



Planning & Infrastructure

ASSESSMENT REPORT

Section 75W Modification Joe White Maltings, Minto Malting Plant and Packing Facility

Modification to allow Import/Export Via Road (08_0157 MOD 1)

1. BACKGROUND

In May 2009, the then Minister for Planning approved an application from Joe White Maltings Pty Ltd (JWM) to construct a new maltings plant and grain packing facility at Minto in the Campbelltown Local Government Area (see Figure 1).

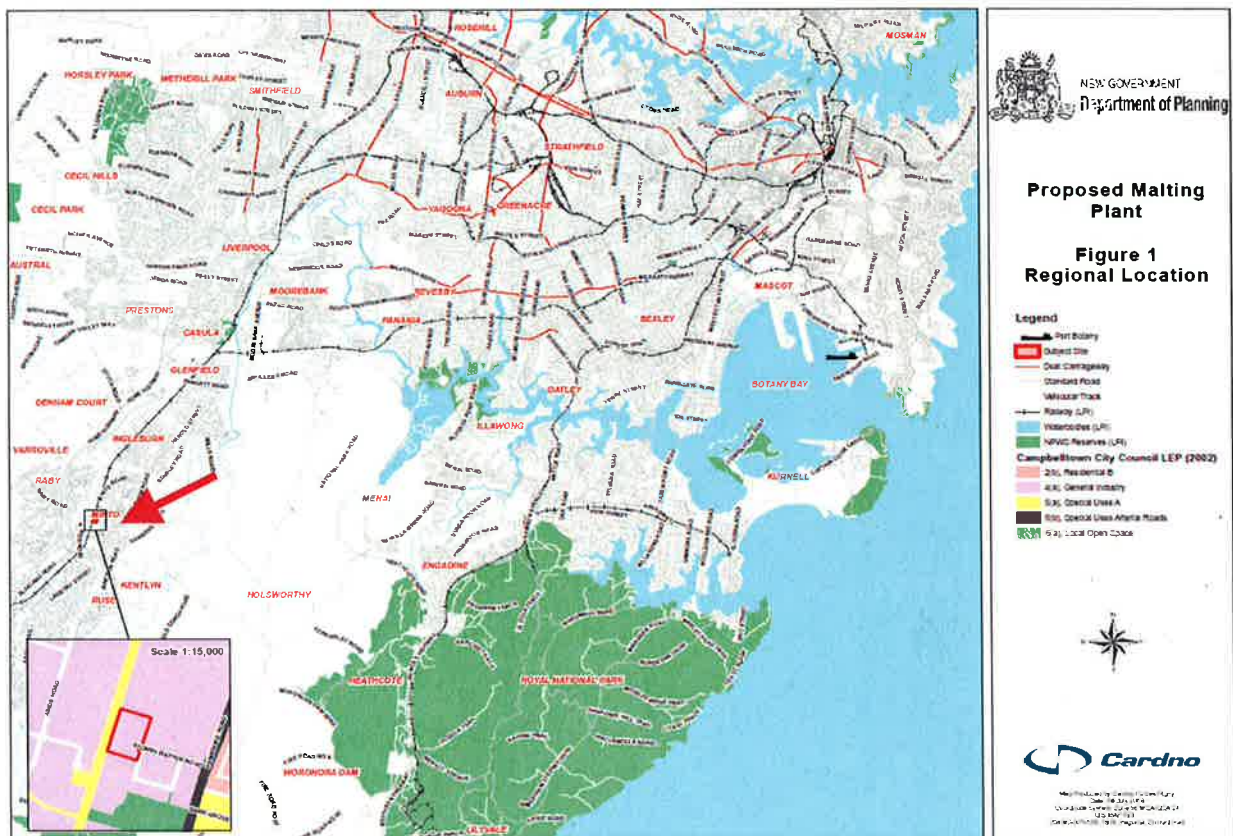


Figure 1: Regional Context (source: Cardno EA)

Generally the 'malting' process involves the germination of cereal grains, such as barley, by initially soaking the grains in water. Once germination occurs the process is halted and the grains are dried and the germination process ceases. Malted grains are then packaged and transported from the site and used to make products such as beer, whisky, malted shakes, malt vinegar, confections, flavoured drinks and baked goods.

The site is located within the Minto industrial area and is adjacent to the Main Southern Railway, which runs along its western boundary (see Figure 2). The site is surrounded by light manufacturing, warehousing and other allied industrial land uses, such as a pharmaceuticals manufacturer, steel and metal fabricators and an intermodal shipping terminal. The nearest residences are located approximately 400 metres to the east of the site.



Figure 2: Aerial photograph of the site and surrounding land uses

The 2009 Ministerial approval provided for:

- the importation of no more than 270,000 tpa of malt barley or grain to the site for processing;
- the production of up to 130,000 tpa of processed malt; and
- the exportation of up to 140,000 tpa of processed grain and 130,000 tpa of malt from the site.

Condition 7 of Schedule 2 of the Minister's approval specifies that all raw and finished product deliveries and dispatches must be rail utilising the adjacent Main Southern Railway. Under the current approval, all the grain and malt would arrive at, and be dispatched from the site within shipping containers and would be loaded utilising materials handling equipment located at the adjoining Macarthur Intermodal Shipping Terminal (MIST).

As such, the approved project provides for a maximum of only 68 vehicle movements per day. This figure includes light and heavy vehicles, contractor, visitor and waste removal vehicles.

JWM are now seeking to modify the approval to allow the transfer of a limited quantity of raw and finished product by road.

2. PROPOSED MODIFICATION

JWM seeks to amend Condition 7 of Schedule 2 of the existing project approval, to permit the transportation of 54,000 tpa (20%) of imported grain and barley, and 25,000 tpa (20%) of exported malt from the site by road.

As stated in Section 1 of this assessment report, the 2009 approval allowed for the exportation of up to 130,000 tpa of malt product via rail. JWM now proposes that 25,000 tpa of the malt would be exported via road. Likewise, the original approval allowed for up to 270,000 tpa of grain to be imported via rail.

JWM now proposes that 54,000 tpa of the grain material would be imported by road. No less than 80% of raw and processed product would continue to arrive at, and leave the site via the existing heavy rail siding adjacent to the site.

Condition 7 of Schedule 2 states that;

"The Proponent shall ensure that all the grain and barley imported onto the site, and all the malt and grain exported from the site, occurs via the adjoining rail siding to the Main Southern Railway. However, in exceptional circumstances, the Proponent may ignore these restrictions for short periods with the written approval of the Director-General".

In the original traffic assessment it was stated that the Proponent would be taking maximum advantage of the existing intermodal infrastructure, especially the ability to reduce road freight impacts, costs and inefficiencies by utilising rail, with access to an excess of containers available for storage and export on the adjacent MIST site. Notwithstanding, it has recently become apparent to JWM that a limited amount of product would need to be transported via road.

JWM's major domestic customer, Tooheys Brewery at Lidcombe, now requires that the malt supplied for their processing comes from the Minto plant via road, as it is not possible to deliver malt to the brewery by rail. Additionally, the supply of grain can change seasonally and limited storage and low railhead stock availability makes it necessary for a percentage of grain to be transported by road from northern NSW.

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 may determine this application on behalf of the Minister in accordance with the Minister's delegation of 14 September 2011, subject to the following:

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

As Council has not objected to the proposal, no public submissions have been made, and JWM has not made a political donation, the Department is satisfied that the application meets the terms of the delegation and 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.

The Department made the EA for the modification publicly available on its website and sought submissions from the Campbelltown City Council (Council) and the Roads and Maritime Service (RMS). Consultation with other government agencies and neighbouring sites was considered unnecessary, as the environmental impacts of the proposal would essentially remain unchanged from the approved project. A copy of the agencies submissions is available at Appendix 3.

The RMS did no objection to the proposed modification and raised no issues of concern.

Council did not objection to the proposed modification however, concerns were raised in regard to developer contributions, truck queuing on public roads and traffic noise. These issues are addressed in Section 5 of this assessment report.

5. ASSESSMENT

In its review of the modification application, the Department has considered:

- the previous approval;
- submissions made on the original and current applications; and
- JWM's traffic impact assessment for the proposed modification (Cardno, 2011).

The Department has assessed the application on its merits, and considers the key environmental issue to be traffic, noise and developer contributions.

5.1 Traffic

Issue

Increased truck movements to and from the subject site could impact on the traffic conditions on surrounding road networks.

Consideration

JWM proposes to utilise 19 metre articulated vehicles (AV) to transport a portion of the malt and grain materials via road. Approximately 10 AV's would be required to transport grain and malt material to and from the site (this equates to approximately 20 truck movements) per working day. It is expected that AV entry and exit movements would be evenly distributed throughout the day, with only one truck evident during each AM and PM peak hour periods.

The two main roads that would be immediately affected by the increased vehicle movements into and out of the site are Stonny Batter Road and Pembroke Road (refer to Figure 3). Pembroke Road is a north-south running State road which provides a connection to Rose Payten Drive and Ben Lomond Road. Pembroke Road carries approximately 1,000 vehicles in both directions during weekday peak periods, and varies from a four-lane divided carriageway to a two-lane undivided carriageway.

Stonny Batter Road is a Council road running east-west from Pembroke Road to the railway line. It is 12 metres wide and devoid of line marking, except at its eastern end where three lanes are marked on approach to the Pembroke Road intersection. Stonny Batter Road carries approximately 50 vehicles in both directions during the weekday AM peak period and 150 vehicles in both directions in the weekday PM peak period.

The proposed 10 AV's per day would amount to a 1% increase in existing background traffic volumes, which JWM considers to be minor. According to the SIDRA analysis program, which calculates the performance of intersections, the Pembroke/Stonny Batter Road intersection is already failing during both AM and PM peak hour traffic conditions, with an average Level of Service of F. The estimated 1% increase in traffic generation by the proposed modification is not considered to be significant.

In its submission on the modification proposal, Council generally raised no objection. However, Council's submission requested that the Department consider the potential impacts of trucks queuing on Stonny Batter Road prior to entering the site and the physical impact of increased truck movements on local and State roads.

The RMS raised no objections to the proposed modification or concerns regarding the minor increase in traffic.

Conclusion

The Department is satisfied that the minor increase in traffic numbers associated with the proposed modification would not result in any significant impact to the surrounding road network. Further, the existing approval includes conditions that require the Proponent to ensure the Project does not result in any queuing on public roads, which addresses Council's concerns.

Notwithstanding, the Department has recommended that the Proponent be required to prepare and implement an Operational Traffic Management Plan for the Project to ensure:

- any traffic impacts on the surrounding road network are minimised;
- the project does not result in any vehicles queuing on the public road network; and
- the exportation/importation of material does not occur during night time hours except due to circumstances beyond the control of JWM.



Figure 3: Intersection of Stonny Batter Road and Pembroke Road

5.2 Noise

Issue

An increase in traffic could potentially increase traffic noise for surrounding residents.

Consideration

The Department notes that increased truck movements could generate noise impacts on surrounding receivers, in particular the residential area located directly east of Pembroke Road. Monitoring was conducted during the original assessment and traffic noise was not considered to be a key noise issue for surrounding residents.

Given that the Project is expected to only marginally increase traffic generation (only 1%), it is considered that the additional 10 trucks per day would not result in any existing noise levels. Further, the site is located within a heavy industrial area, and existing conditions prohibit truck movements during the night time periods except under exceptional circumstances, as a means of managing noise generation from the site.

In its submission on the modification proposal, Council raised concerns that the proposal could result in an increase to background noise levels resulting from an increase in road transportation from the site.

Conclusion

Given the limited number of additional traffic movements from the modification and the existing conditions which restrict night time activities on the site, the Department is satisfied that any increase in background noise levels would be negligible.

The Department is satisfied that any potential noise impacts could be managed through existing conditions of approval.

5.3 Developer Contributions

Issue

The requirement for the Proponent to pay additional developer contributions.

Consideration

As part of the determination of the JWM Project, conditions were included in the approval which required the Proponent pay a development contribution to Council to the amount of \$50,000 (ref. Condition 13 Schedule 2 of the existing approval).

As the proposed modification seeks to increase local road use, Council has requested that additional contributions be made by the Proponent to provide for the funding of maintenance for local road projects.

The *Campbelltown City Council Section 94A Levy Contributions Plan* was adopted in August 2011. The Plan specifies the types of development to which the plan applies and that contributions are required to be paid based on the value of the development.

Table 1 of the Plan specifies that development comprising work valued at less than (or equal to) \$100,000 do not attract a contribution levy. JWM has indicated that the proposed modification does not have any capital investment value, and as such, there is no trigger for payment under the current contributions Plan.

Conclusion

The proposed modification would not result in an increase in employment or an increase in demand on existing infrastructure and resources; and does not have any capital cost. As such, the Department does not consider there to be a nexus between Council's request for additional developer contributions and the proposed modification.

6. CONCLUSION

The Department has assessed the proposed modification in accordance with the requirements of clause 8B of the Regulations. This assessment has found that the proposed modification:

- is unlikely to have any environmental impacts beyond the approved facility; and
- would allow for the transport of grains and products to regional customers and clients, which would give a greater product flexibility; and support regional business.

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

7. RECOMMENDATION

It is **RECOMMENDED** that the Acting Executive Director:

- **consider** the finding and recommendations of this report;
- **approve** the proposed modification subject to conditions; and
- **sign** the attached notice of modification (tagged A).

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20/4/12



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Major Project Assessments

20/4/12