grass	50mm	72
		Total:	240
	0	verall total:	740

Botanical name	Common Name	Size	QTY		
Environmental farms (East 32 locstions + West 243Lm)					
casuarina Glauca	She -oak	250mm	62		
Melaleuca linariifolia	Snow in summer	200mm	62		
Callistemon citrinus	Bottle brush	200mm	62		
Leptospermum polygalifolium	Tea tree	200mm	62		
	•	Total:	248		

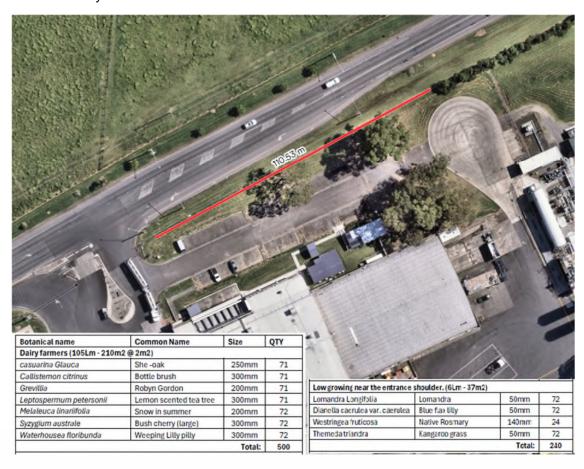
Botanical name	Common Name	Size	QTY	
Paper mill (81.16Lm + infill Pla	nting)			
casuarina Glauca	She -oak	250mm	34	
Melaleuca linariifolia	Snow in summer	200mm	34	
Callistemon citrinus	Bottle brush	200mm	34	
Leptospermum polygalifolium	Tea tree	200mm	34	
tristaniopsis laurina	Water gum	300mm	34	
		Total:	170	

The scope and cost of the works to be carried out are as follows:

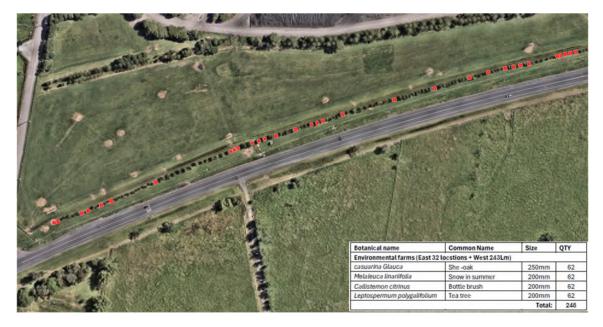
Reference		
Manildra Tree Planting		
Description		Amount
Tree planting for screening purposes along Bolong Rd within Manildra prope - Dairy farmers - Environmental farm - paper Mill.	rties.	
Project management -		\$1,204.00
Dairy farmers		\$29,770.72
Environmental farms		\$8,302.00
Paper mill		\$12,437.50
Maintenance & Watering (10 weeks)		\$10,542.00
	Subtotal:	\$62,256.22
	Total GST:	\$6,225.64
-	Total:	\$68,481.86
-		

The following series of images show the location for the proposed plantings when indicated in red (lines and dots).

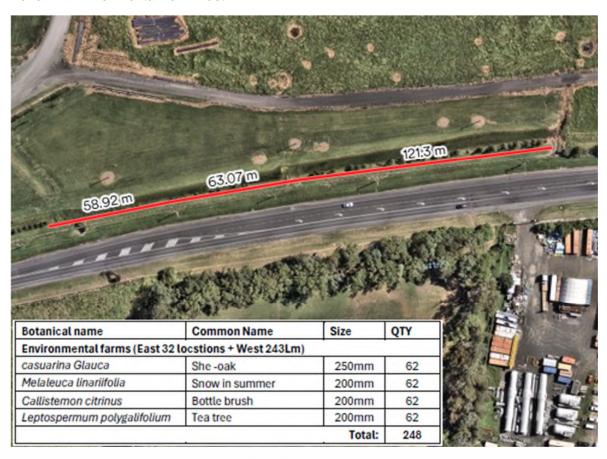
Zone 1 - Dairy Farmers



Zone 2 - Environmental Farm West



Zone 2 - Environmental Farm East



Zone 2 - Environmental Farm Whole



Zone 3 - Paper Mill



t) ne-cat now in summer stille brush as tree	250mm 200mm 200mm 200mm 300mm	34 34 34 34
now in summer ottle brush as tree	200 mm 200 mm 200 mm 300 mm	34 34 34 34
ottle brush a tree	200mm 200mm 300mm	34 34
a tree	200mm 300mm	34
	300mm	34
ater gum		-
	Total:	
		17
-	40	
	•	4 0



Annexure B - Letter from Shoalhaven Landcare Association and Enclosure

24th April 2025



Shoalhaven Landcare Association Inc.

Georgia Dragicevic Senior Compliance Officer Compliance | NSW Department of Planning, Housing and Infrastructure

RE: Shoalhaven Starches Enforceable Undertaking Proposal

Dear Georgia,

Shoalhaven Landcare Association was contacted by Shoalhaven Starches Pty Ltd regarding a potential monetary payment to our organisation of \$30,000 (plus GST).

We understand that the payment is in connection with the enforceable undertaking given by Shoalhaven Starches in relation to their contravention of sections 4.2(a) and 4.2(b) of the Environmental Planning and Assessment Act 1979.

Shoalhaven Landcare Association does not approve of Shoalhaven Starches' contravention, however, acknowledges the positive outcome that may result from an enforceable undertaking being entered into between the Department and Shoalhaven Starches with Shoalhaven Landcare Association being a beneficiary.

Shoalhaven Landcare Association will use the funds offered to it by Shoalhaven Starches towards the Shoalhaven Riverwatch Oyster Reef Project over the Project's three-year trial period. The Shoalhaven Riverwatch Oyster Reef Project's intended use of the funds is described in the enclosed letter from Peter Jirgens.

Funds can be deposited into the following bank account:

Account Name	Shoalhaven Landcare Association
BSB	032701
Account Number	205179
Description	Oyster Reef Grant
Amount	\$33,000

Following the deposit of the funds into this bank account, Shoalhaven Landcare Association will issue a receipt to Shoalhaven Starches, which we understand will be furnished to the Department.

We trust that this letter and the description of the intended use of the proposed funds meets the requirements of the Department's enforceable undertaking guidelines. We look forward to the benefits arising out of Shoalhaven Starches' contribution.

Yours faithfully,

Warmiter

William R Armitage Secretary (secretary@shoalhavenlandcare.org.au)
Shoalhaven Landcare Association

Encl. Letter from Shoalhaven Riverwatch Oyster Reef Project

Shoalhaven Landcare Association Inc. PO Box 1510, Nowra, 2541 ABN 21 955 644 308



Annexure B Enclosure: Letter from Shoalhaven Oyster Reef Project

Shoalhaven Riverwatch, Oyster Reef Restoration Research Project - Crookhaven & Shoalhaven Rivers

About Oyster Reefs

Natural oyster reefs were once abundant in many NSW estuaries. Historically, large beds of Sydney rock oysters were a dominant feature in most south coast river systems, however, over many decades these oyster reefs have been largely lost due to historical over harvesting for lime production for brick mortar (lime mortar).

Natural oyster reefs provide structural habitat for over 300 marine species including many native recreational fish. The restoration of this important habitat will improve local water quality, enhance foreshore protection and help support more native fish, including bream and flathead, and other marine wildlife in the area. It is well recognised that each oyster filters between 50 – 150 litres of water per day (see attached photo.)

The Project

The most common method used in Australia to re-establish oyster reefs is using hard rock. This method is expensive, as it involves the purchase of the hard rock, loading it onto a pontoon from a jetty along with a long-reach excavator, using a tug to move the pontoon to the site, then placing the rock in the intertidal zone.

In recent years, a new method has been developed by OzFish which involves recycling used oyster shells, that are placed in mild steel baskets and located in the intertidal zone. This method is used at several locations in Queensland and Victoria through OzFish. The benefit of this method is that the oyster shells, which are usually taken to landfill, are recycled into the baskets. The mild steel mesh, which holds the shells, rusts away within 3 years, and the new oysters that colonise the shells hold together the shell mass. This provides a cheap and effective way of establishing the oyster reefs.

The purpose of this project is to compare the effectiveness of the two methods currently used to reestablish oyster reefs - oyster baskets utilised by OzFish and hard rock.

The project will be as follows:

- Three sites in the Crookhaven and Shoalhaven Rivers will be selected for the trial.
- 60 oyster baskets will be constructed and filled by Shoalhaven Riverwatch volunteers, and oyster shells provided by local oyster farmers.
- 20 oyster baskets and hard rock will be placed at each site by contractors-lowtide, mid-tide and high-tide.
- The trial will run for 3 years
- The trial will fund a University to monitor and report on the findings (negotiations are underway with 2 Universities). Shoalhaven Riverwatch will be involved with the monitoring to reduce the cost.



 All materials will be removed from the sites at the end of the trial. Oyster baskets will be removed by Shoalhaven Riverwatch volunteers and the hard rock will be removed by contractors.

Timeframe

- Prior to 21st April Shoalhaven Riverwatch with Shoalhaven Oyster Farmers, identify 3 sites for the location of the research project
- Week Commencing 21st April Inspection of the Macquarie University trial installed 2021 using concrete blocks, and the 3 sites for the research project using Riverwatch's boat.
- Early December 2025 The trial, comprising of 60 oyster baskets and placement of hard rock (sandstone), to be installed at 3 sties at 3 levels prior to oyster spawning in late January

Regulatory Requirements

- A permit will be required from Crown Lands for the oyster farmers to store the shells prior to use in the baskets
- A permit will be required from NSW Fisheries and Crown Lands for the research project to commence.
- Shoalhaven City Council support this project and are providing a letter of support, stating that a DA is not required.

Budget Estimate

We estimate the project will cost approximately \$45,000. The major cost is the
cost to monitor and report on the findings over a 3-year period and the supply,
installation and removal of the rock component.

Benefits of this project

- To determine the most effective and economical way to re-establish oyster reefs within NSW coastal rivers.
- To establish a strong grounding in scientific method for these findings.
- To involve the local community in this project, through Shoalhaven Riverwatch, to construct, place and monitor the oyster baskets.
- Enable recycling of used oyster shells, as opposed to them being placed in landfill.
- Enhancement of the ecology of the Shoalhaven and Crookhaven Rivers through the re-establishment of the historic oyster reefs.
- To provide an example/template for communities along the NSW coastline on how to reestablish oyster reefs in a cost-effective way.
- Involvement of local high schools, though Shoalhaven Riverwatch's schools education program involving school excursions on the Shoalhaven River.



If you require any further information, please don't hesitate to contact me.

Warm Regards

Peter Jirgens

Shoalhaven Riverwatch Project Manager

Phone 0488460011, email: peter@jirgens.com.au

References:

Oz Fish Website: https://ozfish.org.au/programs/shellfish-restoration/

Shoalhaven Riverwatch Website: https://www.riverwatch.org.au/

Oyster Growth in oyster baskets and Mesh Degradation over time



Oyster are very effective water filters - this occurred over a 5 hour period





Annexure C – Letter from Shoalhaven City Council and Enclosure



Address all correspondence to: The Chief Executive Officer, PO Box 42, Nowra NSW 2541 Australia

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Council Reference: D25/168406

22 April 2025

Georgia Dragicevic Senior Compliance Officer Compliance | NSW Department of Planning, Housing and Infrastructure

Dear Georgia,

Shoalhaven Starches Enforceable Undertaking Proposal

Shoalhaven City Council was contacted by Shoalhaven Starches Pty Ltd regarding a potential monetary payment to our organisation of \$25,000.

We understand that the payment is in connection with the enforceable undertaking given by Shoalhaven Starches in relation to their contravention of sections 4.2(a) and 4.2(b) of the Environmental Planning and Assessment Act 1979.

Shoalhaven City Council does not approve of Shoalhaven Starches' contravention, however, acknowledges the positive outcome that may result from an enforceable undertaking being entered into between the Department and Shoalhaven Starches with Shoalhaven City Council being a beneficiary.

Shoalhaven City Council will dedicate the funds offered to it by Shoalhaven Starches to the Bomaderry Creek Weed Control and Revegetation Project over the Project's 12-month maintenance period. An outline of the intended use of the funds is described in the enclosed Bomaderry Creek Weed Control and Revegetation Project Outline Project Outline.

Funds can be deposited into the following bank account:

Account Name	Shoalhaven City Council Operating Account
505	
BSB	062 585
Account Number	10948465
Description	Manildra Partnership – Bomaderry Creek Weed Control and Revegetation
Amount	\$25,000

Following the deposit of the funds into this bank account, Shoalhaven City Council will issue a receipt to Shoalhaven Starches, which we understand will be furnished to the Department.

We trust that this letter and the description of the intended use of the proposed funds meets the requirements of the Department's enforceable undertaking guidelines. We look forward to the benefits arising out of Shoalhaven Starches' contribution.

RESPECT | INTEGRITY | ADAPTABILITY | COLLABORATION



Yours faithfully,

SFRidering

Shane Pickering

A/ Manager Environmental Services

Shoalhaven City Council

Encl. Bomaderry Creek Weed Control and Revegetation Project Outline



Annexure C Enclosure: Bomaderry Creek Weed Control and Revegetation Project Outline

Funding = \$25,000.

Timeline = Council would ideally procure works in April and engage contractor. Commence primary weed control from May through to July. Revegetation end of July. Continued maintenance (primarily weed control) of site from July 2025 onwards.

Benefits = This site has been identified in Council's Coastal Management Plan as having poor riparian vegetation conditions and bank stability. These works will implement a nature-based solution along this bank primarily through enhancing native riparian vegetation. Vegetated foreshores are an important coastal protection measure as the plants help to stabilise sediment through their roots systems, improving resilience of the bank to coastal hazards such as erosion. Removing weeds and enhancing native riparian vegetation will have the added benefit of improving biodiversity outcomes for native species who rely on healthy riparian systems.

Scope = Works to be conducted along an approximate 75m segment of Bomaderry Creek, near Lions Parks, as detailed in image below.



Work includes:

- Initial weed control Focusing on phasing out the grass cover and exotic species such as woody and herbaceous weeds and exposing the native vegetation. Costs approximately \$12,500.
- Revegetation procuring and planting approximately 300-400 riparian plant species (selected from the surrounding vegetation community) in various sizes to help diversify and



thicken up the planting area. Focus on utilising species from Threatened Ecological Communities nearby). Costs approximately \$3,000 - \$5,000

 Maintenance – 12 months maintenance (1-2 visits per month), Including 6 weeks watering newly installed stock. Allowance for further treatment on phasing out the exotic grasses and weeds. Costs approximately \$7,500 for 12 months of maintenance with a strong focus on weed control.



Annexure D – Letter from Shoalhaven City Council and Enclosure



Address all correspondence to: The Chief Executive Officer, PO Box 42, Nowra NSW 2541 Australia

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Council Reference: 50293E/2 (D25/186562)

30 April 2025

Georgia Dragicevic Senior Compliance Officer Compliance / NSW Department of Planning, Housing and Infrastructure

By email only: Gavin.Dostral@manildra.com.au

Dear Georgia

Park & Play Space Upgrades – Reid Park Bomaderry Shoalhaven Staches Enforceable Undertaking Proposal

Shoalhaven City Council was contacted by Shoalhaven Starches Pty Ltd regarding a potential monetary payment to our organisation of \$31,275.00

We understand that the payment is in connection with the enforceable undertaking given by Shoalhaven Starches in relation to their contravention of sections 4.2(a) and 4.2(b) of the Environmental Planning and Assessment Act 1979.

Shoalhaven City Council does not approve of Shoalhaven Starches' contravention, however, acknowledges the positive outcome that may result from an enforceable undertaking being entered into between the Department and Shoalhaven Starches with Shoalhaven City Council being a beneficiary.

Shoalhaven City Council will dedicate the funds offered to it by Shoalhaven Starches to the Reid Park Upgrade Project within 6 months of the enforceable undertaking Commencement Date. An outline of the intended use of the funds is described in the enclosed Reid Park Upgrade Project Outline.

Funds can be deposited into the following bank account:

Account Name	Shoalhaven City Council
BSB	062-585
Account Number	10948465
Description	Upgrade of Reid Park, Bomaderry
Amount	\$31,275.00

Following the deposit of the funds into this bank account, Shoalhaven City Council will issue a receipt to Shoalhaven Starches, which we understand will be furnished to the Department.

RESPECT | INTEGRITY | ADAPTABILITY | COLLABORATION



We trust that this letter and the description of the intended use of the proposed funds meets the requirements of the Department's enforceable undertaking guidelines. We look forward to the benefits arising out of Shoalhaven Starches' contribution.

If you need further information about this matter, please contact Paul Donnelly, City Services on (02) 4429 3601. Please quote Council's reference 50293E/2 (D25/186562).

Yours faithfully

Craig Exton

Manager - Technical Services



Annexure D Enclosure: Park & Play Space Upgrades - Reid Park Upgrade Project Outline

Shoalhaven City Council will be delivering an upgrade to Reid Park, cnr Tallayang Street & Bunberra Street, Bomaderry during FY26.

Funding for this project has been secured through the Local Small Commitments Allocation (LSCA) Program (administered by the NSW Premier's Department).

Shoalhaven Starches Pay Shoalhaven City Council \$31,275 towards the Reid Park Upgrade Project, which Council will use to fund the additional upgrades highlighted in yellow in the following table.

Shoalhan City	Council	Concept Cost Estimate Building and Landscape Design Unit				
Project Description Project Title:	Concept Design Costing for o	embellishment of Reid Park B SLIDE, ROCKER AND SEATING				
Site Address:	31 Bunberra Street, Bomac					
Client:	City Services	TRIM File No:				
Plan Reference: Version:	1	Designer: SCC				
Design Manager:	Paul Donelly	Approved By:				
		Concept cost estimate.				
No.	Expense Category	Item / Activity / Task	Quantity	Unit	Unit Cost	Cost
1	Geotech investigation (soil classification required for playground footings)	Geotech required for footings	1	service	\$2,500.00	\$2,500.00
2	Environmental	Enviro plan	1	report	\$900.00	\$900,00
3	Site security	Fence area hire for duration of works	50	linear m	\$13,00	\$650.00
Siteworks						
4	Site preparation	Strip soil, allowance spoil, install mulch, geotech fabric and timber edgestrip, remove edgestrips	1	activity	\$2,400.00	\$2,400.00
5	Construction	Supply playground mulch (30cm deep for 1.2m fall height)	60	m2	\$30.00	\$1,800.00
6	Construction	Remove existing mulch and dispose offsite and refresh with new	90	m2	\$35.00	\$3,150.00
7	Construction	Supply treated timber edgestrips	25	linear m	\$50.00	\$1,250.00
7	Construction	Slab for seating inc, worker cost	1	activity	\$2,000.00	\$2,000.00
Furniture Items						
8	Construction	Buller Climber supply	1	item	\$9,350.00	\$9,350.00
9	Construction	Supplier - install		item	\$4,150.00	\$4,150.00
10	Construction	Cob slide supply	1	item	\$11,750.00	\$11,750.00
11	Construction	2 way hoop rocker	1	item	\$4,250.00	\$4,250.00
12	Construction	Supplier - install Cob and rocker	1	item	\$9,520.00	\$9,520.00
13	Construction	DBYD	1	service	\$620.00	\$620.00
14	Construction	Frieght	1	service	\$2,000.00	\$2,000.00
15	Construction	Supply Seating 'Classic Plaza DDA' -Street Furniture Australia	1	item	\$2,505.00	\$2,505.00
PM, certification						
16	Construction	Site surveillance/pm	2	days	\$250.00	\$500.00
17	Service	Certification of surfaces and playground installation	1	service	\$2,000.00	\$2,000.00
		CONTINGENCY (10%)				\$6,129,50

SHOALHAVEN STARCHES

Exclusions: