



27 September 2016

Ms Kerry Hamann
Senior Planner, Industry
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

By email: Kerry.Hamann@planning.nsw.gov.au

Dear Madam,

**RE: Application to modify existing project approval MP 08_0157
Joe White Maltings, Stonny Batter Road, Minto**

I refer to your correspondence regarding the proposal to further modify the subject project approval such that up to 157,000 tonnes of grain per annum is permitted to arrive and depart the site by road, rather than the originally approved rail arrangement.

As you are aware, Council and the Department undertook a significant assessment of the proposal to construct and operate the malting plant at its current site in Minto. In Council's understanding, the site was chosen by the proponent principally because of its strategic location and ready access to rail for inbound and outbound freight.

Council is quite concerned that an amendment of Condition 7 in the project approval may have on the amenity for local residents and longevity of Council's road assets.

Accordingly, and upon review of the proponent's supporting documentation, Council provides the following comments and concerns for the Department's consideration whilst it considers the application:

- Further clarification should be sought from the applicant regarding the justification for the change to transportation arrangements for the development. The current rail-based transport scenario (ie. reliance on other parties not directly associated with Joe White Maltings) was current at the time of the original application being made and at the time of the plant's construction and initial operation.

The first modification to Condition 7 was made on the same grounds as the subject application appears to be – so as to secure some protection from problems with the rail network or the third party rail transport service provider.

Council did not object to that modification on the grounds that it was considered (at the time) to be a reasonable request. As a failsafe, the condition already generously permitted full operation by road in exceptional circumstances, subject to receipt of the Secretary's written approval.

With this in mind, Council does not consider that the new application currently provides adequate justification for the significant potential change in operational regime for the facility.

Had the development been proposed initially for 100% of the transport task being undertaken by road, Council's support of the project and its position on the suitability of the site for the proposed development is likely to have been somewhat different to that which it took in 2008/2009.

The current application proposes more than half of the grain/malt transport task becoming road based rather than rail. This is a significant shift by comparison to the original proposal and assessment undertaken by Council on behalf of the Department. At the time, the concept of the facility being established at its current location was based wholly on the premise that rail would be used for the entire transport task; a fact which was embodied in the original project approval's Condition 7, which considers road transport only 'in exceptional circumstances'.

- Clarification of the exact amount of product arriving and leaving the site over the course of a year by road is required. The proponent and supporting reports nominate that the current approval (as modified) provides for 54,000 tonnes of grain and barley arriving by road, which would increase to 157,000 should the current application be approved.

Condition 7 as modified does also stipulate a further 25,000 tonnes only of malt and grain may leave the site by road. Therefore the total road transport operation equates to 182,000 tonnes.

The application does not readily account for the export of that 25,000 tonnes by road, unless it is assumed that the 25,000 tonnes would be transported by trucks already bringing products to the site – this is not explicitly stated in either the traffic impact assessment or in Cardno's environmental assessment.

Council is concerned that this will not always be the case, having regard to the different origins and destinations of products arriving and leaving the site.

The proponent should be required to provide additional information regarding the transport arrangements for all products leaving and entering the site by road in a cohesive manner. Should the number of vehicles per day be revised, the supporting reports should also be revised to re-determine any potential impacts on the local road network and nearby residents.

- As mentioned in previous correspondence, Council requests that the types of trucks proposed for use be nominated by the proponent. The traffic impact assessment and environmental assessment have assumed 'an average' of 45 tonnes of payload per vehicle. This means that every truck entering or leaving the site with grain on board would at least be a b-double or other PBS approved truck.

Council seeks the proponent's written confirmation of such or in lieu, a revision of the vehicle number assumption is required should every truck proposed to enter/leave the site not be capable of hauling a 45 tonne payload.

- Council agrees with RMS comments regarding traffic modelling and also requests that SIDRA data files be made available for assessment.
- Council requests that the hours of operation relied upon in the traffic impact assessment and noise impact assessment accompanying the modification application are embedded into the project approval, should the modification be approved.

These hours are: 6am - 6pm Monday to Friday
 6am - 2pm Saturdays
 Closed on Sundays

- An assessment of impacts that the increase in heavy vehicles travelling to and from the site would have on Council's road pavement assets in the long term. This includes Stonny Batter Road and depending on desired access to the Hume Motorway could also include Ben Lomond Road, Rose Payten Drive and Blaxland Road.

The assessment should include a thorough discussion on the impacts that an increase in equivalent standard axle loadings will have on pavements proposed for use by trucks associated with the development. This discussion should include a consideration of the associated increase in dynamic loads exerted by trucks being the continual loading and unloading actions of trucks through their respective suspension systems and tyres when moving along the various roads at speed, and the consequential reduction in the design life of the pavement due to the impacts of dynamic loading of those pavements.

This of course should be done after appropriate truck type has been established in accordance with the 45 tonnes per truck assumption mentioned earlier or the alternate vehicle type(s) should it be determined that not every truck will be carrying this payload.

Further to the abovementioned points, Council originally requested that a developer contribution be made in line with the provisions of its Section 94A developer contributions plan. However, and as detailed in Condition 13 of the project approval, this was reduced on advice from the proponent that local infrastructure (most importantly roads) would not be impacted on by the development as it would rely on rail transport.

With such a significant change to the site's transportation regime, it is considered that a revised contribution from the developer towards maintenance and/or embellishment of Council's road infrastructure assets should be made that is more in-keeping with Council's adopted contributions plan.

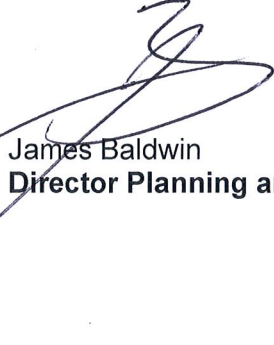
Council wishes to express its significant concern that incremental increases to road transport for the facility are proposed. The site was not considered suitable on its road transport access, rather it was considered suitable for the project based on its proximity to and reliance on rail transport infrastructure.

In addition, there is concern that these incremental increases may lead over time to a complete reliance on road based transport, which was never envisaged on this site.

Thank you again for the opportunity to comment on the applicant's proposal to modify the subject project approval.

If you require any further information please contact Andrew MacGee on (02) 4645 4566.

Yours sincerely,

A handwritten signature in dark ink, appearing to be 'JB', with a large, sweeping loop extending from the bottom left of the signature.

James Baldwin
Director Planning and Environment