

ASSESSMENT REPORT

Section 75W Modification Allied Mills Kingsgrove (DA 143-06-01 MOD2)

1. BACKGROUND

Allied Mills owns and operates a factory at Kingsgrove (see Figure 1) in the Hurstville local government area. The factory produces a wide range of dry grain food ingredients such as flour for bread, pastry, cakes and biscuits. This site has been producing similar products since the 1960s, when it initially commenced manufacturing as a White Wings Dry Mix Plant.

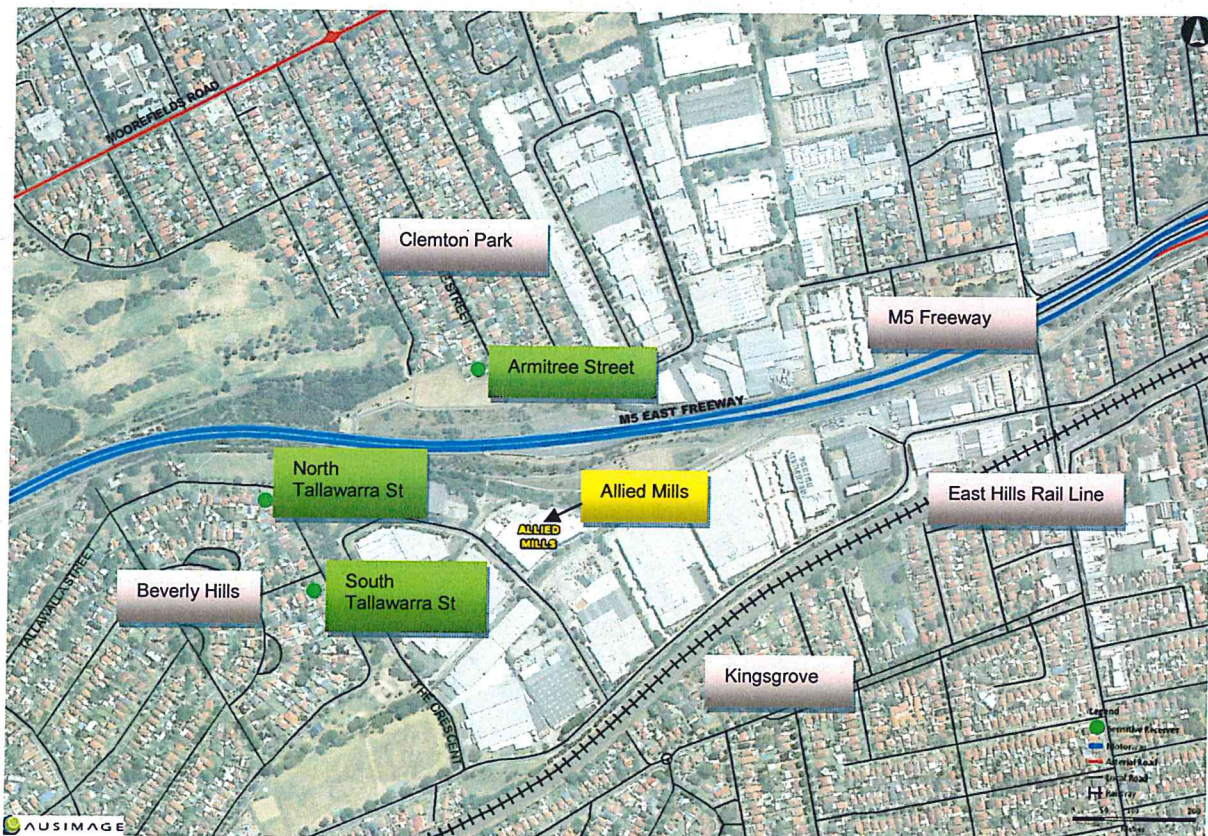


Figure 1: Site and 'sensitive noise receiver' locations (in green)

Allied Mills is located in an industrial estate with approximately 20 industrial facilities in its vicinity, which provide a buffer between it and residential premises in the suburbs of Kingsgrove and Beverly Hills (350m to the south-east and south-west of the site). The M5 motorway is located between the Allied Mills site and the residents of the suburb of Clemton Park to the north (approximately 250m away). The East Hills Rail Line is located to the south and south-east of the site.

In 2001, the then Minister for Planning considered an upgrade to the Kingsgrove factory (at that stage owned by Goodman Fielder) which included the installation of an additional 24 silos and a product mixing tower, and the construction of a new car parking area. Around 44 public submissions objected to the upgrade, however, the proposal was approved with strict conditions to manage noise, air quality and traffic impacts.

The approval required annual noise monitoring at the sensitive receptors shown in green on Figure 1 above. It also required one-way internal traffic movements to ensure vehicle and pedestrian safety on-site.

The Minister approved a modification to the consent (also in 2001) to rectify an error relating to the timing for the submission of a Fire Safety Study for the factory.

2. PROPOSED MODIFICATION

Allied Mills are now seeking to modify the Minister's approval to:

1. allow for 'partial' two-way internal traffic movements for ease of traffic flow within the site; and
2. remove the requirement of ongoing noise monitoring, which is now considered unnecessary.

Details of the proposed modifications are outlined below, with potential impacts discussed in Section 5 of this report.

Internal traffic movements

The 2001 application for the expansion of the site proposed a one-way traffic system to '*ensure increased safety and efficiency for both vehicular and pedestrian movements*'. As such, a one-way internal roadway was required to be commissioned as a condition of approval. This system however, has not been adopted, and a partial two-way system (from Gate A) has been used on site for some time.

Figure 2 (below) depicts the current site layout, including access gates and internal traffic flows on the site. The red and blue arrows depict truck and car movements, whilst the yellow lines show pedestrian routes through the site.

The site is accessed via The Crescent which is a loop road through the Kingsgrove industrial estate. Two gated access points are provided at the site, which are known by staff as Gate 'A' and Gate 'B'.

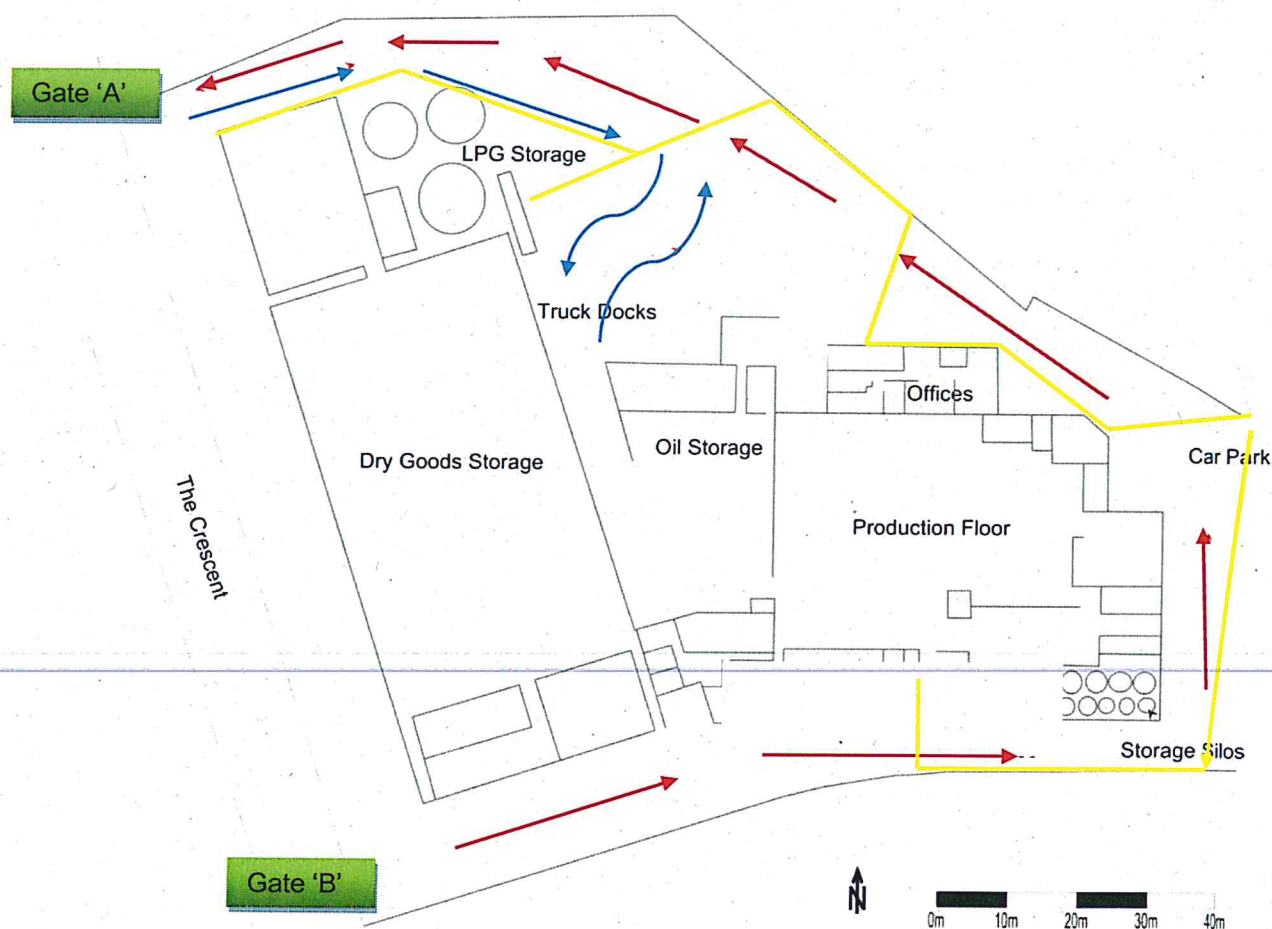


Figure 2: Layout of Allied Mills site showing directions of vehicle movements

Gate A is currently the main entry/exit point for staff and deliveries by semi-trailers, rigid trucks and light vehicles. These vehicles turn around using the designated areas in the truck docks. Only three delivery vehicles are allowed on site at any one time. A traffic light system at Gate A deters vehicles from attempting to enter if the site is at capacity.

Staff enters the site at Gate A using a swipe card and following parking of their cars, walk along marked pedestrian routes (see Figure 2). These routes are highlighted with yellow line markings to aid truck drivers who are unfamiliar with the site. Though the pedestrian routes cross vehicle paths in three separate places, it is not considered to be a safety concern due to the low vehicle speeds and the pedestrian traffic peaking and coinciding with shift changes.

Gate B is the one-way access for bulk tankers only, with these vehicles exiting via Gate A, with no turning required.

Delivery vehicle traffic information has been provided for the site for a 7 week period during September and October of 2009. Over this period, the average weekday number of delivery vehicles was 19. It should be noted that the original EIS in 2001 predicted far higher vehicle movements, including up to 100 heavy vehicle movements a day. The actual maximum number of delivery vehicles observed in any one week in 2009 was 104, the lowest was 82.

No information has been provided regarding the time or scheduling of these deliveries. Given the delivery time period of 6.30am to 8.00pm, Allied Mills does not consider that vehicular traffic has an impact on the safety or capacity of the surrounding road network.

The core reason for the partial adoption of a two-way system is due to the narrow width of the road adjacent to the bulk tanker loading / unloading area (Figure 3). When bulk tankers are parked at this point, no other vehicles are able to pass. Widening of the road here is not considered feasible due to the location of the property boundary and the Allied Mills building.

It should be noted that this also prevents an entirely one-way traffic system.



Figure 3: Loading station for bulk tankers

The current system is preferred, with Allied Mills considering the current Traffic Management Plan effective in monitoring and controlling on-site traffic and pedestrian movements. Allied Mills is therefore requesting the approval of the existing (partial) two-way traffic system on-site, and the removal of Condition 4.24 which requires traffic to move one-way through the site.

Annual Noise monitoring

Annual noise monitoring at specific residential premises (shown as 'green' on Figure 1) is required under the current consent. Noise monitoring is no longer considered necessary due to the changes in the surrounding amenity, particularly the construction of the M5. As such, Allied Mills is requesting the removal of this requirement from the conditions of approval.

3. STATUTORY CONTEXT

Under clause 8J(8) of the *Environmental Planning and Assessment Regulation 2000*, the Minister's consent is taken to be an approval under Part 3A of the Act and can be modified by the Minister under section 75W of the Act.

The Executive Director, Major Projects Assessment, may determine this application on behalf of the Minister in accordance with the Minister's delegation of 14 September 2011, subject to the following:

- where the relevant local Council has not made an objection;
- where a political donations disclosure statement has not been made; and
- there are less than 25 public submissions in the nature of objections.

The Department is satisfied that the application meets the terms of the delegation and that the Executive Director may determine the application under delegated authority.

4. CONSULTATION

Under section 75W of the EP&A Act, the Department is not required to notify or exhibit the application. However, upon receipt, the application was placed on the Department's website and following a review of the application, the Department sought comments from Hurstville City Council (Council), the Environmental Protection Authority (EPA) and Roads and Maritime Services (RMS).

Consultation with other government agencies and other neighbouring sites was considered unnecessary as the environmental impacts of the proposal would essentially remain unchanged.

Council did not object to the proposed modification but wanted assurance that the consent would continue to contain measures to manage noise concerns should they arise in the future.

The **EPA** did not object to the proposed modification but recommended that the Department seek clarification in relation to past noise monitoring results.

The Department has considered Council's and the EPA's comments in its assessment of the proposed modification.

The **RMS** did not raise any issues.

5. ASSESSMENT

In assessing the merits of the modification, the Department has considered the following:

- Allied Mills' original environmental assessment,
- Allied Mills' existing conditions of approval;
- Allied Mills' modification application and supporting environmental assessment (refer to Appendix B), and
- agency submissions (refer to Appendix C).

Traffic

A Traffic Impact Assessment (TIA) has been undertaken by Sinclair Knight Merz as part of the application, to assess potential on and off-site traffic impacts associated with the proposal. The TIA found that two-way traffic can be safely accommodated at Gate A, and recommends that the existing traffic arrangements be maintained on the site. The TIA considers that a one-way system (as currently required by the consent) would not improve the safety of the existing environment and would actually decrease pedestrian safety by increasing traffic in an area across the main pedestrian route (from Gate B).

Notwithstanding, the TIA has recommended a number of improvements to improve safety at Gate A. There is currently a traffic light erected on the building adjacent to Gate A which limits the number of delivery vehicles on site. If the light is red, however, these vehicles must reverse and park kerbside on the access road (not on The Crescent) until access is allowed.

The TIA suggests that this situation could be improved by erecting advance signage or a second on-site traffic signal closer to access at The Crescent, so that approaching vehicles can determine earlier if there is a need to wait kerbside. This should reduce the need for potentially dangerous reversing. The Department has included a recommended condition of approval to ensure the installation of

either advance signage or this second traffic signal, within 6 months of this application being determined.

The TIA also recommended parking restrictions on The Crescent near Gate A to improve vision for vehicles exiting and entering Gate A, and centre line marking on the road in the vicinity of Gate A to improve safety for vehicles entering/exiting.

More specifically the restrictions include no parking signs in the vicinity of the Gate between 6:30am and 8pm, when delivery vehicles enter the site.

The Department has discussed this with Council's traffic engineers who have agreed to the recommendations in the traffic report.

The Department has therefore recommended a condition that requires Allied Mills to undertake the recommended signage and line marking on site and on the The Crescent, to the satisfaction of Council (within 6 months of the date of the approval). The Department is satisfied that the additional signage, line marking and parking restrictions would improve vehicular safety around Gate A.

Noise

Condition 6.3 of the Minister's consent requires annual operational noise monitoring to assess compliance with noise limits (set out in Condition 4.5). Allied Mills have proposed to remove condition 6.3, stating that the current noise environment around the site make this condition obsolete.

To support this request, a Noise Impact Assessment (NIA) has been prepared for the modification (by Sinclair Knight Merz), which provides details of annual noise monitoring results in 2010 and 2011. The NIA found that noise from the site is inaudible over road traffic noise, at the nearest sensitive receptors. Further, background noise levels are now above the criteria set for the sensitive receiver locations in the consent.

The NIA states that 'anecdotal evidence from residents in Armitree Street (see Figure 1) has indicated that noise from the site is not audible at any time of the day, evening or night'. These residents have indicated that industrial noise is not audible above the M5 traffic noise.

Further, the NIA states that the noise mitigation walls along both sides of the M5 (which are over 6m in height) act as a shield between the site and residents to the north (in Armitree Street). Industrial buildings to the west and south of the site also shield residents on Tallawarra Street from any noise from the Allied Mills facility.

Despite this, Allied Mills has investigated noise levels on The Crescent to determine actual existing noise levels. At the time of monitoring, noise from site activities was only audible at the location of Gate B. At this location, noise from a compressor was measured at 53 dB(A). Using basic distance attenuation calculations, and ignoring all benefits from the screening of other buildings, the NIA calculated that noise would be 35 dB(A) at the nearest residential receptors during all time periods, which is below the site's operational criteria of between 44 and 48 dB(A)

In its submission the EPA recommended that 5 years of monitoring data should be provided to support the application. The Department notes that only two years of noise monitoring data was provided (2010 and 2011). Council has also raised a concern that removal of the annual noise monitoring requirement would result in ineffective regulation of the site in relation to noise.

To satisfy these concerns, the Department has consulted with Council, and no noise complaints have been received by Council in relation to Allied Mills. Taking this into consideration, along with the justification provided with the application, the Department is satisfied that ongoing noise monitoring is not necessary.

Notwithstanding, Allied Mills proposes that in the event that noise complaints are received (by Allied Mills, the Department or Council), they would undertake monitoring to determine the source and if necessary, undertake mitigation. Allied Mills has agreed to the imposition of the following recommended condition:

"Should noise complaints be received, the Director-General may direct Allied Mills to commission and pay the full cost of a noise audit. Should any noise audit demonstrate an exceedance of the project specific residential noise limits, Allied Mills shall employ mitigation measures to reduce noise impacts from the site, to the satisfaction of the Director-General".

The Department is satisfied that the inclusion of this recommended condition will provide a safeguard against the unlikely event of future noise issues:

6. CONCLUSION

The Department has assessed the merits of the proposal in accordance with the requirements in Clause 8B of the EP&A Regulation. This assessment has found that the proposed modification is minor and is unlikely to cause any significant off-site impacts.

Consequently, the Department is satisfied that the modification should be approved.

7. RECOMMENDATION

It is RECOMMENDED that, as delegate for the Minister for Planning and Infrastructure, the Acting Executive Director, Major Projects Assessment:

- **consider** the findings and recommendations of this report;
- **determine** that the proposed modification is within the scope of section 75W of the EP&A Act;
- **approve** the application subject to conditions; and
- **sign** the attached notice of modification (**Appendix A**).

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16/4/12



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17/4/12

APPENDIX A – Modification Instrument