

## ASSESSMENT REPORT

### Joe White Maltings, Minto Malting Plant and Packing Facility MP 08\_0157 MOD 3

#### 1. BACKGROUND

This report is an assessment of a request to modify the Project Approval (MP08\_157 MOD 3) for a new malting plant and grain packing facility located within the Minto Industrial Area in the Campbelltown local government area.

The request has been lodged by Joe White Maltings pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval for single storey alterations and additions to an existing on-site office building within the facility.

#### 2. SUBJECT SITE

The subject site is located at 11 Stonny Batter Road within the Minto Industrial Area (see **Figure 1**)



**Figure 1:** Regional context of the site



**Figure 2:** Site Location within existing industrial area (Source: MOD 3 EA)

### **3. APPROVAL HISTORY**

On 12 May 2009, the then Minister for Planning granted Project Approval to construct and operate a new malting plant and grain packing facility on the site.

Key structures include germination vessels; kiln; storage silos; plant room; water treatment plant; water and effluent tanks; grain transfer station; carpark; administration office; and other ancillary infrastructure.

The proposal has been modified on 2 occasions as follows:

- On 20 April 2013, MOD 1 was approved under delegation to permit transfer of a limited amount of raw and finished product by road rather than rail transport.
- On 24 June 2014, MOD 2 was approved under delegation to permit the construction of 12 new silos at the facility for storage purposes only.

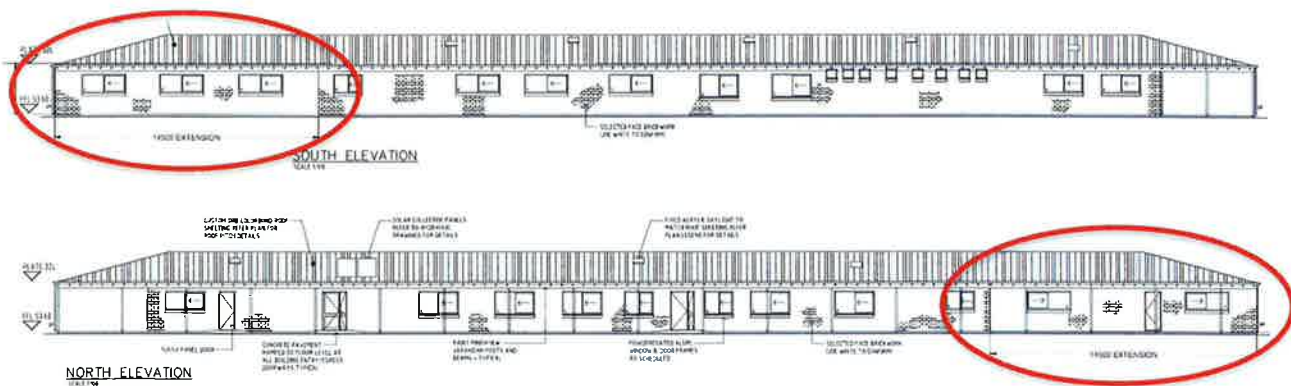
### **4. PROPOSED MODIFICATION**

On 22 May 2015, the Proponent lodged a section 75W modification application (MP 08\_0157 MOD 3) seeking approval for a single storey extension to an existing office building on the site. This would increase the floor space of the office building by 137.8m<sup>2</sup> resulting in a total office floor space of 574m<sup>2</sup>. The additional floor space is required to facilitate research and development (R&D) and training activities for the facility.

The proposed area for the extension is located within an existing hardstand area, with some internal landscaping. The proposed office expansion would result in two additional staff members being employed at the site.



**Figure 3:** Aerial view with location of proposed office extension [Sources MOD 3 EA]



**Figure 4:** Elevations of proposed extension [Sources MOD 3 EA]

## 5. STATUTORY CONSIDERATION

### 5.1 Section 75W

The project was originally approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Although Part 3A was repealed on 11 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former Section 75W of the Act.

The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

### 5.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Acting Director, Regional Assessments may determine the application under delegation as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

## 6. CONSULTATION

The Department made the modification application publicly available on its website, and consulted with the Office of Environment and Heritage (OEH), the Environmental Protection Authority (EPA) and Campbelltown City Council (Council) on the proposed modification.

The **OEH** did not raise any objections to the proposed modification.

The **EPA** did not raise any objections to the proposed modification subject to consideration of the following issues:

- ensuring the Environmental Protection Licence issued for the facility is complied with;
- construction noise;
- soil and stormwater management;
- waste management; and
- SEPP 55 in relation to any contaminated land.

**Council** raises no objection to the proposed modification, noting the following:

- the proposal is a relatively minor change to the approved development footprint;
- the approved production limits and transport arrangements will not be impacted;
- the proposed use will be complimentary to the existing office and laboratory on site;
- Developer contributions are not required; and
- Council does not suggest any amended conditions except reference to approved plan numbers.

There were no public submissions received on the proposal.

## 7. ASSESSMENT

The Department considers the key issues associated with the proposed modification are:

- built form; and
- developer contributions.

All other issues are considered in Table 1 below.

### 7.1 Built Form

The proposal seeks approval for a single storey extension to an existing office building situated towards the southern boundary of the site. The proposed extension is located mainly within an existing hardstand area with a small area of landscaping to be removed and replaced.

The proposed single storey extension is in keeping with the design, bulk and scale of the existing office and once completed will fully integrate with the existing building.

The proposed extension is minor and would not create any additional environmental or amenity impacts beyond the existing approved development. Further, the site has a sufficient landscape buffer to minimise potential visual impacts on the adjoining property to the south.

The Department's assessment concludes that the proposed extension is in keeping with the scale and character of the industrial area and it would not lead to any additional environmental or amenity impacts.

### 7.2 Developer contributions

The original Major Project Approval attracted a \$50,000 Section 94 contribution (Condition 13, Schedule 2 of the MP 08\_0157).

The *Campbelltown City Council Section 94A Levy Contributions Plan 2011* is the relevant contributions plan for the site. The Plan specifies the type of development to which the plan applies and identifies contributions based on the value of the development. It specifies that development valued greater than \$200,000 attracts a 1% contribution levy.

The current proposal has an estimated development cost of \$300,000, which represents a potential levy of \$3,000. In this regard, the proponent makes the following argument in relation to developer contributions:

*...as the proposed office expansion will not have any impact on the production levels or operational workforce associated with the existing plant, no additional developer contributions to those paid upon approval of the original plant in 2009 are considered warranted or appropriate...*

The Department considers that the proponent's argument is reasonable given:

- the proposal will not impact on production levels or increase the operational workforce of the production facility;
- the proposed office extension will only result in two additional employees for R&D and training purposes, therefore the proposal is unlikely to generate additional demand on existing infrastructure and services; and
- Council has not requested additional developer contributions given the context of the site and minimal impact the extension would have on staffing and any resultant impact on infrastructure and services.

The Department's assessment concludes that the proposal is unlikely to increase demand on existing infrastructure and services as the modification will only result in a minor increase in employees and it will not increase production limits. On this basis, the Department is satisfied that additional developer contributions are not warranted in this case.

### 7.3 Other Issues

**Table 1: Assessment of Other Issues**

<b>Issue</b>	<b>Consideration</b>	<b>Recommendation</b>
<i>Environmental Protection Licence</i>	<ul style="list-style-type: none"> <li>• The EPA raised no objection to the proposal subject to ensuring the current Environmental Protection Licence (EPL) issued for the facility is complied with.</li> <li>• The Proponent has demonstrated that the proposal is of a minor nature and will not lead to any environmental or operational impacts.</li> <li>• On this basis, the Department is satisfied that the proposed office extension would not impact on the Proponent's ability to comply with its EPL.</li> </ul>	No additional conditions or amendments necessary.
<i>Construction Management</i>	<ul style="list-style-type: none"> <li>• The EPA requested that the following issues be adequately managed and assessed in accordance with relevant guidelines:               <ul style="list-style-type: none"> <li>• construction noise;</li> <li>• soil and water management; and</li> <li>• waste management.</li> </ul> </li> <li>• The Department is satisfied that the current approval (as modified) contains existing conditions which would adequately mitigate and manage construction impacts including noise, soil and water, and waste issues.</li> </ul>	The Department considers that the existing conditions of approval appropriately address construction management issues.
<i>Contamination</i>	<ul style="list-style-type: none"> <li>• The EPA requested consideration of SEPP 55 to ensure the land is suitable for its proposed use.</li> <li>• The original EA (page 45) indicated that the site was not subject to contamination and that no further assessment would be required in accordance with SEPP 55.</li> <li>• Given the findings of the original EA and the minor nature of the proposed works, this issue is considered to be satisfied.</li> </ul>	No additional conditions or amendments necessary
<i>Traffic</i>	<ul style="list-style-type: none"> <li>• The proposal seeks approval for additional office space for R&amp;D and training purposes, which would result in two</li> </ul>	No additional conditions or amendments necessary

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
	<p>additional staff.</p> <ul style="list-style-type: none"> <li>• The additional traffic generated by the proposal would be minimal and would not impact on the operation of the existing road network.</li> <li>• The Department also notes that the proposal would not lead to any additional operational traffic associated with the production facility.</li> </ul>	

## 8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the proposal is a minor extension to the office component of an existing approved facility; and
- the proposal will not lead to any environmental or amenity impacts.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

## 9. RECOMMENDATION

It is RECOMMENDED that the Acting Director, Regional Assessments as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 75W, subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

Prepared by:  
Michael Woodland

 29/06/2015

Anthony Witherdin  
**Acting Director**  
**Regional Assessments**



## **APPENDIX B: SUPPORTING INFORMATION**

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The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7079](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7079)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7079](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7079)

3. Response to Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7079](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7079)