

## Deana Burn

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**From:** Andrew Lissenden <Andrew.Lissenden@shoalhaven.nsw.gov.au>  
**Sent:** Monday, 25 July 2016 2:06 PM  
**To:** Deana Burn  
**Subject:** Shoalhaven Starches Modification 9 - Comments from Shoalhaven City Council  
**Attachments:** SW DA Notice - 3A07-1008 - N3 (MOD 9).DOCX

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Sorry. Forgot to attached the Shoalhaven Water Development Application Notice.

Andrew

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**From:** Andrew Lissenden  
**Sent:** Monday, 25 July 2016 1:58 PM  
**To:** 'Deana.Burn@planning.nsw.gov.au' <Deana.Burn@planning.nsw.gov.au>  
**Cc:** Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>; Cathy Bern <Cathy.Bern@shoalhaven.nsw.gov.au>  
**Subject:** HPRM: Shoalhaven Starches Modification 9 - Comments from Shoalhaven City Council

Hi Deana:

Further to your emails requesting comments on the above modification, including the additional amendments made by the proponent, please find below comments from Shoalhaven City Council in relation to Shoalhaven Starches Modification No.9. The main issues for Council relate to traffic/road impacts, sewer/water, flooding and visual impacts. In summary, Council has no objection in principle subject to the following conditions/requirements being included in any updated approval issued. To assist comments have been provided separately below on each specific issue with recommended changes to existing conditions and/or recommended additional conditions.

### Traffic/Road Requirements and Conditions:

Council raises no concerns with the modifications proposed to the DDG Pellet Plant on the southern side of Bolong Road in relation to traffic and road impacts.

Council does however raise concerns with the modifications proposed to the Packing Plant on the northern side of Bolong Road in relation to traffic and road impacts. With reference to the Packing Plant Council notes, based on the findings of the submitted Traffic Impact Assessment, that:

- the proposed increased in floor area for the Packing Plant will not result in any increase in production from the broader Shoalhaven Starches and will accordingly not result in increased vehicle traffic or rail movements at the Bolong Road and Railway Street rail crossing over previous (approved) forecasts;
- two access points will still be constructed to the Packing Plant along with a 30 space car park within the site;
- during construction and once the Packing Plant is operational there will be no detrimental affect incurred on the efficiency of the local road network; and
- rail movements will not increase above those limits previously approved and are expected to be further reduced in regard to crossings of Railway Street and Bolong Road given the extra capacity provided by the additional Packing Plant spur line.

Concerns are however raised with the following:

- the swept path analysis as provided for the Packing Plant driveway intersection design in Railway Street as it identifies that heavy vehicles when turning to enter and exit the driveway will utilise the full pavement width of Railway Street as it is currently constructed. A review of the swept path analysis also identifies that it may not accurately represent the critical swept path movements as irregularities appear within the analysis;
- the turning movements of heavy vehicles will cause the pavement to ultimately fail on the western edge of Railway Street and will create on-going maintenance issues for Council;
- the swept path analysis has only been undertaken for vehicles entering the driveway from the south and exiting the driveway to the south. No analysis has been undertaken for large vehicles (e.g. 19m B-double

general access vehicle) entering the site from the north and exiting to the north. It is contended that larger general access vehicles will utilise the northern route as they are legally entitled to do so – this being the shorter route in many circumstances;

- the requirements as noted in the independent audit of the railway crossing located in Railway Street as provided by Transport Safety and Reliability Regulator (ITSRR) have not been complied with. The NSW Department of Planning and Environment (DoPE) must ensure that all works as identified in the independent audit are undertaken and completed prior to the proposed Packing Plant operations commencing noting that all work is to be in accordance with and is to comply with AS1742.7 and AUSTRROADS requirements. An initial plan of this work was originally prepared by Shoalhaven Starches however the plans were never completed and the work was not undertaken. This is a separate matter to the subject modification however investigations as part of the assessment have again highlighted this outstanding work. Given the increased traffic on Railway Street as part of the Packing Plant proposal the rail safety improvement works should be completed to bring the rail crossing up to current standards. Some additional road works were identified as part of that additional work as well as signs/ markings works; and
- In reviewing the requirement for road widening Council notes that the existing chain wire fence for the adjacent State Rail complex located on the western side of Railway Street (i.e. along the eastern boundary of Lot 30 DP 1200000) encroaches within Council's formalised road reserve. To enable the abovementioned road widening to be undertaken the fence will be required to be relocated back to the boundary in consultation with RailCorp.

The above will require road widening works (i.e. kerb & gutter and shoulder seal with associated stormwater drainage) as a minimum. This should be conditioned in any amendment issued. A review of the current consent conditions (i.e. the consolidated consent issued under Mod 8) has indicated that Condition 28 (Road Works to the Packaging Plan) should be updated to include the following additional requirements.

1. Road widening in Railway Street is to be undertaken so as to provide kerb/gutter, shoulder seal and associated stormwater drainage as follows:
  - a. the construction of kerb and gutter and shoulder seal to the western side of Railway Street commencing from a point opposite the northern boundary of Lot 16 DP1121337 and extending for a distance of 60m south of this point (Note: works to the north may be required following submission of updated swept path drawings). The kerb alignment shall be a minimum of 11.0m between kerbs in Railway Street. The longitudinal design shall extend up to 100m each side of the development to ensure the proposed works will be compatible with the pavement grade and allow future extension of the kerb. All construction shall be in accordance with the Shoalhaven Development Control Plan 2014, Council's Engineering Design Specifications and Development Construction Specifications current at the time of construction;
  - b. the required drainage line shall connect to the existing underground system; and
  - c. the road shoulder pavement shall be designed to cater for fully loaded 25m B-double vehicles.

In addition, plans provided shall:

- a. be prepared by a suitably qualified practising engineer or surveyor;
- b. provide full details of the alignment and levels of all services (Council, Integral Energy, telecommunications, gas or other services) within the area of works;
- c. identify the existing chain wire fence for the adjacent RailCorp owned land on the western side of Railway Street and any encroachments within Council's road reserve along with any relocation required (including details on consultation had with the adjoining land owner); and
- d. provide a swept path analysis for the largest vehicle combination that is currently legally able to enter and exit the driveway via the northern route on Railway Street (i.e. 19m B-double general access vehicle).

Fully dimensioned and detailed plans for all work as required, including a detailed lines and signs plan for all external works, shall be submitted to Council prior to issue of a Construction Certificate for the Packing Plant and approved by Council prior to work commencing in the road reserve. Written confirmation from Shoalhaven City Council confirming that all works within Railway Street have been undertaken in accordance with the approved plan shall be obtained prior to occupation/use of the Packing Plant with works as executed plans being provided to the Secretary and Council within 1 month of completion of the upgrade works.

In addition to the above Council raises concerns with construction impacts upon its road assets (i.e. Railway Street) due to the large number of vehicle movements that will occur along Railway Street during the Packing Plant construction (including importation of required fill). This will necessitate the preparation of a dilapidation report for the length of Railway Street and its intersection with Cambewarra Road. It is therefore recommended that the following condition be included.

2. The proponent must undertake a site inspection/dilapidation report prior to commencement of any works associated with the Packing Plant as approved under Mod 9 and document any evidence of damage to the public assets (e.g. kerb/gutter, footpath, road pavement, etc). This shall include the length of Railway Street and its intersection with Cambewarra Road. A copy of the inspection documentation/dilapidation report is to be provided to Council prior to the commencement of works. Failure to adequately identify existing damage will result in all damage detected by Council after completion of the work being repaired at the developer's expense. Restoration shall be to the satisfaction of Council.

In addition to the above the following should be noted:

- All car parking to be provided is to be in accordance with this application must be designed and constructed in accordance with AS2890 requirements;
- Pedestrian access to the development site from the car park areas must be provided in accordance with A.S.1428. Plans demonstrating compliance with this must be approved by the Principal Certifying Authority prior to issue of a Construction Certificate; and
- All works within the road reserve/within public land will require a Section 138 Application under the Roads Act to be lodged with Council.

#### Sewer/Water Requirements and Conditions:

Council notes that the current approval does not contain any reference to Shoalhaven Water requirements relating to sewer and water infrastructure and associated impacts on existing assets. An updated Shoalhaven Water Development Application Notice has been prepared and is attached to this email. It is recommended that the following conditions be included.

3. Prior to issue of a Construction Certificate for the Packing Plant 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. 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.
4. Prior to occupation/use of the Packing Plant the proponent must obtain a certificate of compliance from Shoalhaven Water.

#### Flooding Requirements/Conditions:

The proposed modifications to the Packing Plant and DDG Pellet Plant fall under the land use category in the flood chapter of the Shoalhaven Development Control Plan 2014 (SDCP 2014) of 'Commercial/Industrial/Agricultural Buildings/Retail'. The area is where the Packing Plant is proposed is categorised as 'high hazard flood storage' while the area where the DDG Pellet Plant is proposed is categorised 'high hazard floodway'. The development needs to satisfy the requirements shown in the planning matrix in Schedule 6, Chapter G9, of the SDCP 2014. In the absence of acceptable solutions being met, the Flood Assessment Report provided by the proponent needs to demonstrate how the objectives and performance criteria are being met. In summary, Council is not satisfied that the proponent has submitted sufficient information to address the performance criteria. The floor level proposed for the Packing Plant extension is 4.40m AHD which is below the projected 2050 flood planning level of 6.2m AHD. The floor level of the DDG Pellet Plant is 4.70m AHD which is below the projected 2050 flood planning level of 6.4m AHD. For the both the Packing Plant component and DDG Pellet Plant component of the modification the proponents submitted flood assessment has not adequately addressed that the proposed floor levels and how fill will not place the proposed structure or surrounding areas at increased risk of flooding.

In line with the above, it is recommended that the following amendment be made:

5. Condition 26 (Flooding) should be updated to amend Condition 26a) to include reference to 'Mod 9'.

In addition, Condition 26B in the current approval should be amended to include the following additional requirements (i.e. the current component as part a) and the two additional components below as part b) and c)).

6. Prior to the commencement of any filling works associated with the Packing Plant or issue of a Construction Certificate for the Packing Plant as approved under Mod 9, whichever comes first, the proponent must demonstrate through the preparation of a flood assessment report that looks at the full range of flood events, that the proposed floor levels and fill do not place the Packing Plant as approved under Mod 9 or surrounding areas at increased risk of flooding. This is to be prepared by a suitably qualified consultant and submitted to

Council for approval prior to commencing the identified works (i.e. fill and buildings). This is to be prepared as per guidance in Chapter G9 of the Shoalhaven Development Control Plan 2014.

7. Prior to issue of a Construction Certificate for the DDG Pellet Plant as approved under Mod 9 the proponent needs to demonstrate through the preparation of a flood assessment report that looks at the full range of flood events, that the DDG Pellet Plant as approved under Mod 9 and associated floor levels do not place the proposed structure or surrounding areas at increased risk of flooding. This is to be prepared by a suitably qualified consultant and submitted to Council for approval prior to commencing the identified works. This is to be prepared as per guidance in Chapter G9 of the Shoalhaven Development Control Plan 2014.

#### Other Issues:

##### Exterior Material/Colours and Landscaping:

Given the Packing Plants increased size, the increased amount of fill, an increase in associated storage area and the its location in an area that, when viewed from Bolong Road, has an appearance of having a rural character, regard should be had for exterior materials used and associated visual impacts from the development when viewed from Bolong Road. While it is acknowledged that a Landscape and Vegetation Management Plan that supported the original Environmental Assessment made provision for landscape screening along the northern side of Bolong Road, limited details on this screening proposed (i.e. specific plants, planting densities, pot sizes, etc) could be found. It is therefore recommended that the following conditions be included.

8. Exterior materials (excluding windows and other glazing) are to be non-reflective and of a texture and colour which blend with the existing surroundings. Zincalume materials shall not be used unless it can be demonstrated that it will not have an adverse impact and/or create a glare nuisance.
9. A landscape plan that details landscape treatment within Lot 16 DP 1121337 to the south of the proposed new rail line for its length should be prepared by a registered (or eligible for registration) landscape architect. The landscape plan should detail plant species to be used noting that these should be species that are endemic to the area and should grow to a sufficient size so as to provide a screen to the Packing Plant development and associated infrastructure when viewed from Bolong Road. The plantings should be at a minimum of 5m centres and be a minimum 45 litre pot size. The plan should be provided to Secretary and Council for comment prior to issue of a Construction Certificate for the Packing Plant.

##### Construction Waste:

10. All construction waste must be contained within the site during construction and then be recycled 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

**In addition to the above, Council wishes to again advise DoPE that their appear to be a number of conditions on existing approvals that have been issued by DoPE relating to works within Bolong Road and other car parking areas required by earlier approvals that at this time have not been complied with. Council requests that the Department undertake its own investigation (i.e. not rely upon compliance reports prepared by the proponent) and take action to ensure compliance with the requirements of earlier approvals issued.**

Should you have any questions in relation to the above please give me a call.

Regards

**Andrew Lissenden**  
**Development Co-ordinator**  
Shoalhaven City Council

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