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The Holt Centre

31 Kinghorne St

Nowra NSW 2541

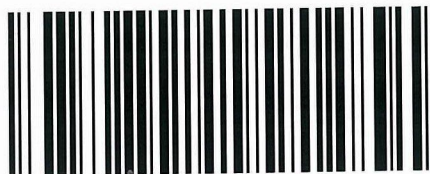
Postal Address:

PO Box 738

Nowra NSW 2541

20 July 2012

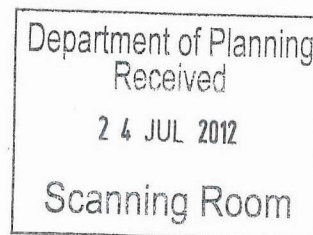
Our ref: 07/31



PCU036015

The Manager – Industry
Department of Planning & Infrastructure
GPO BOX 39
SYDNEY NSW 2001

Attention: Deana Burn



Dear Sir / Madam

**RE: RESPONSE TO SUBMISSIONS REPORT
SHOALHAVEN STARCHES EXPANSION REPORT
PROPOSED RELOCATION OF APPROVED STAFF CAR PARK
PROJECT APPROVAL MP06_0228 MOD. 3**

I refer to the Department's email dated 29th June 2012 which requests clarification on a number of matters regarding the above modification application. Our firm has been engaged by Shoalhaven Starches to respond to these issues on their behalf.

The response begins by reiterating (in bold below) the matter for which clarification has been requested and a response to each matter is provided thereafter.

1. A clear site plan showing the location of all access points described in Section 8.1.1 of the EA, including the access point for the car park.

Section 8.1.1 of the Environmental Assessment (EA) refers to the following access points:

- Access Point 1 – Eastern access to Factory site from Bolong Road.
- Access Point 2 – Central access to Factory site from Bolong Road.
- Access Point 3 – Western access to Factory site from Bolong Road.
- Access Point 4 – 'Moorehouse' site car park access.
- Access Point 5 – Proposed Packing Plant Site from Bolong Road.

- Access Point 6 – Interim Packing Plant from Bolong Road.
- Access Point 7 – Access to former Dairy Farmers factory site (which is access to proposed car park associated with the modification application).

Allen Price & Associates have been engaged by Shoalhaven Starches to prepare a plan detailing the location of all the access points described within Section 8.1.1 of the EA supporting this Modification Application. A copy of this plan forms **Attachment 1** to this submission.

2. A plan showing the approved parking location v's proposed new location.

Condition 31(b) of the Project Approval (MP 06_0228) required the construction of at least 60 spaces on the Shoalhaven Starches factory site to the south of Bolong Road. Figure 28 of the EA for the Shoalhaven Starches Expansion Project identified these spaces located to the rear of the old "Moorehouse" buildings (40 spaces) and to the east of the proposed additional DDGS dryers (20 spaces). The plan prepared by Allen Price & Associates and which is included as **Attachment 2** identifies these parking spaces (shaded pink). This plan also shows the location of the proposed 60 spaces associated with this modification application on land associated with the former Dairy Farmers factory site.

3. Clarify where/if the 30 spaces required by condition 31(c) will/have been provided and if not, include justification.

Condition 31 states:

31(c) construct at least 30 new parking spaces at the proposed packing plant prior to commencement of operations at the plant, to the satisfaction of the Director-General.

Condition 31(c) relates to car parking spaces which are to be located at the proposed Packing Plant located north of Bolong Road. These spaces are required to be provided prior to the commencement of operations of this plant. At this point in time Shoalhaven Starches are yet to develop this component of the project, in which case there is no requirement to provide these spaces. Should Shoalhaven Starches develop the proposed Packing Plant in accordance with this approval, on the north side of Bolong Road, then the required 30 parking spaces will be provided in accordance with condition 31(c) of the project approval. The provision of these car parking spaces is a separate matter to the provision of 60 new car parking spaces that is addressed by condition 31(b).

4. Confirm that Lot 143, DP 1069758 is to be added to the project approval and that this is for construction of the access road to the car park. Annex 1 site plans show that the car park itself is located on Lot 241, DP 1130535 which is included in the existing approval. Are there any other lots that need to be included for the purposes of this modification?

The reference to Lot 241 DP 1130535 was a typographical error on this plan. This modified proposal does not involve this allotment. This modification proposal involves only Lot 143 DP 1069758. The plans held as Attachments 1 and 2 show the correct property description. It is confirmed that Lot 143 DP 1069758 is to be added to the project approval. There are no other lots that need to be included for the purposes of this modification application.

5. Section 8.1.1 of the EA refers to a recent approval for an interim packing plant, what approval is this? Can you please provide a copy, further clarification and explain why this wasn't dealt with via a modification to 06_0228 as it appears to be directly related.

Approval RA11/1102 was determined by Shoalhaven City Council on 26th October 2011 for the development of an interim packing plant by Shoalhaven Starches on Lot 21 DP 1000265, 22 Bolong Road, Bomaderry. A copy of the approval forms **Attachment 3** to this submission.

Approval MP 06_0228 makes provision for the establishment of a new packing plant; container loading area and a rail spur line on land owned by Shoalhaven Starches on the north side of Bolong Road (refer to **Figure 1** [*“Approved Packing Plant SSEP”*]).

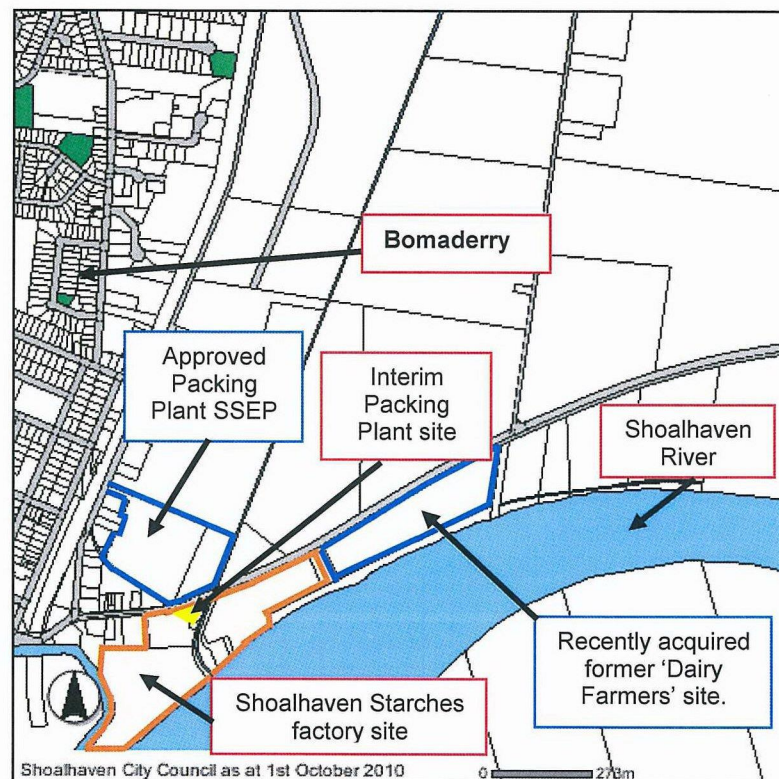


Figure 1: Site locality plan relating to interim packing plant development

Since obtaining approval MP 06_0228, Shoalhaven Starches acquired the former Dairy Farmers complex to the east of the Shoalhaven Starches factory site (see **Figure 1**). As a result of this acquisition, Shoalhaven Starches have been reviewing the future location of their overall packing plant operation.

In the meantime however, the approved Flour Mill (MP_07/0021) and Product Dryer (MP 06_0228) were scheduled to be commissioned. The commissioning of this plant would result in the increased production of dried product that would exceed the capacity of the existing packaging plant located within the existing Shoalhaven Starches factory site. Given the Company were still undecided about the final future location of the packing plant site – i.e. either at the approved site to the north of Bolong Road or, possibly within the recently acquired former Dairy Farmers site, it became necessary for the Company to expand their packing capacity at this site on an interim basis.

The Company decided to temporarily extend its packing plant operations onto the existing industrial building located at 22 Bolong Road which the Company recently acquired in order to

accommodate the increase in production associated with commissioning of the new Flour Mill and Product Dryer.

The interim packing plant site was not one of the properties associated with the original Shoalhaven Starches Expansion Project.

Furthermore the interim packing plant proposal did not trigger the relevant criteria of Schedules 1 and 2 of the State Environmental Planning Policy (Major Development) 2005 which was applicable at that time. Under these circumstances the proposal did not trigger the Major Project criteria listed under the SEPP. Given the proposal involved land that was not associated with the original SSEP; and the need for which arose from operations not solely directly associated with the SSEP; it was considered at that time that dealing with this proposal by way of a modification application was not the appropriate approach.

Under these circumstances the proposal was dealt with as a local development for which Shoalhaven City Council was the consent authority. Shoalhaven City Council approved this development application on the 26th October 2011. A copy of this consent is included as **Attachment 3** to this submission.

6. *Can you provide confirmation/evidence from Council/RMS that upgrade works referred to in the EA have been satisfactorily completed?*

Shoalhaven Starches can confirm that the road works required by Condition 27 of the Project Approval have been completed. **Plates 1 to 8** show the road upgrading works that has been undertaken in accordance with the Project Approval. At present Shoalhaven Starches advise that they are presently seeking confirmation that these works have been undertaken to Council's and the RMS's satisfaction.



Plate 1: View of channelised intersection – Eastern Access
– Factory site (Access Point 1).



Plate 2: Fenced median along Bolong Road
between Access Points 1 and 2.



Plate 3: Channelised left turn intersection
– Access Point 2.



Plate 4: Abernethys Creek Crossing.



Plate 5: Pedestrian crossing of Abernethys Creek (south side).



Plate 6: Pedestrian pathway – northern side of Bolong Road.



Plate 7: Boom gates – railway crossing – Bolong Road.



Plate 8: Western entrance (Access Point 3) – road shoulder and kerb & gutter.

I trust the above and attached information is of assistance to the Department. If you require any further information in relation to this matter please do not hesitate to contact me.

Yours faithfully

Stephen Richardson.

Stephen Richardson
COWMAN STODDART PTY LTD

Enc.

ATTACHMENT 1

Plan detailing Locations of all Access Points

**prepared by
Allen Price & Associates**

[illegible][illegible]

α DENOTES EXISTING EASEMENT FOR ELECTRICITY LINE
 β DENOTES EXISTING EASEMENT FOR EFFLUENT PIPELINE
 "006" STANDS FOR DINED DISTRICTS GRAY

LOT 143, DP1663753 (AUSTRALIAN CO-OPERATIVE FOODS LIMITED) NOW MANILERA (2019)

8 LOT 201, DP1662668 (WANDLORA ENERGY AUSTRALIA PTY LIMITED)

PT LOT 241, DP1130535 (MANILDA ENERGY AUSTRALIA PTY LIMITED)

(11) LOT 21, DP1600265 (WINDRIDA ENERGY AUSTRALIA PTY LIMITED)



ATTACHMENT 2

**Plan showing Locations of Approved and Proposed
Parking Spaces**

**prepared by
Allen Price & Associates**

OVERALL SITE PLAN SHOWING ETHANOL UPGRADE FOR SHOALHAVEN STARCHES P/L JUNE 2008

SCALE 1:1250 (AT A1 SIZE)	AUSTRALIAN HEIGHT DATUM PH 32510 AT BOLONG RD DATE OF SURVEY 13.05.08 DATE OF PLAN 22.02.08	DATE OF SURVEY 13.05.08 DATE OF PLAN 22.02.08	DATE OF SURVEY 13.05.08 DATE OF PLAN 22.02.08	DATE OF SURVEY 13.05.08 DATE OF PLAN 22.02.08	DATE OF SURVEY 13.05.08 DATE OF PLAN 22.02.08
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allen, price & associates
land and development consultants
75 shoalhaven street, manildra, nsw, 2861

PLAN SHOWING THE LOCATION OF BUILDINGS
AND STRUCTURES IN RELATION TO THE SITE
STRUCTURES AT BOLONG ROAD, BOMADERRY
FOR THE SHOALHAVEN STARCHES
WITHIN THE CITY OF SHOALHAVEN

23132-06J
2
J-02

Utility defined
by a scheme
approved under
the Land
Use and
Planning
Regulation.

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scale = 1:1250

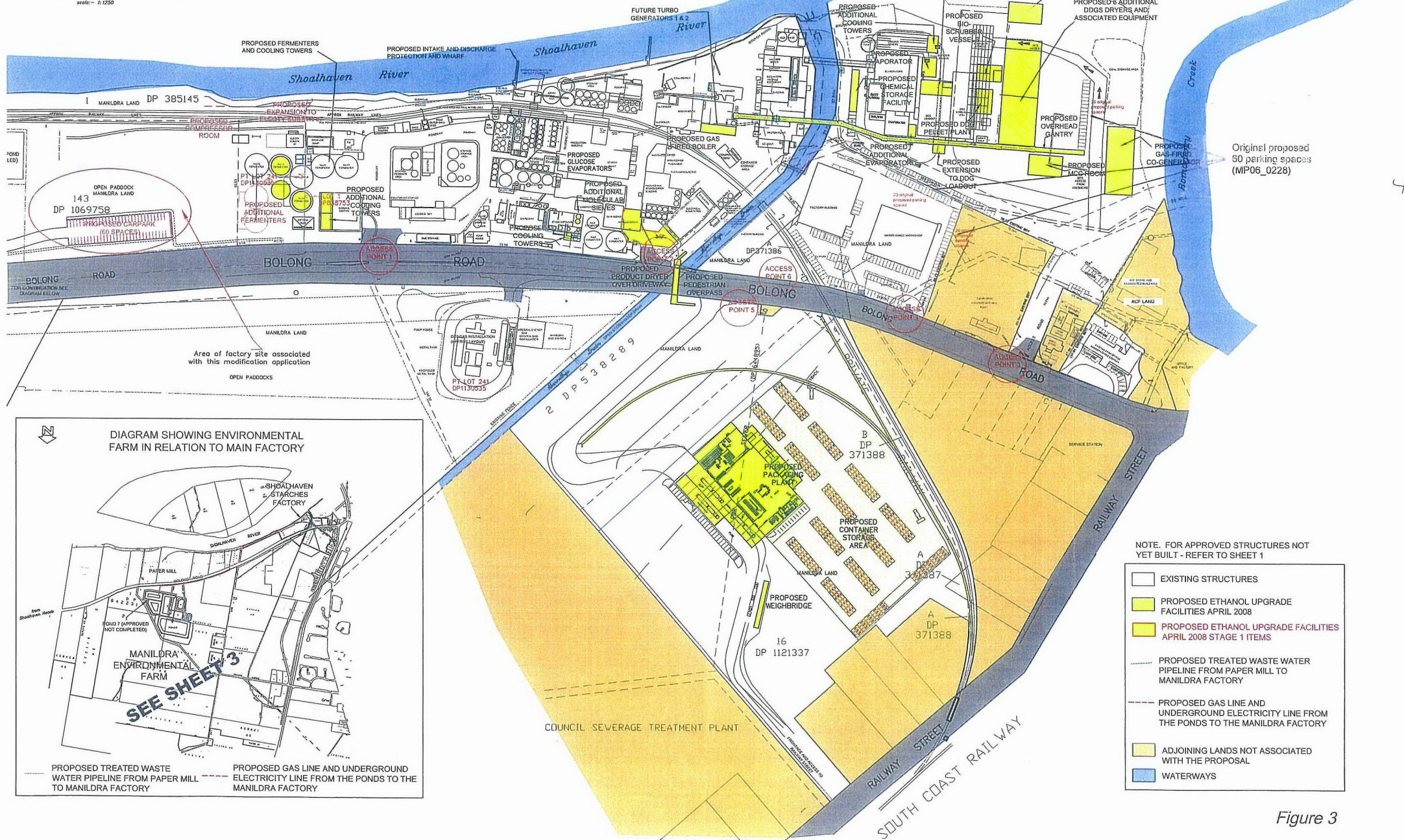


Figure 3

ATTACHMENT 3

Approval RA11/1102

**determined by Shoalhaven City Council
on 26th October 2011**

for Development of an Interim Packing Plant



City Administrative Centre
Bridge Road, Nowra NSW Australia 2541
Phone: (02) 4429 3111 • Fax: (02) 4422 1816 • DX 5323 Nowra
Address all correspondence to
The General Manager, PO Box 42, Nowra NSW Australia 2541

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
DEVELOPMENT CONSENT
Environmental Planning and Assessment Act, 1979
RA11/1002**

TO:

Shoalhaven Starches Pty Ltd
36 Bolong Road
BOMADERRY NSW 2541

being the applicant(s) for RA11/1002 relating to:
22 Bolong Road BOMADERRY - Lot 21 in DP 1000265;
24 Bolong Road BOMADERRY - Lot 201 in DP 1062668;
Shoalhaven City Council land comprising Part of Lot 2 in DP 548659; and
Part of the Crown Land comprising the bed of Abernethy's Creek drain.

APPROVED USE AND OR DEVELOPMENT:

Proposed change-of-use of the existing factory building to enable the construction and use of an Interim Packing Plant comprising the following plant and equipment to be located within the existing building:

- two 33.3m high silos and one 12.703m high silo;
- an automated packing plant;
- a forklift battery recharging station;
- three roller-doors to the front of the factory building;
- a 18m x 12m awning;
- connection of overhead pipe-work; and
- forklift vehicle access ways and ramps

BCA CLASSIFICATION(s):

10a

DETERMINATION DATE:

26-Oct-2011

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

CONSENT TO OPERATE FROM:

26-Oct-2011

CONSENT TO LAPSE ON:

26-Oct-2016

DETAILS OF CONDITIONS

The conditions of consent and reasons for such conditions are set out as follows:

PART A

CONDITIONS OF A GENERAL NATURE, INCLUDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT

General

1. This consent relates to the **Interim Packing Plant** as illustrated on the plans, specifications and the following supporting documentation:

- Drwg No.MN181-101 Floor Plan by Manildra Group dated 01/02/2011;
- Drwg No.MN181-102 Existing Packing Building by Manildra Group dated 01/02/2011;
- Drwg No.MN181-103 Truck Movements by Manildra Group dated 01/02/2011;
- Drwg No.MN181-104 Proposed Parking Spaces by Manildra Group dated 01/02/2011;
- Drwg No.MN181-105 Elevations by Manildra Group dated 01/02/2011;
- Drwg No.MN181-106 Site Plan by Manildra Group dated 01/02/2011;
- Drwg No.MN181-007 Site Elevations by Manildra Group dated 14/03/2011;
- Statement of Environmental Effects by Cowman Stoddart Pty Ltd Ref.11/19 dated June 2011;
- Flood DCP Compliance Report Ref.25581 by Allen Price & Assoc. dated 1st June 2011;
- Traffic Impact Assessment by Stapleton Transportation & Planning Pty Ltd March 2011;
- Preliminary Hazard Analysis by Matrix Risk Pty Ltd Ref JO6.1104.MAN.d01.1 12th May 2011;
- Environmental Noise Impact by Day Design Pty Ltd Ref. 4653 dated 30th August 2011.

stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.

Note to the Applicant

- *Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, other than those approved under this consent, shall be carried out without the prior approval of Council.*
- *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.*

Occupation or Commencement

2. The **Interim Packing Plant** shall not be occupied or the use shall not commence until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with council (i.e. a security).

PART B

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE

Principal Certifying Authority

3. A Principal Certifying Authority (PCA) must be appointed **before any building work can commence**.

Construction Certificate

4. An application for a Construction Certificate has not been made. In this regard, a Construction Certificate must be obtained from either Council or an Accredited Certifier **before any building work can commence.**

Builders' Toilet

5. Before commencing building operations, adequate toilet facilities for the workers or a builder's water closet accommodation must be provided to Council's satisfaction. A chemical toilet may be used on the site or alternatively the site may be provided with temporary closet accommodation connected to Council's sewer where sewer is available and operational.

Under no circumstances will pit toilets or similar be accepted by Council.

Pre-construction Check

6. To maintain the amenity of the existing built environment and to protect and avoid damage to existing public assets and to other infrastructure services as a consequence of the development, **prior to commencement of work** the developer or an agent acting on behalf of the applicant must:

public assets

- (a) undertake a site inspection, including adjoining and adjacent Council kerbs, gutters, footpaths, walkways, carriageway, reserves and the like and document any evidence of any damage to public assets; and

service infrastructure

- (b) check that the proposed works are not affected by any Council, Integral Energy, telecommunications, gas or other services. Any alterations to services infrastructure that are required as a consequence of the proposed development will be made at the developer's expense.

Any damage to public assets or to infrastructure services that occurs during the construction stage of the development shall be repaired at the applicant's expense.

Failure to adequately identify existing pre-development damage to public assets or other infrastructure services will result in all damage detected by Council after completion of the construction work being repaired at the applicant's expense.

Supervision of Works

7. **Prior to the commencement of works**, Council shall be advised in writing of the name of a designated person/company nominated by the applicant to be responsible for construction of all engineering works, including erosion and sediment control measures and the implementation of landscaping in accordance with the approved Landscape Plan.

Notice of Commencement

8. Notice must be given to Council at least two (2) **days prior to the commencement of building work.**

Disposal of Excavated Material

9. All excavated surplus material shall be hauled to an approved land-fill site. Details of fill storage and/or disposal and haulage routes shall be submitted to Council for approval **prior to the commencement of works.**

Road Occupancy Licence

10. The developer shall apply for, and obtain a Road Occupancy Licence (ROL) from the Roads and Traffic Authority (RTA) Traffic Operations Unit (TOU) prior to commencement of any works within the classified road (Bolong Road) reserve or within 100m of traffic signals. If this is the case, the applicant will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans.

Should the TMP require a reduction to the speed limit, a Speed Zone Authorisation will also be required from the TOU. Should a ROL be required, the developer must submit the ROL application to the RTA at least 10 business days prior to the commencement of works.

Note: *Receiving an approval for the ROL within this 10-day business period depends on the RTA receiving an accurate and compliant TMP.*

Note: *An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the RTA Project Manager.*

Trees to be Retained

11. Any existing trees located within the adjoining public footpath or on any adjoining public land must be retained unless written approval is obtained from Council, prior to their removal.

PART C

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

Trade Waste Discharge

12. In accordance with Shoalhaven Water Policy regarding the discharge of trade waste into the reticulated sewerage system:

Trade Waste Discharge to Sewer

- (a) If trade waste **is** to be discharged to sewer, the applicant must complete and lodge with Shoalhaven Water an "*Application for Approval to Discharge Trade Waste to Sewer*" form for the proposed development, together with any supporting documentation required by Shoalhaven Water.

No Trade Waste Discharge to Sewer

- (b) If trade waste **is not** to be discharged to sewer, the applicant must complete and lodge with Shoalhaven Water a "*Declaration that no Trade Waste shall be discharged to Sewer*" form for the proposed development, together with any supporting documentation required by Shoalhaven Water.

Back-flow Prevention

13. A Cross Connection and Back-flow Prevention Survey must be conducted for the proposed development in accordance with the National Plumbing and Drainage Code AS 3500. Such a Cross Connection and Back-flow Prevention Survey shall be performed by a licensed plumber or other person authorised to conduct a survey for cross connection and back-flow prevention. The written findings of this cross connection and back-flow prevention survey shall be lodged with Shoalhaven Water. Should the initial use of any unit within the approved development be unknown at the time of Cross Connection and Back-flow Prevention Survey, then the hazard rating for containment protection will default to "HIGH". Such a hazard rating will require the installation of a back-flow prevention device that is appropriate for a HIGH hazard rating.

Water and/or Sewer Contributions

14. A Certificate of Compliance (CC) under Section 307 of Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance shall be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Development Application Notice and prior to the issue of an Occupation Certificate, Subdivision Certificate or Caravan Park Approval, as the case may be.

In the event that development is to be completed in approved stages or application is subsequently made for staging of the development, separate Compliance Certificates shall be obtained for each stage of the development.

Where a Construction Certificate is required all conditions listed on the Shoalhaven Water Development Application Notice under the heading "PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE" must be complied with and accepted by Shoalhaven Water. The authority issuing the Construction Certificate for the development shall obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued. This shall also apply to approved staged developments.

Note: Relevant details, including **monetary** contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water.

For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3111.

Landscape Plan

15. To maintain the amenity of the area, a Landscape Plan must be submitted for approval by Council or an Accredited Certifier **prior to the issue of a Construction Certificate**. In this regard, the Landscape Plan must include details relating to:

native plant species

- (a) the number and location of suitable native plant species that are indigenous to the local area;

irrigation system

- (b) To permit adequate watering of the landscaping works, the applicant must provide a common tap/taps/irrigation system to permit all landscape works to be adequately

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watered. The location of common taps must be indicated on the detailed Landscape Plan;

on-going maintenance and management plan

- (c) An on-going Landscape Maintenance and Management Plan must contain a maintenance program, including measures for all approved landscaping in the Landscape Plan, to be maintained in a healthy state, and if necessary the replacement of plants for the life of the development.

Approval for Works within the Road Reserve - S138 Roads Act 1993

16. Approval under S138 of the Roads Act 1993 must be obtained for all works associated with vehicular access and manoeuvring approved that are located within the adjoining public road reserve and approved under DA11/1855 issued on 24th August 2011.

Design and Construction (Standards, Designer, Plans)

17. The applicant must submit engineering design plans and specifications for the works referred to in this Development Consent for examination and approval by the Subdivisions Manager or delegate **prior to the issue of a Construction Certificate**. In this regard:

- (a) All engineering works required by the Consent are to be in accordance with the requirements of Development Control Plan No. 100 - Subdivision Code, Council's Engineering Design Specifications and Development Construction Specifications unless otherwise specified in this consent.
- (b) Civil engineering works approvals are only current for a period of two (2) years. Design plans will be required to comply with design and construction standards current at the time of construction.
- (c) A suitably qualified practicing engineer or surveyor must prepare design, plans and specifications for road drainage and other civil works located within the public road reserve and on public or private land that are referred to in this Development Consent.

existing services

- (d) Due to the possibility of problems crossing the services within the road reserve, full details of the alignment and levels of all services (Council, Integral Energy, telecommunications, gas or other services) shall be shown on the engineering plans. The cost of any required alterations to these services, will be at the developer's expense.

stormwater drainage design

- (e) All internal drainage works shall be designed and constructed for a 1 in 10-year recurrence interval.

Erosion and Sediment Control Plan (ESCP)

18. The preparation of an Erosion and Sediment Control Plan (ESCP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified/experienced person and based on the Landcom manual "*Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004*", shall be lodged for approval **with the application for a Construction Certificate**. The ESCP controls shall be implemented, inspected and approved prior to the commencement of

any site works and maintained for the life of the construction period and until revegetation measures have taken hold. The ESCP shall include, but not be limited to:

- (f) Location and type of proposed erosion and sediment control measures;
- (g) Proposed staging of construction and ESCP measures;
- (h) Clearance of sediment traps on a regular basis and after major storms;
- (i) Standard construction drawings for proposed erosion and sediment control measures.

PART D

CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT

Building Code of Australia

19. All building work must be carried out in accordance with the requirements of the Building Code of Australia.

Note: *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

Visual Impact – external colours and material finishes

20. The applicant must implement measures designed to assist in screening and minimising any adverse visual impact.

Where appropriate, buildings and structures must be constructed of similar materials to match the existing building and must be of a non-reflective nature. The exterior colours must blend in with existing structures to ensure visual harmony.

Lighting

21. In the interests of safety and security suitable artificial lighting must be provided to the development and the adjoining area(s). In this regard, to maintain the amenity of the area after sunset, external lighting used in conjunction with the approved development must be designed, located and oriented:
- (i) to minimise any adverse lighting or glare impact on adjoining and adjacent property owners/residents;
 - (ii) not to create spillage onto or adversely affect adjoining properties.
 - (iii) to minimise any adverse lighting or glare impact on passing motorists/traffic.
 - (iv) must be located and contained within the immediate development area.
 - (v) must be designed to comply with the RTAs guidelines for maximum luminance.

Amenity and Protection of the Area

22. To maintain the amenity of the area:

Road Reserve, Footpath & Gutters - to be kept clear of debris

- (a) The road, kerb and gutter and footpath area adjoining and adjacent to the subject site shall be kept clear of soil and debris.

Protection of Public Places

- (b) In the interests of public safety and convenience, where necessary appropriate protection must be provided to users of any adjoining public places by the provision of suitable hoardings or fences, etc. to the Bolong Road frontage.

Car Parking

23. A minimum of twelve (12) additional car parking spaces must be provided on the adjoining "Moorehouse" site (off Access Point 4), specifically to provide for the staff of the approved Interim Packing Plant. In this regard:
- (a) Such car parking must be provided generally as shown in the Allen, Price and Associates Pty Ltd design plans submitted as part of this DA.
 - (b) The car park must be designed, constructed and line marked and signposted in accordance with Council's Development Control Plan No. 18 – Car Parking Code and matching into the existing approved car parking.
 - (c) A disabled parking space must be provided, including disabled access from this car space to the main building.

Internal Driveway and Car park - heavy duty sealed

24. The new on-site manoeuvring areas must be concrete designed and constructed for a minimum traffic loading of 1×10^6 ESA's and match into existing driveway and manoeuvring areas.

Soil and Water Management

25. All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:
- (a) a silt fence or equivalent must be provided downhill from any cut and fill or disturbed area;
 - (b) the fence must be regularly inspected and cleaned out;
 - (c) the fence must be repaired as necessary;
 - (d) all collected silt must be disposed of to the satisfaction of the Principal Certifying Authority.
 - (e) unnecessary disturbance of the site (e.g. excessive vehicular access) must not occur.
 - (f) cuts and fills must be stabilised/revegetated immediately on completion of earthworks.
 - (g) All sedimentation and erosion controls must be maintained until the site has stabilised.

All the above requirements must be implemented generally in accordance with the approved Erosion and Sediment Control Plan (ESCP) to the satisfaction of the PCA.

Construction Hours

26. To limit the impact of the development on adjoining owners, all construction work shall be restricted to the hours of:

- 7:00am to 10:00pm Monday to Friday and
- 8:00am to 10:00pm Saturdays,
- No construction work shall take place on Sundays or Public Holidays.

Waste Minimisation and Management

27. All waste must be contained within the site during construction and then be recycled in accordance with the submitted Waste Minimisation and Management Plan (WMMP) or removed to an authorised waste disposal facility. No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.

Compliance with the WMMP shall be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request.

Note: "Waste" has the same meaning as the definition of "Waste" in the Protection of the Environment Operations Act 1997.

Storm-water Management

28. To ensure that storm-water does not cause flooding, interfere with or cause nuisance to adjoining or adjacent properties, surface and roof water from the development must be:
- collected and piped to a Council underground drainage system, or
 - collected and piped to a rubble drain, natural watercourse; or
 - collected and drained to an on-site water storage dam.

Design and Construction to DCP100

29. All construction shall be in accordance with Development Control Plan No. 100 - Subdivision Code.

Landscaping

30. To maintain the amenity of the area and to reduce the visual impact of the development, landscaping must be implemented in accordance with the approved Landscape Plan.

Exterior Materials and Colours

31. The **Interim Packing Plant** development is located with a scenic area of the Shoalhaven River floodplain. Given that the subject land is situated near an area of scenic value, exterior materials and finishes must be predominantly neutral colours and texture that will blend in with the existing surroundings and must be finished in a non-reflective surface. To maintain the rural amenity of the area, it is important that any new development not be detrimental to the existing river valley environment. In this regard:

- (a) Earthy tones must be selected for use on the external areas of the buildings and structures. The silos must be coloured to minimise visual intrusion and tones of grey (mat finish) is acceptable.
- (b) To prevent reflective glare during late afternoon hours from impacting onto the residential areas located on the southern side of the Shoalhaven River, only non-reflecting exterior finishes shall be used on the new structures.

NSW Office of Environment and Heritage (Environmental Protection Authority)
General Terms of Approval - Acoustical Treatment

32. To maintain the amenity of the area, the acoustical treatments, as recommended in Section 6 of the Environmental Noise Impact Report Number 4653 prepared by Day Design Pty Ltd, shall be incorporated into the development. In this regard:

roller doors

- (a) Each of the roller doors in the north-western façade of the building must be automatic, self-closing doors, triggered by sensor when fork-lift approach. All doors shall be well sealed when closed without holes or gaps and must not be left open when not in use.

silos fans - sound power level

- (b) Each of the two silo fans must not exceed a maximum sound power level (L_w) of 82 dBA equal to the sound power level of the existing fan on the silo currently used at the factory building for the packing plant. A final noise assessment must be made once silo fans selections have been made.

In the event that the maximum allowable sound power levels cannot be achieved, additional noise controls will be required such as erecting sound barrier screens around the silo fans or fitting acoustic silencers.

NSW Office of Environment and Heritage (Environmental Protection Authority)
General Terms of Approval - EPL No. 883 description of the premises

33. The description of the premises contained in the Environmental Protection Licence No. 883 (the EPL) issued by the Environmental Protection Authority (EPA) under the Protection of the Environment Operations Act 1997 for scheduled activities undertaken at 160 Bolong Road (the premises), Bomaderry must be amended. The amendment must reflect the legal description of the land upon which the Interim Packing Plant is now located. In this regard, Shoalhaven Starches must make a separate application to the NSW Office of Environment and Heritage (Environmental Protection Authority) to make such an amendment to the description of the premises contained in the Environmental Protection Licence No. 883.

Conditions Relating to Flooding

34. To minimize the risk of damage as a result of flooding:

- (a) Bunding, where practicable, to the Flood Planning Level is to be installed to protect new machinery.
- (b) Where practicable, all new electrical installations are to be located above the Flood Planning Level.
- (c) Structural soundness of all new installations is to be certified by a suitably qualified engineer.
- (d) Given that the subject factory building already exists:
 - (i) where applicable, any new facilities must be flood-proofed in terms of design construction and maintenance;

- (ii) any new facilities must be designed, constructed and maintained to withstand the forces of floodwaters in accordance with best engineering practice;
- (iii) any new footings for proposed facilities must be designed by a suitably qualified geotechnical engineer to be suitable for ground with potentially reduced bearing capacity under flood conditions.
- (iv) where practicable, flood compatible materials must be used for all parts of any new structures that are located below the Flood Planning Level.
- (e) Where practicable, the applicant must store all valuable materials / machinery parts above the 1% flood level. In this regard, the existing factory building contains walkways that are elevated approximately 3m above the floor level of the building at approximately RL7.1m AHD, which is in excess of the flood planning level. These walkways/decks must be maintained and augmented to provide space suitable for the storage of hazardous and valuable goods during times of flood inundation.

Occupation Certificate

35. An **Occupation Certificate** must be obtained from Council or an Accredited Certifier before the interim packing plant building can be used or occupied.

PART E

CONDITIONS THAT MUST BE COMPLIED PRIOR TO ISSUING AN OCCUPATION CERTIFICATE

DA11/1855 - Widening of Existing Driveways to accommodate semi-trailers

36. All works associated with vehicular access and manoeuvring approved under DA11/1855 issued on 24th August 2011, must be completed in accordance with the conditions of that development consent **prior to the issue of an Occupation Certificate** for this development.

Certification of Compliance - completion of on-site engineering works

37. All on-site engineering works as required by conditions of this consent are to be complete (unless otherwise noted), **prior to the issue of an Occupation Certificate**. In this regard, certification shall be submitted to the Principle Certifying Authority (PCA) confirming that the following works (where applicable); have been completed in accordance with the approved construction specifications:

- All clearing works and bulk earth works
- Pipelines including inter-allotment
- Drainage pits, culverts, head-walls and bridges
- Pavement sub-grade and base-course densities and thicknesses
- Pavement to underside of kerb and gutter
- Pavement prior to bitumen or asphalt sealing
- Erosion and sediment control measures
- Final cut and trim, seeding and grassing
- Signage and other traffic control devices

Roads and Traffic Authority

38. The Roads and Traffic Authority raises no objection to the proposed development provided the following conditions are complied with:

- (a) All road works, traffic control facilities and other works associated with this development, including any modifications required to meet Roads and Traffic Authority (RTA) standards, will be at no cost to the RTA and must be completed prior to occupation.
- (b) Prior to occupation, the developer shall provide written verification to the RTA, confirming that the works on Bolong Road were designed and constructed to Council's satisfaction. Such verification shall be accompanied by photographs of the completed works. This information shall be sent via email to landusesouthern@rta.nsw.gov.au.

Fire Protection - fire extinguishers

39. In the interests of fire safety, adequate provision of portable fire extinguishers containing an extinguishing agent suitable for the risk being protected must be installed within the factory building in accordance with the relevant requirements of the Building Code of Australia.

Industrial Waste Collection

40. **Prior to the issue of an Occupation Certificate**, evidence must be submitted to the Principle Certifying Authority (PCA) showing that satisfactory arrangements have been made for the on-going collection of industrial waste that will be generated by this development when it is operating.

Licence or Lease Arrangement

41. **Prior to the issue of an Occupation Certificate**, the appliance must enter into a lease agreement or licence with Council for the use of the air space over Council land, being Lot 2 in DP 548659 adjoining the subject land. The lease/licence will be required to indemnify Council against any loss, damage or claims arising from the occupation of its airspace.

***Note:** Council's Property Services Section may elect to regularise existing gantries, footpaths and vehicle access across Lot 2 in DP 548659 connecting Shoalhaven Starches operations located east and west of Abernethys Creek. In that case, the applicant will be contacted by Council's Planning Resources and Property Manager, Mr Paul Dorahy (ph: 4429-3474).*

PART F

CONDITIONS RELATING TO THE ON-GOING MANAGEMENT OF THE APPROVED DEVELOPMENT

Public Safety

42. To reduce the risk of dried product dust becoming potentially explosive, the applicant must ensure that dried product dust does not settle for extended periods within the site. In this regard, all areas within the building must to be vacuumed on a daily basis.

Hazard Management - public safety

43. In the interests of public safety, the following risk reduction measures recommended by the Preliminary Hazard Assessment prepared by Matrix Risk Pty Ltd must be implemented:

Prevention of dust layers

- (c) Housekeeping policy and procedures for the prevention of dust layers must be implemented during the operational stage of the plant.

Maintenance Programme

- (d) A Maintenance Programme must be implemented that will:
- Identify and eliminate fugitive dust sources continually.
 - Test and maintain relief vents to ensure they are in working order.
 - Check belts and rotating equipment for alignment to prevent these becoming a source of friction heating.
 - Lubricate bearings and rotating equipment (fans, blowers, size-reduction equipment) at least quarterly.

Accumulated dust

- (e) To insure free movement and to prevent friction heating, accumulated dust on rotating equipment bearings and components, must be removed at least quarterly.

Dust Fire and Explosion Awareness Program

- (f) The applicant must ensure that a comprehensive Dust Fire and Explosion Awareness Program exists and is implemented at all sites where combustible dust exists, either within closed processing systems or as fugitive dust within buildings.

Dust ignition management

- (g) Implementation of the following dust ignition management controls:
- Ensure all electrical equipment is rated Zone 20, 21, or 22 per AS/NZS 61241.3 – 2005.
 - Use a hot work permit system to manage all hot work operations.
 - Prohibit smoking and open flames.
 - Provide grounding and bonding of metal components with a resistance of less than 1x 10⁶ ohms to ground. At least annually, check for continuity of the metal components and security of any bonding connections.

Infra-red (IR) scan

- (h) Subject all electrical equipment to an initial infra-red (IR) scan and then at a regular frequency as dictated by results.

Protection of Abernethy's Creek

44. Given that only packaged product is handled outside of the factory building, the opportunity for dust to settle on the adjoining site area is minimal. Nevertheless, dust pollution may occur externally of the factory building if packaging is broken and a spillage occurs. In such an event, to prevent product handled on the site from being washed into Abernethys Creek and potentially polluting this adjoining watercourse, spilt product must be cleaned up immediately.

In addition, a rotary broom must be used to regularly clean the external areas of the site.

On-going Site Management and Maintenance

45. The proprietor/body corporate shall at all times be responsible for on-going site management and maintenance in accordance with the following conditions for the life of the development:
- (a) maintenance of vehicular movement areas including driveways, car parking, manoeuvring areas and line marking to the standard specified in this consent;
 - (b) maintenance of stormwater drainage pipes and systems to ensure efficient discharge of stormwater;
 - (c) maintenance of buildings, fencing, signage/markings to the standards outlined in the development application and/or specified in this consent.
 - (d) each of the roller doors in the north-western façade of the building must be maintained to be automatically self-closing doors and to adequately operate by sensor when fork-lift approach. All doors shall be well sealed when closed without holes or gaps and must not be left open when not in use.

Acoustical Treatment - silo fans sound power level

46. To maintain the amenity of the area, each of the two silo fans must be maintained so as not to exceed a maximum sound power level (L_{aw}) of 82 dBA equal to the sound power level of the existing fan on the silo currently used at the factory building for the packing plant.
- In the event that the maximum allowable sound power levels cannot be achieved, additional noise controls will be required such as erecting sound barrier screens around the silo fans or fitting acoustic silencers.

Landscaping – on-going maintenance

47. Given the prominent location of the subject land and in order to maintain the amenity of the area, landscaping shall be maintained in accordance with the approved Landscape Plan and, if necessary, renewed for the life of the development.

Flood Evacuation Plan – modification

48. The existing Shoalhaven Starches Flood Evacuation Plan for the factory site (which is designed to coordinate the safe evacuation of staff from the site) must be updated and modified to include the new approved facilities for the subject site and must be incorporated into the overall Manildra Flood Response Plan.

Loading and Unloading

49. Loading and unloading of trucks must be undertaken wholly on the subject site with no intrusion onto the adjoining public roads system. The site layout must accommodate the turning movements of the largest vehicle servicing the development as per AUSTROADS standards.

Advertising Signs

50. This consent does not imply approval for any other additional advertising sign to be located on the property for which development consent is required. In this regard, to ensure that advertising structures and signs do not proliferate:

one advertising sign is permitted

- (a) One advertising sign associated with the approved development, in accordance with Council's Development Control Plan No. 82 - *Signage Strategy for the City of Shoalhaven* is permitted on the subject land without the need to obtain further Council approval.

additional advertising sign(s)

- (b) No other additional advertising sign(s) are permitted to be displayed on the subject land or on the building(s) without the prior written consent of Council.

prohibited lighting of signs

- (c) Flashing, intermittent and moving lights are prohibited.

NSW Roads and Traffic Authority Road Reserve Policy

- (d) In accordance with the NSW Roads and Traffic Authority's (RTA) Road Reserve Policy, no sign(s) shall not be erected within the RTA's Road Reserve.

Noise

51. Noise levels from the premises (measured using the L₁₀ noise level descriptor) must not exceed the background noise level in any octave band (measured using the L₉₀ noise level descriptor) by more than 5 dB(A) when measured at the boundary of the closest residential premises.

PART G

REASONS FOR CONDITIONS

Conditions of consent have been imposed to:

1. Ensure the proposed development:
 - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
 - b) complies with the provisions of all relevant environmental planning instruments;
 - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, car parking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

PART H

OTHER COUNCIL APPROVALS AND CONSENTS Section 68 Local Government Act, Section 138 Roads Act

Stormwater

1. Any new rainwater drains must be connected to the existing rainwater disposal system to provide satisfactory stormwater disposal in accordance with the Building Code of Australia.

Note: *The absorption trench is to be located not less than 3.0m from any building and must not be above any effluent disposal area.*

PART I

ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL

Development Determination under Environmental Planning and Assessment Act, 1979

*Under section 82A of the Environmental Planning and Assessment Act, 1979 an applicant may request the council to review its determination except where it relates to a Complying Development Certificate, Designated Development or Integrated Development. The request must be made **within six (6) months** of the date of the receipt of the determination, with a prescribed fee of 50% of the original DA fee.*

*Section 97 of the Environmental Planning and Assessment Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised **within six (6) months** after receipt of this notice.*

Approvals under Local Government Act, 1993

Section 100 of the Local Government Act, 1993 provides that an applicant may request Council to review its determination of an application.

*Section 176 of the Local Government Act, 1993 provides that an applicant who is dissatisfied with the determination of the Council may appeal to the Land and Environment Court. The appeal must be made **within twelve (12) months** of the date of determination.*

PART J

ADVICE ABOUT WHEN THIS CONSENT LAPSES

This consent is valid for five years from the date hereon.

In accordance with Section 95 of the Act, development consent of the erection of a building does not lapse if building, engineering or construction work relating to the building or work is physically commenced on the land to which the consent applies before the lapse date.

PART K

GENERAL ADVICE TO APPLICANT

Private Use of Public Parking Spaces

If the temporary use of public parking spaces (either on street or off street) for private purposes is proposed to be undertaken during development construction and/or for maintenance purposes, a formal request for use of public parking shall be submitted to Council, in accordance with Council's Policy – "*Private use of public parking, policy No. POL08/408*". Such request shall be submitted to Strategic Planning and Infrastructure Group of Council, with the relevant application fee.

Privacy Notification

Personal information contained on this Development Consent and any associated documents will be published on Council's website as required by the *Government Information (Public Access) (GIPA) Act 2009*.

Trees Located on Public Land

Please note that any works carried out on the subject property or within the road reserve, such as construction of a driveway, that damages or otherwise detrimentally impacts on the health or safety of any tree located on public land may result in the applicant incurring the costs of any remedial action or removal of the tree(s). If you are proposing to carry out any works that may impact on any tree on public land, it is recommended that you contact Council for advice before carrying out those works.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on

- a) A matter of national environmental significance (NES) matter; or
 - b) Commonwealth land
- without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation.

It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent as notification to you that the Commonwealth Act does not have application.

The Commonwealth Act may have application and you should obtain advice about this matter.

There are severe penalties for non-compliance with the Commonwealth legislation.

Disability Discrimination Act 1992

This application has been assessed in accordance with the Environmental Planning & Assessment Act, 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The Disability Discrimination Act covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

Disclaimer – s88B restrictions on the use of land

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under clause 37 of Shoalhaven Local Environmental Plan 1985 agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

Occupation Certificate

An **occupation certificate** must be issued by the Principal Certifying Authority (PCA) before the building is used or occupied.

If Council is the appointed PCA for this project, a minimum of twenty four (24) hours' notice must be given to Council to make an inspection of the work.

NSW Native Vegetation Act 2003

The Native Vegetation Act 2003 requires consent for the clearing of remnant native vegetation or protected regrowth from the Southern Rivers Catchment Management Authority. In the Shoalhaven City Council area, this requirement generally applies to land that is zone Rural (Zone 1), Special Use (Zone 5), Open Space (Zone 6), Environment Protection (Zone 7) and Natural Hazards (Zone 9). If your development consent relates to land in such a zone then you may need to get a further separate approval from the Southern Rivers Catchment Management Authority for the clearing of remnant native vegetation or "protected" regrowth.

This development application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this development application has **not** involved any assessment of the proposed development in regard to the NSW Native Vegetation Act 2003.

It is the proponent's responsibility to consult the Southern Rivers Catchment Management Authority to determine the need or otherwise for their approval and you should not construe the granting of this development consent as notification to you that the NSW Native Vegetation Act does not apply. The NSW Native Vegetation Act 2003 may have direct application to your proposal and you should obtain advice about this matter directly from the Southern Rivers Catchment Management Authority. You can contact them on 4429 4446 or by email southern@cma.nsw.gov.au.

There are severe penalties for non-compliance with the Native Vegetation Act 2003.

Principal Certifying Authority

A Principal Certifying Authority (PCA) must be appointed before any building work can commence.

DBYD Enquiry – “Dial Before You Dig”

In order to avoid risk to life and property it is advisable that an enquiry be made with “Dial Before You Dig” on 1100 or www.dialbeforeyoudig.com.au prior to any excavation works taking place to ascertain the location of underground services.

Inspections

If Council is the appointed PCA for this project, a minimum twenty-four (24) hours notice must be given to Council to make an inspection of the work.

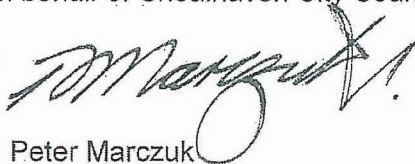
Signage

This consent does not imply approval for any advertising sign located, or proposed to be located, on the property for which development consent is required.

For more information about Council's development guidelines for advertising signs, please refer to Section 2 of A Signage Strategy for the City of Shoalhaven. Section 2 specifies the circumstances in which certain signs may be displayed without obtaining development consent and, where consent is required, the criteria against which applications will be assessed.

SIGNED on behalf of Shoalhaven City Council:

Signature



Name

Peter Marczuk
Senior Development Planner
Development & Environmental Services Group