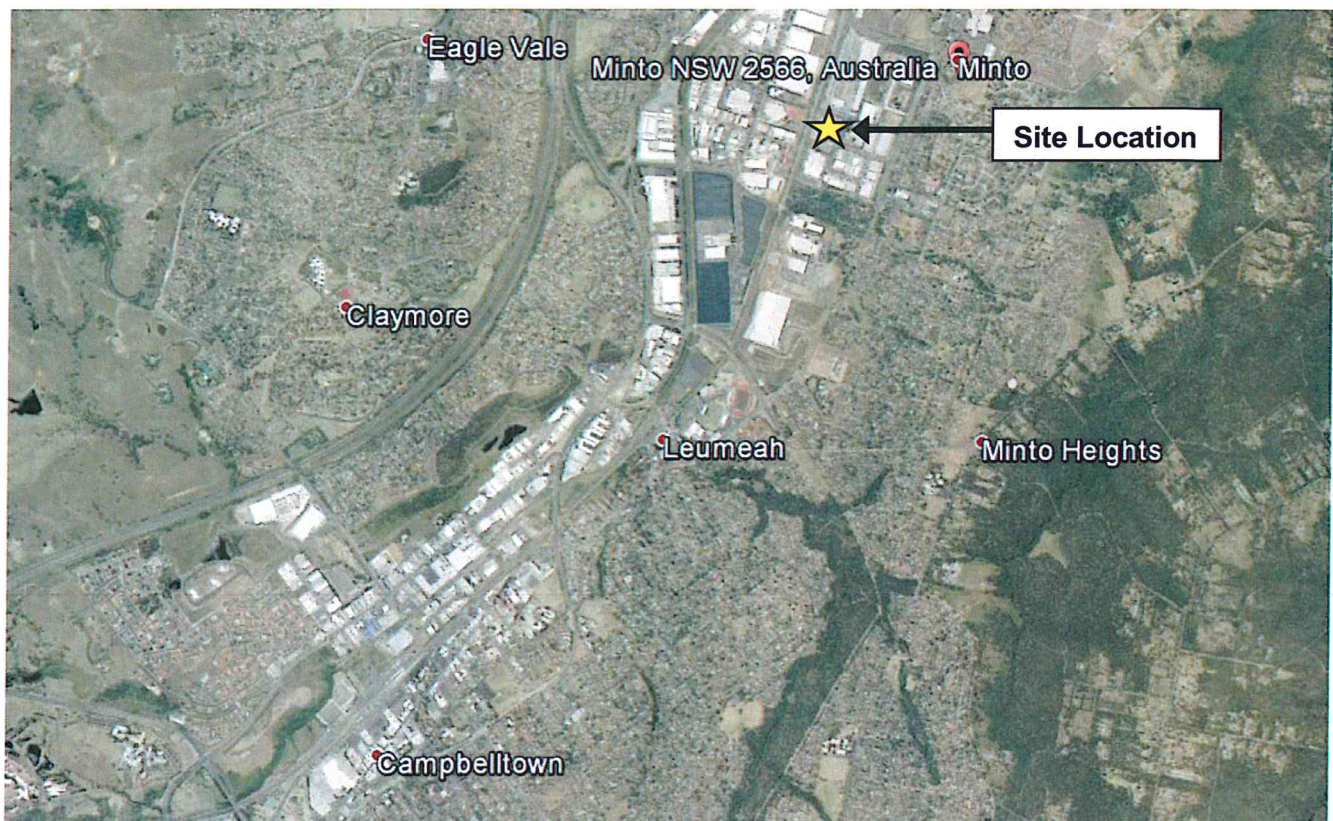


## ASSESSMENT REPORT

### Section 75W Modification (MP 08\_0157 MOD 2) Minto Malting and Grain Project Additional Storage Silos

#### 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 of the Site**

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 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 export of up to 140,000 tpa of processed grain and 130,000 tpa of malt from the site.



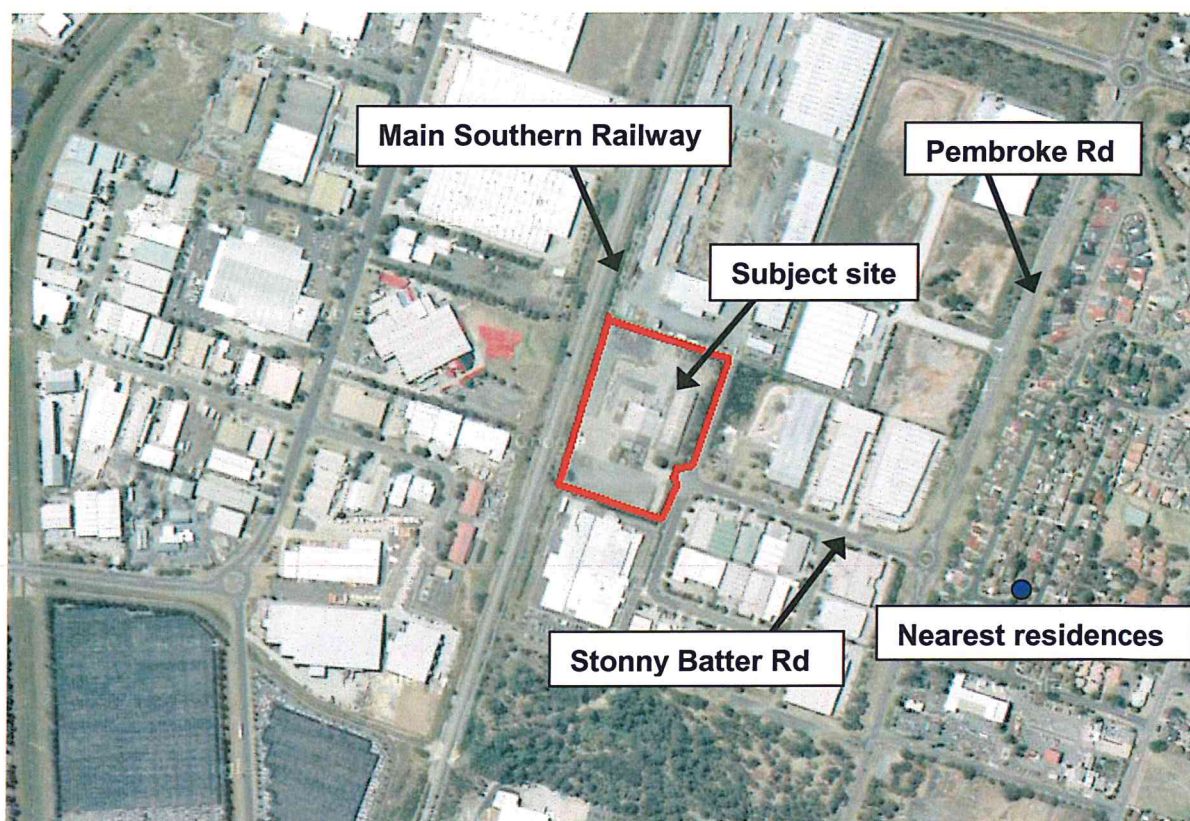
Existing key structures on the site include (see Figure 4):

- 4 germination vessels, 1 kiln, 16 storage silos (10 large and 6 small) and 4 analysis bins;
- covered automated overhead conveyors;
- a plant room and water treatment plant;
- water and effluent tanks;
- grain transfer station; and
- car park, administration office and other ancillary site infrastructure.

The facility operates 24 hours a day, 7 days a week.

On 20 April 2012, a modification application to the project approval was also granted to permit the transfer of some raw and finished product to and from the site by road as the transport of this material was previously limited to rail only.

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

JWM wishes to implement new malt and grain testing requirements and standards at the facility to improve the quality of finished product, prior to dispatch to domestic and international markets.

However, to allow the new testing regime to be completed before dispatch, finished product would be required to be stored on site for longer periods. In this regard, the existing facility lacks sufficient storage capacity to enable the new regime to be implemented.



The existing facility is currently operating at its maximum approved production capacity and if any of the existing storage silos were to be used to implement a new product testing regime, malt and grain production rates would reduce.

## 2. PROPOSED MODIFICATION

On 20 March 2014, JWM lodged a modification application with the Department under Section 75W of the *Environmental Planning and Assessment Act 1979* to permit the construction of twelve (12) new silos at the facility to increase its malt and grain storage capacity and to enable the new product testing regime to be implemented.

The new silos would be constructed using galvanised steel and would match the existing smaller silos on site (see Figure 3). Each silo would be 22 metres (m) high, have a diameter of 7.31m and a storage capacity of around 721m<sup>3</sup> per silo (i.e. around 254.6 tonnes).

The new silos would be designed to be filled and emptied via overhead conveyors which are sealed and would be extended from the existing silos on site (see Figure 3).

The new silos would serve as a storage function only and there would be no change to the maximum approved import, production or export limits of the facility.

The proposed modification would generate approximately 10 to 15 full-time jobs during construction and would take approximately 8 months to complete.

The new silos would be manufactured in Canada and brought to the site and erected in the same manner as the existing silos on the site.

The proposed modification would allow the new product testing regime at the facility to improve the quality of finished product, prior to dispatch to domestic and international markets.

The proposed modification to the existing site layout is illustrated in Figure 4 below.



**Figure 3:** Existing silos and overhead conveyors on site (identical to proposed)



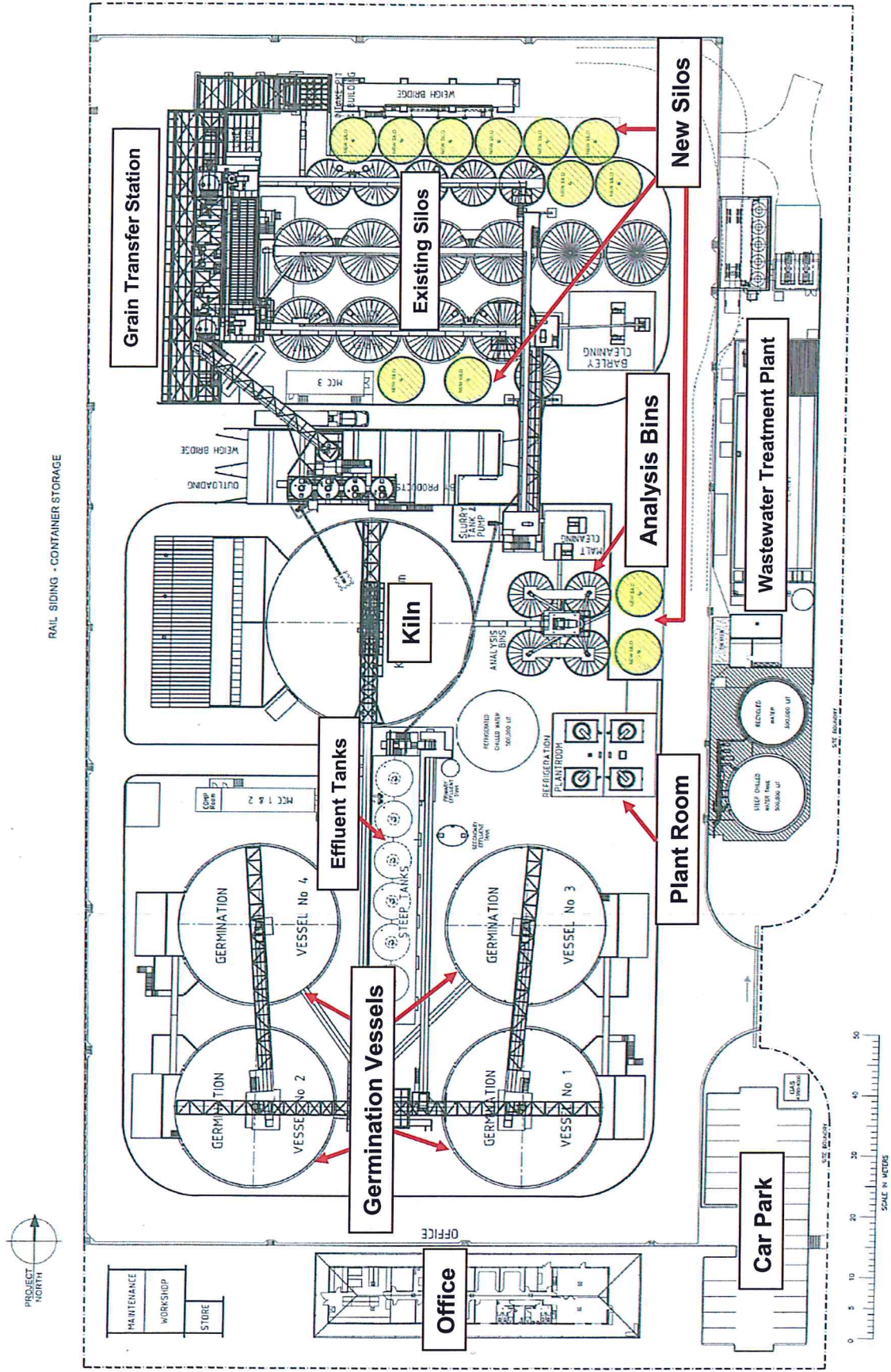


Figure 4: Existing site layout and proposed modification (see highlighted in yellow)

### 3. STATUTORY CONTEXT

#### Approval Authority

The Minister was the approval authority for the original project approval, and is consequently the approval authority for this application.

The Director, Industry, Key Sites and Social Projects may determine this application on behalf of the Minister in accordance with the Minister's delegation dated 14 September 2011, subject to the following:

- the relevant local Council has not made an objection;
- a political donations disclosure statement has not been made; and
- there are less than 10 public submissions in the nature of objections.

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

#### Section 75W

Section 75W of the EP&A Act confers on the Minister an implicit obligation to be satisfied that the modification request falls within this section of the EP&A Act.

The Department notes that:

- the primary function and purpose of the approved project would not change as a result of the proposed modification;
- the modification is of a scale that warrants the use of Section 75W of the EP&A Act;
- the maximum approved import, production or export limits of the facility would remain unchanged as a result of the proposed modification; and
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of approval.

Therefore, it is considered that the proposed modification is within the scope of section 75W of the EP&A Act. Consequently, the Department considers that the application should be assessed and determined under Section 75W of the EP&A Act rather than requiring a new development or project application to be lodged.

### 4. CONSULTATION

Under Section 75W of the EP&A Act, the Department is not required to notify or exhibit the application. Upon receipt, the application was placed on the Department's website and following a review of the application, the Department did not believe formal public notification of the application was necessary. Notwithstanding, the Department sought comments from Campbelltown City Council (Council), the Environment Protection Authority (EPA), Roads and Maritime Services (RMS) and the Office of Environment and Heritage (OEH).

The **EPA** made no objection to the proposed modification. The EPA noted key findings of the modification application that there would be no:

- increase to the approved operational capacity of the facility or change the hours of operation;
- increase in traffic to and from the site;
- air quality (including odour) or noise issues associated with the new silos; and
- adverse off-site impacts.

The EPA noted that the modified facility must comply with the *Protection of the Environment Operations Act 1997*, associated regulations and the existing Environmental Protection Licence (EPL, no. 20062) conditions for the site.



The EPA recommended that JWM prepare its Construction Environmental Management Plan (CEMP) for the modification in accordance with Landcom's *Blue Book* and the EPA's *Interim Construction Noise Guideline*.

**Council** made no objection to the proposed modification provided that it does not:

- increase the operational output of the facility;
- increase traffic movements to and from the site; and
- result in any significant visual impact on the surrounding landscape.

Council also requested that the Department carefully consider the operational noise impacts of the modified facility (particularly noise from the new overhead conveyors) to ensure that they remain below existing limits in the project approval.

**RMS** made no objection to the proposed modification subject to JWM preparing a Construction Traffic Management Plan for the modification and submitting it to Council for approval prior to the issue of a Construction Certificate.

**OEH** did not wish to comment on the proposed modification.

## 5. ASSESSMENT

The Department has assessed the merits of the proposed modification outlined in Table 1 below.

**Table 1: Assessment of merits**

Consideration	Recommendation
<b>Air Quality</b>	
<ul style="list-style-type: none"> <li>• During construction, dust generation is expected to be negligible as vehicles would access the site using existing access arrangements and the new silos would be constructed on hardstand areas.</li> <li>• Notwithstanding this, JWM has committed to preparing a CEMP for the proposed modification which would typically detail the dust mitigation measures to be implemented during construction.</li> <li>• As such, the Department has incorporated the requirement for a CEMP into the recommended conditions.</li> <li>• During operation, the new silos would be used as a storage function only. The silos would be sealed and loaded/unloaded via overhead automated conveyors.</li> <li>• Further, there would be no change to the maximum approved import, production or export limits of the facility.</li> <li>• As such, no additional air quality (including odour) impacts are expected as a result of the operation of the modified facility.</li> <li>• The EPA noted that the modified facility must comply with all air quality (including odour and dust) limits specified in the EPL for the site.</li> <li>• The Department is satisfied that the air quality impacts of the proposed modification would be minor.</li> </ul>	<p>Require JWM to:</p> <ul style="list-style-type: none"> <li>• prepare a CEMP for the proposed modification in consultation with the EPA and Council detailing all environmental management measures to be implemented.</li> </ul>
<b>Traffic</b>	
<ul style="list-style-type: none"> <li>• As noted above, the existing vehicle access arrangements for the site would be used for the construction of the proposed modification.</li> <li>• Although not quantified in the EA, construction traffic generated by the proposed modification is expected to be minor and safely accommodated by the existing road network.</li> <li>• In addition, construction works would also be temporary in nature taking approximately 8 months to complete.</li> <li>• Notwithstanding this, JWM has committed to preparing a Traffic Management Plan (TMP) as part of the CEMP to ensure traffic impacts during construction are minimised.</li> <li>• RMS requested that JWM submit the TMP to Council for approval prior to the issue of a Construction Certificate.</li> <li>• The Department has incorporated a similar requirement into the recommended conditions.</li> <li>• During operation of the modified facility, traffic generation would remain the same or less than current levels because there would be no increase in production capacity.</li> <li>• Council did not object to the modification provided that it did not cause operational traffic to increase.</li> </ul>	<p>Require JWM to:</p> <ul style="list-style-type: none"> <li>• prepare a CEMP for the proposed modification detailing all traffic management measures to be implemented.</li> </ul>



Consideration	Recommendation
<ul style="list-style-type: none"> <li>The Department is satisfied that the traffic impacts of the proposed modification would be minor.</li> </ul>	
<b>Noise and Vibration</b>	
<ul style="list-style-type: none"> <li>During construction of the new silos some noise would be generated but is expected to comply with the existing construction noise goals in the project approval and be inaudible at the nearest residence which is located around 400m from the site.</li> <li>Construction would also be undertaken during standard daylight hours and would be short-term, taking approximately 8 months to complete.</li> <li>Notwithstanding the above, JWM has committed to preparing a CEMP for the proposed modification which would detail all noise mitigation measures to be implemented during construction.</li> <li>The EPA recommended that JWM prepare the CEMP in accordance with the EPA's <i>Interim Construction Noise Guideline</i> (ICNG).</li> <li>As such, the Department has incorporated the requirement for the CEMP to include noise management measures into the recommended conditions.</li> <li>Council requested that the Department ensure that the operation of the modified facility (particularly noise from the new overhead conveyors) would comply with the existing operational noise limits in the project approval.</li> <li>During operation, the new silos would serve as a storage function only and are therefore expected to generate negligible noise.</li> <li>The overhead conveyors would be identical to the existing ones at the facility, would convey the same amount of material (given no increase in production volume is proposed) and would continue to operate during the day only.</li> <li>As such, the operation of the modified facility (i.e. the new silos and conveyors system) is expected to comply with the existing noise limits and conditions in the project approval and EPL for the site.</li> <li>The EPA noted that the modified facility shall comply with all noise conditions in the EPL for the site.</li> <li>The Department is satisfied that the noise impacts of the proposed modification would be minor and within regulatory limits.</li> </ul>	<p>Require JWM to:</p> <ul style="list-style-type: none"> <li>prepare a CEMP for the proposed modification in consultation with the EPA and Council detailing all noise and vibration management measures to be implemented.</li> </ul>
<b>Visual Amenity</b>	
<ul style="list-style-type: none"> <li>The site is surrounded by industrial land uses and is located in a natural valley.</li> <li>The highest point of the existing plant is around 33 m above finished ground level.</li> <li>JMW considers that it is unlikely that the new silos would be visible from any external public vantage points due to the topography of the site and because the silos would be located internally away from the site boundaries.</li> <li>Further, if able to be viewed, JWM considers that the new silos would be largely indistinguishable from existing site infrastructure given they would be located adjacent to existing silos (x16) and analysis bins (x4) of similar or larger scale.</li> <li>JMW therefore considers that the visual impacts of the new silos would be minor given they would be identical in size (22 m high by 7.31m in diameter), bulk, scale and appearance (i.e. galvanized steel) to the existing 'smaller' silos located at the facility.</li> <li>Council requested that the Department ensure the new silos do not have an adverse visual impact on the surrounding landscape.</li> <li>The Department has considered the potential visual issues and is satisfied that the bulk, height and scale of the new silos would be the same as, and in many cases smaller than, existing structures (including other silos) on site.</li> <li>For example, the new silos would be approximately 11m lower in height than the existing plant which is 33 m high at its highest point.</li> <li>Further, the Department considers the new silos would be consistent with the industrial character of the locality and largely indistinguishable from existing structures on site and the visual impacts of the proposed modification would therefore be minor.</li> </ul>	<p>Manage through existing conditions of approval.</p>
<b>Soil and Water</b>	
<ul style="list-style-type: none"> <li>During construction, the new silos would be constructed on existing hardstand areas of the site therefore the potential for erosion and sedimentation is low.</li> <li>Notwithstanding this, the EPA recommended that JWM prepare the CEMP in accordance with the Landcom's <i>Blue Book</i> and the Department has incorporated this requirement into the recommended conditions.</li> <li>Given the new silos would be constructed on top of existing hardstand areas of the site, the proposed modification would not generate increase stormwater run-off associated with an increase in impervious areas.</li> <li>Further, the new silos would serve a storage function only and would not increase wastewater generation at the facility.</li> <li>The Department is therefore satisfied that the soil and water impacts of the proposed modification would be negligible.</li> </ul>	<p>Require JWM to:</p> <ul style="list-style-type: none"> <li>prepare a CEMP for the proposed modification in consultation with the EPA and Council detailing all environmental management measures to be implemented.</li> </ul>

Consideration	Recommendation
<b>Hazards and Risk</b>	
<ul style="list-style-type: none"> <li>While some dangerous goods are stored on site, the approved project was not considered to be potentially hazardous or offensive in accordance with <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</i> (SEPP 33).</li> <li>JWM considers that as the new silos serve a storage function only, the proposed modification would not introduce any new issues associated with hazards and risk (e.g. fire risks) at the facility.</li> <li>The Department generally concurs with JWM but has recommended conditions to ensure the existing hazards studies for the site are updated to accommodate the modified facility.</li> <li>As grain dust may be combustible under certain circumstances, the Department has also recommended an additional condition for JWM to comply with the Australian Standard for handling of combustible dust. This would ensure adequate dust cloud explosion prevention and mitigation safeguards are implemented during the design, construction, and operations of the modified facility.</li> <li>With these conditions in place, the Department is satisfied that the incremental risk from the proposed modification is negligible and would not significantly alter the offsite risk profile of the existing facility.</li> </ul>	<p>Require JWM to:</p> <ul style="list-style-type: none"> <li>comply with the Australian Standard for handling of combustible dust;</li> <li>update the Fire Safety Study for the modified project, prior to construction; and</li> <li>update the Emergency Plan and Safety Management System for the modified project, prior to commissioning.</li> </ul>

## 6. CONCLUSION

The Department has assessed the proposed modification and is satisfied that it would:

- would result in minimal environmental impacts beyond the approved facility; and
- would enable JWM to implement a new product quality testing regime that would improve the quality of finished product.

Overall, the Department is satisfied that the environmental impacts of the modification would be minor and can be adequately managed, subject to conditions.

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

## 7. RECOMMENDATION

Under delegation, it is **RECOMMENDED** that the Director, Industry, Key Sites and Social Projects:

- 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 (see Tag 'A').

Andrew Hatcher  
Environmental Planner - Industry



Chris Ritchie  
Manager - Industry  
Industry, Key Sites and Social Projects

24/6/14



Daniel Keary  
Director  
Industry, Key Sites and Social Projects

24/6/14