

Project Approval

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

I approve the project referred to in Schedule 1, subject to the conditions in Schedules 2 to 4.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



The Hon Kristina Keneally MP
Minister for Planning

Sydney

12 May

2009

SCHEDULE 1

Application Number:	08_0157
Proponent:	Joe White Maltings Pty Ltd
Approval Authority:	Minister for Planning
Land:	Lot 201 DP 813362 - Stonny Batter Road, Minto
Project:	Minto Malting and Grain Project

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DEFINITIONS

AEP	Annual Exceedence Probability flood event
BCA	Building Code of Australia
Construction	All demolition and construction works to be undertaken on site
Council	Campbelltown City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DECC	Department of Environment and Climate Change
Department	Department of Planning
Director-General	Director-General of Department of Planning, or delegate
EA	Environmental Assessment titled <i>Proposed Malting Plant and Packaging Facility, Lot 201 DP 813362, Stonny Batter Road, Minto</i> , volumes 1 and 2, dated November 2008 and the Proponent's response to the issues raised during the exhibition period
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6pm to 10pm
Incident	An incident causing or threatening material harm to the environment, and/or an exceedance of the limits or performance criteria in this approval
Minister	Minister for Planning, or delegate
Ministry of Transport	New South Wales Ministry of Transport
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Offensive Odour	See definition in the <i>Protection of the Environment Operations Act 1997</i>
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Project	The development as described in the EA
Proponent	Joe White Maltings Pty Ltd, or its successors
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
RailCorp	Rail Corporation New South Wales
RBL	Rating Background Level as defined in the DECC's <i>Industrial Noise Policy</i>
RTA	Roads and Traffic Authority
Site	The land referred to in Schedule 1
Statement of Commitments	The Proponent's commitments in Appendix 2.

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or decommissioning of the project.

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
 - (a) EA;
 - (b) site plan (see Appendix 1);
 - (c) statement of commitments (see Appendix 2); and
 - (d) conditions of this approval.
3. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from its assessment of:
 - (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence submitted by the Proponent.

Limits of Approval

5. This approval shall lapse if the Proponent does not substantially commence the building works associated with the project within 5 years of the date of this approval.
6. The Proponent shall not:
 - (a) import more than 270,000 tonnes of malting barley or grain a year onto the site;
 - (b) produce more than 130,000 tonnes of malt a year on site; and
 - (c) export more than 140,000 tonnes of grain and 130,000 tonnes of malt a year from the site.
7. The Proponent shall ensure that all the grain and barley imported onto the site, and all the malt and grain exported from the site, occurs via the adjoining rail siding to the Main Southern Railway. However, in exceptional circumstances, the Proponent may ignore these restrictions for short periods with the written approval of the Director-General.

Structural Adequacy

8. The Proponent shall ensure that 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.

Notes:

- Under Part 4A of the EP&A Act, the Proponent 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 project.

Demolition

9. The Proponent shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.
10. Prior to the commencement of demolition works, the Proponent shall prepare a Demolition Work Plan in consultation with Council, and to the satisfaction of the Director-General. This plan must:
 - (a) Describe the measures that would be implemented on site to ensure compliance with *Australian Standard AS 2601-2001: The Demolition of Structures*; and
 - (b) Include the details of the demolition contractor.Following approval, the Proponent shall implement the plan to the satisfaction of the Director-General.

Protection of Public Infrastructure

11. The Proponent shall:
 - (a) prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters, footpaths), in consultation with Council, and submit a copy of this report to the Department prior to the commencement of demolition works;
 - (b) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and
 - (c) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Operation of Plant and Equipment

12. The Proponent shall ensure that all plant and equipment used on site is maintained and operated in a proper and efficient manner.

Developer Contribution

13. Prior to the commencement of operations, the Proponent shall pay Council \$50,000 as a contribution towards the provision of infrastructure and services for the employees of the project.

Management Plans

14. With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.
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SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

AIR QUALITY

Offensive Odours

1. The Proponent shall not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the POEO Act.

Nitrogen Oxide Emissions

2. The Proponent shall implement Best Available Control Technology to minimise, as far as practicable, the nitrogen oxide emissions of the project to the satisfaction of the DECC.

Dust

3. The Proponent shall implement all reasonable and feasible measures to minimise dust generated by the project.
4. During construction, the Proponent shall ensure that:
 - (a) all trucks entering or leaving the site that could generate dust have their loads covered;
 - (b) trucks associated with the project do not track dirt onto the public road network; and
 - (c) public roads used by these trucks, in the vicinity of the site, are kept clean.

Independent Air Quality Audit

5. Within 6 months of the commencement of operations on site, the Proponent shall commission and pay the full cost of an Independent Air Quality Audit of the project. This audit must be conducted by a suitably qualified, experienced and independent expert whose appointment has been endorsed by the Director-General. During the audit, this expert must:
 - (a) consult with DECC and the Department;
 - (b) measure all key odour sources and audit the effectiveness of the odour controls on site;
 - (c) audit the air emissions of the project criteria, and in particular the nitrogen oxide emissions;
 - (d) determine whether the project is complying with conditions 1, 2 and 3 above; and, if necessary,
 - (e) recommend measures to minimise the odour or air emissions of the project.
6. Within 2 weeks of this audit being completed, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to DECC and the Director-General with an action plan for the implementation of any recommendations contained in the audit report.

SOIL AND WATER

Water Pollution

7. The Proponent shall not cause or permit any waters to be polluted, as defined under Section 120 of the POEO Act.

Wastewater Discharges

8. The Proponent shall ensure that all of the wastewater discharged from the site is discharged to sewer under a trade waste agreement with Sydney Water.

Bunding

9. All chemicals, fuels and oils shall be stored in appropriately banded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. The bund(s) shall be designed and installed in accordance with the:
 - (a) requirements of all relevant Australian Standards; and
 - (b) DECC's *Storage and Handling Liquids Environmental Protection - Participant's Manual*.

Erosion and Sediment Control Plan

10. During construction, the Proponent shall implement appropriate erosion and sediment controls on site, in accordance with the relevant requirements in Landcom's (2004) *Managing Urban Stormwater: Soils and Construction* manual to the satisfaction of the Director-General.

Stormwater Management Plan

11. The Proponent shall prepare and implement a Stormwater Management Plan for the project to the satisfaction of the Director-General. The plan/s must:
- (a) be prepared in consultation with Council and RailCorp;
 - (b) be submitted to the Director-General for approval prior to the commencement of construction;
 - (c) be prepared in accordance with DECC's *Managing Urban Stormwater: Council Handbook*, and the *Campbelltown (Sustainable City) Development Control Plan Volume 2 - Engineering Design for Development* (as amended); and
 - (d) include details of:
 - pre and post development flows;
 - water quality;
 - stormwater detention, treatment and control infrastructure; and
 - measures to maintain this infrastructure and the proposed monitoring of stormwater quantity and quality during operation of the project.

Water and Energy Efficiency

12. The Proponent shall ensure the project is energy and water efficient, and comply with industry best practice, to the satisfaction of the Director-General.
13. The Proponent shall prepare and implement a Water and Energy Efficiency Program for the project to the satisfaction of the Director-General. The program must:
- (a) be approved by the Director-General prior to the commencement of building works;
 - (b) compare the proposed energy and water usage ratio of the project to other existing malting facilities, and set benchmarks for industry best practice;
 - (c) describe the measures that would be implemented onsite to ensure the project is water and energy efficient and uses the best available technology; and
 - (d) include a program to monitor and report on the efficiency of the measures implemented, and ensure the project remains energy efficient over time.

Note: The Proponent may submit Energy & Water Savings Action Plans to satisfy the requirements of this condition..

Geotechnical

14. Prior to carrying out any building works within 25 metres of the Main Southern Railway corridor, the Proponent shall prepare a Construction Plan for the works in consultation with RailCorp, and to the satisfaction of the Director-General. The plan must describe the measures that would be implemented to ensure that the works do not compromise the safety and structural integrity of the rail infrastructure facilities in the rail corridor, nor the safe and efficient operation of this infrastructure. Following approval, the Proponent shall implement the plan to the satisfaction of the Director-General.

NOISE

Construction Noise

15. The Proponent shall comply with the construction hours and noise goals in Table 1, unless otherwise agreed with the DECC.

Table 1: Construction Hours and Noise Goals

Activity	Day	Time	Noise Goal
Construction	Monday – Friday	7am to 6pm	RBL + 10 dB(A)
	Saturday	7am to 1pm	RBL + 10 dB(A)
	Saturday	1pm to 5pm	RBL + 5 dB(A)
	Sunday and Public Holidays	Nil	

Notes:

- Construction activities may be conducted outside the hours in Table 1 provided that the activities are not audible at any residence beyond the boundary of the site;
- Emergency work to avoid the loss of life, property and/or prevent environmental harm may be undertaken outside the hours in Table 1; and
- Deliveries of oversize equipment may occur outside these hours, if required by the RTA or NSW police.

Operational Noise Limits

16. The Proponent shall ensure that noise generated by the project's operations does not exceed the noise limits presented in Table 2.

Table 2: Project Noise Limits (dB(A))

Location	Day	Evening	Night	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
Nearest residence (9 Borthwick Street, Minto)	45	40	40	50

Note: Noise generated by the project is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy.

17. During the night time period, roller doors are to be kept closed and loading and unloading activities, such as rail carriage shunting or truck movements on site, are to be kept to a minimum.

Note: Loading and unloading activities and truck movements during the night time period may only occur on site in exceptional circumstances.

TRANSPORT

Vehicle Queuing, Parking and Transport

18. The Proponent shall ensure that:
- the internal road network and parking on site complies with Australian Standards *AS 2890.1:2004* and *AS 2890.2:2002*;
 - vehicular access to the site is constructed in accordance with the requirements of Council;
 - all parking generated by the project is accommodated on site, and that no vehicles associated with the project shall park on the public road system at any stage;
 - the project does not result in any vehicles queuing on the public road network; and
 - suitable parking for bicycles and associated facilities including change rooms are provided at the facility,
- to the satisfaction of the Director-General.

Traffic Management Plan

19. The Proponent shall prepare and implement a Construction Traffic Management Plan for the project to the satisfaction of the Director-General. The Plan must:
- be prepared in consultation with the RTA and Council;
 - be submitted to the Director-General for approval prior to the commencement of demolition works;
 - nominate routes for the heavy vehicles accessing the site;
 - provide details on restrictions proposed for the hours that heavy vehicles may access the site; and
 - describe the measures that would be implemented to manage traffic safety during the construction of the project.

HAZARDS

Fire Safety Study

20. Prior to the commencement of construction, the Proponent shall prepare Fire Safety Study for the project to the satisfaction of the NSW Fire Brigades and Director-General. This study must be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 2, Fire Safety Study Guidelines* and the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*. Following approval, the Proponent shall implement the study to the satisfaction of the NSW Fire Brigades and Director-General.

Pre-Commissioning Studies

21. Prior to commissioning the project, the Proponent shall prepare the following to the satisfaction of the Director-General:
- (a) an Emergency Plan prepared in accordance the Department's *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines*; and
 - (b) a Safety Management System prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9 - Safety Management*.
- Following approval, the Proponent shall implement the above studies to the satisfaction of the Director-General.

WASTE

22. During the demolition, construction and operation of the development the Proponent shall implement all reasonable and feasible measures to minimise the waste generated by the development.
23. The Proponent shall ensure that all waste generated by the project is classified in accordance with the DECC's *Waste Classification Guidelines: Part 1 Classifying Waste*, and disposed of appropriately.

VISUAL

Design

24. Prior to the commencement of any building works, the Proponent shall prepare detailed architectural and landscaping design plans for the buildings and landscaped areas to be constructed on site to the satisfaction of the Director-General. These plans must:
- (a) be prepared in consultation with Council;
 - (b) demonstrate the treatments are of sufficient design quality to minimise the visual impact of the project, and include a variety of materials and external finishes;
 - (c) illustrate the existing and proposed elevations of the site, how the facilities would sit on-site (describing any cut and fill required) and any retaining walls, etc proposed;
 - (d) demonstrate that all habitable buildings would be a minimum of 150mm above the 1% AEP overland flow level for the site where applicable; and
 - (e) illustrate the location, species and mature height of plants to be established at the site, noting that the species selected shall be low water demand and locally indigenous.
- Following approval, the Proponent shall implement the study to the satisfaction of the NSW Fire Brigades and Director-General.

Reflectivity

25. The Proponent shall implement all reasonable and feasible measures to minimise the reflectivity of the larger structures on site, particularly the silo structures, to the satisfaction of the Director-General.

Lighting

26. The Proponent shall ensure that lighting associated with the project:
- (a) complies with the latest version of Australian Standard *AS 4282(INT)-Control of Obtrusive Effects of Outdoor Lighting*; and
 - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties, the Main Southern Railway or the public road network.

Signage and Fencing

27. The Proponent shall not install any fencing or signage on site without the written approval of the Director-General. In seeking this approval, the Proponent shall:
- (a) submit detailed plans of the proposed fencing or signage, which have been prepared in consultation with Council; and
 - (b) demonstrate that the proposed fencing or signage is consistent with the relevant requirements in *Campbelltown (Sustainable City) Development Control Plan*.

VERMIN CONTROL

28. The Proponent shall implement all reasonable and feasible measures to control on site to the satisfaction of the Director-General.

SCHEDULE 4

ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING

ENVIRONMENTAL MANAGEMENT STRATEGY

1. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. The Strategy must:
 - (a) be submitted to the Director-General for approval prior to the commencement of construction;
 - (b) be updated to the satisfaction of the Director-General prior to the commencement of operations on site;
 - (c) identify the statutory and other obligations that apply to the project;
 - (d) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the project; and
 - receive, handle, respond to, and record any complaints that are received;
 - (e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project; and
 - (f) include a copy of the various studies, plans and programs required under this approval.
2. The Proponent shall update this strategy to the satisfaction of the Director-General, following each independent audit, or as directed by the Director-General.

INCIDENT REPORTING

3. The Proponent shall notify the Director-General of any incidents associated with the project as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Director-General with a detailed written report on the incident, and any action that has subsequently been taken in relation to this incident.

AUDITING

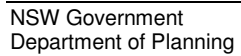
Work-As-Executed Plans

4. Prior to commencement of operations, the Proponent shall submit work-as-executed plans to the Director-General of the development on site. These plans must be prepared by a suitably qualified and experienced expert, and must include plans showing the work as executed plans laid over the approved plans to demonstrate that the development has been carried out in accordance with the approved plans.

Independent Environmental Audit

5. Within 12 months of the commencement of operations, and every 3 years thereafter unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
 - (a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Director-General;
 - (b) be undertaken in consultation with DECC and Council;
 - (c) assess the environmental performance of the project, and whether it is complying with the relevant standards, performance measures, and statutory requirements;
 - (d) review the adequacy of any strategy/plan/program/system required under this approval; and, if necessary;
 - (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program/system required under this approval.
 6. Within 1 month of completing this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General with a response to any recommendations contained in the audit report.
 7. Within 3 months of submitting an audit report to the Director-General, the Proponent shall review and if necessary revise the strategy/plans/programs required under this approval to the satisfaction of the Director-General.
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main southern railway



APPENDIX 2: STATEMENT OF COMMITMENTS

Objective	Commitment
Demolition & Construction Works	
• Safe working environment. • Minimise environmental impact.	• Construction Management Plan to be prepared for the works and submitted with the Construction Certificate. • Preparation of a specific Environmental Management Plan for the Minto site demolition & construction works. • All works conducted in accordance with relevant demolition and construction legislation.
Operation of Malting Plant & Packing Facility	
• Safe working environment.	• Site specific and job specific OH&S training for all staff. • Provision of information regarding safe working practices for the development. • Identification of pedestrian walkways around plant in locations where dangers may be present. • Separation, where possible, of pedestrians and vehicles. • Requirement for appropriate personal protective equipment to be worn onsite. • Appropriate number of staff to receive first aid training.
Air Quality	
• Minimise & manage emissions of dust, odour & oxides of nitrogen.	• Operation of development within DECC criteria and limits in relation to emission of dust, odour and oxides of nitrogen. • Installation of dust monitor onsite to record emission levels. • Regular site cleaning to remove dust. • Installation of nitrogen dioxide monitor and retention onsite until base line emissions are identified.
Traffic & Transport	
• Provision for alternative modes of transport to the private car.	• Bike racks to be provide near the office building. • Shower facilities to be provided for staff use in the office block.
Soil Management	
• Prevention of soil erosion.	• Compliance of demolition, construction and ongoing operation with a Soil & Water Management Plan for the site.
Water Management	
• Minimise use of potable water on site. • Effective management of onsite storm water. • Prevention of water pollution.	• Reduction in freshwater use through the implementation and operation of a world's best practice water recycling facility. • Capture of rain water from roof of office building and storeroom in tanks. • Use of rainwater to irrigate landscaping when feasible. • Implementation of 4, 5 or 6 star rated water appliances in the proposed office to minimise potable water use. • Implementation and maintenance of an appropriate stormwater management system to channel water to Council's drainage system and ensure runoff does not flow onto adjoining land. • Compliance of demolition, construction and ongoing operation with a Soil & Water Management Plan for the site.
Noise Management	
• Responsible management of JWM demolition and construction noise. • Responsible management of JWM site operational noise.	• Care taken to avoid excessive noise during demolition and construction. • Demolition and construction works only between 7am – 5pm Monday to Saturday. • Ensure maintenance of equipment to limit noise

	- emissions. - Repair of any equipment that fails and results in excessive noise emissions without undue delay. - JWM to commission a noise assessment 6 months after the site becomes operational. Mitigation measures taken if noise emissions are found to breach appropriate NSW guidelines or legislation.
Visual	
Minimise visual impacts from site.	- Control of external illumination to reduce spillage. Specific attention paid to ensure direction of lights is not towards the RailCorp rail line. - Colourbond colouring selected to reduce visual impact and use of galvanised silos to reduce light reflection.
Greenhouse Gases	
Minimise the production of greenhouse gas emissions associated with JWM operations.	- Implementation of energy reduction measures as identified in this EA. - Implementation of world best technology for the capture and reuse of heated air in the kilning process. - Implementation of world best technology gas burners in the kilning process.
Waste	
- Minimise waste from ongoing operations. - Ensure appropriate disposal for waste streams.	- Recycling of process water for reuse in the malting process. - Location of bins onsite for different waste streams and education of staff where to dispose of waste to maximise recycling. - Investigation of local opportunities for the reuse of dry and sludge organic waste.
Environmental Monitoring	
To ensure compliance with any Environmental Protection Licence (EPL) issued for the malting plant and packing facility.	Development and implementation of an Environmental Management Plan for the Minto facility which documents environmental monitoring in accordance with the EPL.
Landscaping	
Improve the visual amenity of JWM on surrounding community.	Implement landscaping generally in accordance with concept scheme.