



STEPHEN RICHARDSON, M.Appl.Sc.,BTP, Grad.Dip.Env. Mgt, CPP, MPIA
STUART DIXON, B. Urb. & Reg. Plan., CPP, MPIA

Associates:

PETER COWMAN, B.Sc.Agr., MAIAST
ANGELA JONES, B.A. Hons, MSc.
TONI WEARNE, B.A., Grad. Dip. Urb. & Reg. Plan.

Email: info@cowmanstoddart.com.au
Website: www.cowmanstoddart.com.au

Phone: (02) 4423 6198	The Holt Centre	Postal Address:
(02) 4423 6199	31 Kinghorne St	PO Box 738
Fax: (02) 4423 1569	Nowra NSW 2541	Nowra NSW 2541

9 March, 2018

Our ref: 17/67

Your ref: MP 06_0228 Mod 14

Deana Burn
Industry Assessments
NSW Department of Planning & Environment
Deana.Burn@planning.nsw.gov.au

Dear Deana,

**RE: SHOALHAVEN STARCHES EXPANSION PROJECT (MP06_0228 MOD 14)
MODIFICATION APPLICATION 14
RESPONSE TO SUBMISSIONS**

I refer to your email dated 6th March 2018 in which you seek responses to submissions made by government agencies and the public in relation to the above Modification Application (Mod 14). Our firm has been engaged by Shoalhaven Starches to prepare this submission in response to issues raised by the government agency and public submissions made in relation to the above Modification Application.

1.0 Government Agency Submissions

1.1 Environment Protection Authority (EPA)

The EPA in an email dated 6th March 2018 notes that the proposed uses for the former Paper Mill site are not identified in their own right to comprise a schedule activity(s) for the purposes of Schedule 1 of the *Protection of the Environment Operations Act 1997* and as such, the activities under MOD 14 are not proposed to be regulated by the EPA through an environment protection licence.

The EPA submission does not raise any objections to the Modification Proposal although recommends that conditions to address issues pertaining to noise be implemented should the Department determine approval of MOD 14:

- *Site operations to only take place during the day time period and as detailed on page 6 of the NIA report*
- *A noise limit of 40 dBA (L_{eq} 15 min) be established at sensitive receiver sites R1 to R4*

- *Implementation of the noise mitigation measures in section 6 of the NIA report.*

Response

The EPA's recommendations are consistent with the terms, findings and conclusions of the "*Environmental Noise Impact Assessment*" prepared by Harwood Acoustics and which supports the Environmental Assessment prepared in support of this Modification Application. Shoalhaven Starches raise no objections to the comments or recommendations of the EPA in this instance.

1.2 Roads & Maritime Services (RMS)

The RMS submission dated 2nd March 2018 identifies that Bolong Road is a regional classified road managed by Shoalhaven City Council.

In 2015, RMS advise that they reviewed their level of involvement with respect to classified regional roads and determined it more appropriate for councils to consider if proposed access arrangements are acceptable from a network perspective.

Given the above, RMS entrusts Shoalhaven City Council to assess the traffic implications of this application.

Response

The RMS submission does not raise any substantive issues in relation to the Modification Application that requires a response. Traffic issues raised by Shoalhaven City Council are addressed in Section 1.4 of this submission.

1.3 Department of Industry

The submission from the Department of Industry dated 5th March 2018 advises that matters of regulatory interest to the Department of Industry – Lands & Water and Department of Primary Industries have been adequately addressed in the EA.

Response

The Department of Industry submission does not raise any substantive issues in relation to the Modification Application that requires a response.

1.4 Shoalhaven City Council ("Council")

Council's submission dated 5th March 2018 raises the following issues:

The Traffic Impact Assessment (TIA) prepared by ARC Traffic & Transport is quite comprehensive and provides adequate points in support of the development. The main concern regards possible future use of the driveway outside daylight hours. It is acknowledged and outlined in the TIA that the use of the driveway outside daylight hours is NOT proposed as part of the current development. However, if the driveway was to be used outside daylight hours, then it would be difficult for Council to monitor and for appropriate action to be taken without an enforceable Condition of Approval being in place.

It should be noted that no objections are raised to the use of the driveway outside daylight hours, however, for this to occur, there will be a need for the

applicant to review the adequacy of the street lighting at this access point against Australian Standard AS1158 'Lighting for roads and public spaces'.

The following are recommended for consideration in any Conditions of Approval:

- (a) Limit the hours of operation of the driveway intersection with Bolong Road to daylight hours only (i.e. not dawn, dusk or night); and*
- (b) Should the Proponent desire to use the driveway intersection with Bolong Road outside daylight hours (i.e. not dawn, dusk or night), then the applicant is to review lighting standards for the driveway intersection of the former Paper Mill site with Bolong Road against Australian Standard AS1158 'Lighting for roads and public spaces'. In addition, the Proponent is to fund and implement any changes to the lighting infrastructure in order to comply with this Standard, in consultation with and to the satisfaction of Shoalhaven City Council.*

[Note that Council is responsible for funding the cost of electricity consumption of street lights on the public road network and would therefore want input into the design in regards to issues such as the types and number of street lights so as to ensure costs are contained].

Response

It is noted that Council does not raise objections to the Modification Application in terms of traffic impacts but seeks to limit the use and operation of the driveway intersection with Bolong Road to daylight hours. The above comments raised by Council are consistent with the findings and recommendations of the Traffic Impact Assessment prepared by Anton Reisch Consulting (ARC) which supported the Environmental Assessment for this Modification Application. Shoalhaven Starches therefore raise no objections to the recommendations of Council in this instance.

Council's submission also makes comments and recommendations in terms of flooding as follows:

It is understood that the use of external areas on the site is for plant and materials that are to be used in the construction of approved plant on the factory site as well as temporary and overflow shipping container storage.

The flood compliance report satisfies the flood provisions of Chapter G9, Shoalhaven Development Control Plan 2014.

The following are recommended for consideration in any Conditions of Approval:

- (a) A flood evacuation plan needs to be submitted to ensure that the timely, orderly and safe evacuation of people is possible. If a flood evacuation plan is already available, it needs to be updated by adding the following information:
 - i. A trigger level for evacuation needs to be set by the applicant.*
 - ii. Emergency contact number lists and warning signs such as not to drive across water needs to be displayed at visible locations.**

- (b) *An appropriate consulting engineer's report that the plant and storage containers will not become floating debris during a 1% AEP flooding scenario.*
- (c) *The Proponent needs to demonstrate that there is an area where hazardous and valuable goods can be stored above the 1% AEP flood level (5.0m AHD).*
- (d) *All electrical installations are to be above Flood Planning Level (5.5m AHD).*
- (e) *Damage to the product and equipment is to be considered in the updated Shoalhaven Starches flood plan, as stated in the flood compliance report.*
- (f) *The development must ensure compliance with the flood compliance report (Annexure 5) prepared by WMA Water Pty Ltd.*

Response

It is noted that Council does not raise objections to the Modification Application in terms of flooding, but rather seeks the Department to impose conditions on any approval if it is of a mind to approve the Modification Application.

Recommendation (a) seeks the preparation of a flood evacuation plan. There is already in place a Flood Evacuation Plan for the overall Shoalhaven Starches operation. It is suggested that this condition be modified to require this existing Flood Evacuation Plan to be updated to include the former Paper Mill site associated with this Modification Application and respond to the matters raised by Council in this instance. This is also suggested in Council's recommended condition. It is suggested that the condition could read:

- (a) *The existing Flood Evacuation Plan for the Shoalhaven Starches operations needs to be updated to include the use of the former Paper Mill site and envisaged by this Modification Application (Mod 14) and submitted to the Department of Planning prior to the commencement of use of the site that will ensure the timely, orderly and safe evacuation of people is possible. The existing Shoalhaven Starches Flood Evacuation Plan is already available is to be updated by adding the following information:*
 - i. A trigger level for evacuation needs to be set by the applicant.*
 - ii. Emergency contact number lists and warning signs such as not to drive across water needs to be displayed at visible locations.*

Recommended conditions (c) and (d) raise matters that were not raised by the Flood Compliance Report prepared by WMA Water which supports this Modification Application. These recommendations are standard requirements for general development and are not relevant to a major industrial development such as the Shoalhaven Starches operations. Shoalhaven Starches have operated on the floodplain for almost 50 years and are better placed to determine the appropriate risk level for the siting of electrical installations, and the storage of goods based upon the site-specific flood risk plan that they have for their operations. We therefore request that these specific conditions not be imposed on any approval.

Councils submission also includes Shoalhaven Water requirement for this Modification Application. Shoalhaven Water states that as the former Paper Mill site is not connected to Council's sewerage scheme all domestic waste shall be disposed of in accordance with septic pump out requirements.

Response

Shoalhaven Starches raise no objections to this requirement.

2.0 Public Submission

One (1) submission has been made by the public in relation to this Modification Application. As the address of the person making this submission has not been supplied it is difficult to frame a response that might be specific to the issues raised. However, following a review of the issues raised in this submission it is evident that the submission appears to raise issues in relation to the overall Shoalhaven Starches operations and not specifically in relation to this Modification Application. The following is a summary of the specific issues raised by this submission and including our responses.

1. Impacts from Truck Movements

The volume of trucks using Cambewarra and Meroo road has increased significantly and the expansion will only increase the volume of traffic even more. There needs to be extensive studies completed on the noise pollution levels at night on these roads as the trucks are moving up and down these roads at all hours of the night and day. The decibel noise levels are so bad it rattles all the windows in our home. This needs to be completed in consultation with the residents living in these streets and we need to be provided with the results of this testing. The roads are continually having to be repaired due to the damage caused by the amount of trucks using the roads.

Response

As detailed in the Traffic Impact Assessment prepared by ARC and which supports the Modification Application the use of the former Paper Mill site as part of this Modification Application will be auxiliary and ancillary to the existing approved operations of the Shoalhaven Starches factory site. As a result, this Modification Application is not expected to generate any "additional" heavy vehicle (or staff) trips upon the local or sub-regional; road network. Rather this Modification Proposal will simply result in a re-distribution of heavy vehicle trips from the factory site to the subject site and vice versa. It will certainly not increase heavy vehicle trips within the broader road network as suggested by this submission. Given these circumstances this Modification Application will not result in any increase in heavy vehicle movements to the broader road network nor will it increase impacts normally associated with heavy vehicle movements to the broader community.

It is noted that Council, as the relevant road authority, in their submission in relation to this Modification Application state that the TIA prepared by ARC for this Modification Application was "*comprehensive and provides adequate points in support of the development*". Council, as the relevant road authority, did not raise any objections to this modification proposal on traffic grounds.

2. Noise

The noise levels at the plant have also increased to a very high level to the point where we are unable to leave our windows open at night to sleep. This also needs to be investigated and studies completed on the noise levels at the plant as well.

Response

The Modification Application is supported by an Environmental Noise Impact Assessment prepared by Harwood Acoustics. Harwood Acoustics advise that noise emissions from the proposed use of the former Paper Mill site as part of this Modification Proposal will meet relevant noise limit criteria derived from the EPA's *Noise Policy for Industry 2017* at all residential receptor locations without the need for mitigation measures (other than the use of broadband alarms on mobile plant).

It is noted that the EPA in their submission on the proposal raise no objection to the proposal in terms of noise and include recommended conditions that should be applied to any consent. These recommendations are consistent with the findings and recommendations of the assessment undertaken by Harwood Acoustics.

3. Air Quality

The pollution levels at the plant have also increased the smell from the starch plant and the residual dust, which settles all over everything is unacceptable and needs to be addressed again in consultation with the residents living in these streets and the surrounding Bomaderry area. It seems that as long as the application supposedly addresses the requirements this is not in effect happening in real terms. I feel there is no consideration given to the effect the noise, smells and air born pollution has on residents and the environment.

Response

Air quality is not an issue arising from this Modification Application. This Modification Proposal does not involve any new processes or production of goods; and does not involve emissions of gases or fumes to the atmosphere. It is also noted that the EPA submission does not raise air quality as an issue of concern with respect to this Modification Application. Given these circumstances it is considered this Modification Proposal will not adversely impact air quality within this locality.

4. Coal

We also have been made aware that the output of 2.7 million tonnes of poor quality nut coal will be shipped to the Bomaderry plant to be used in their burners. As a resident I am disgusted that there has been no consultation on the detrimental effect this will have on people and the environment.

Response

This Modification Application does not involve the importation of coal, or its use at either the former Paper Mill site or the Shoalhaven Starches factory site. This issue has no relevance to this Modification Application.

It should be noted there is no proposal to import 2.7 million tonnes of coal to the Bomaderry plant as alleged in this submission. While the Manildra Group have acquired the "Invincible" mine near Lithgow; the entire production for the life of this mine is

approximately 2.2 million tonnes. Only a small proportion of this amount (about 85,000 tonnes per annum) is used at the Bomaderry plant, with the other coal sold. The coal that is used at Bomaderry comprises high quality washed and sized low ash "nut" coal. The term "nut" describes the size of the coal that is used.

I trust that the above responses are of assistance in the Department's consideration of this Modification Application. If you require any further clarification in connection with this submission, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink that reads "Stephen Richardson". The signature is written in a cursive, flowing style.

Stephen Richardson
COWMAN STODDART PTY LTD

Enc.