



10 August 2017

Ms Chloe Dunlop
Senior Planner, Industry Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Madam,

**RE: Application to modify existing project approval MP 08_0157 (MOD 4)
Joe White Maltings, Stonny Batter Road, Minto**

I refer to the Department's correspondence regarding the proposal to further modify the subject project approval such that up to 157,000 tonnes of grain per annum is permitted to arrive at the site by road, rather than the originally approved rail arrangement.

As you are aware, Council and the Department undertook a significant assessment of the proposal to construct and operate the malting plant at its current site in Minto. In Council's understanding, the site was chosen by the proponent principally because of its strategic location and ready access to rail for inbound and outbound freight.

Council has undertaken a thorough review of the proposal, which has predominantly focussed on the modification's potential to change traffic to and from the site should it be approved.

Council's review of the application has included an assessment of the proponent's supplied traffic impact information, conduct of independent traffic surveys in the vicinity of the plant and physical examination of road surface and pavements on potentially affected local roads.

In addition, Council has discussed the matter of a contributions payment with the Department's representatives. The payment of contributions is an important consideration for the subject modification.

In that regard, I provide the following advice:

- Council undertook the project's Director-General's environmental assessment on behalf of the Department by arrangement.

- As part of the assessment, draft conditions were provided to the Department for the Minister's consideration prior to determination of the application.

A copy of Council's draft conditions is attached.

With particular reference to draft Condition 12, Council requested payment of a developer contribution in accordance with its adopted Section 94A Contributions Plan, which would have been an amount equivalent to 1% of the development's capital investment value.

The Contributions Plan sets out funding arrangements for the upgrade and maintenance of various local infrastructure assets, including roads.

- Without further consultation with Council, the project was approved with a heavily modified Condition 13, which required the payment of a \$50,000 contribution.

At the time, Council was verbally advised that the contribution reduction was made on the grounds that the development is not considered likely to have any impacts on local roads and other infrastructure due to its reliance on rail infrastructure and relatively modest employee number.

This matter was laid to rest by Council as the project was all but reliant on rail infrastructure at the time of its approval.

However, the subject application raises the issue of ongoing and significant components of the site's transport task being undertaken by road. In Council's opinion, this brings into question the matter of developer contributions.

In a manner consistent with comments on the issue on Council's letter to the Department dated 20 May 2016, I request that consideration be given to the imposition of a developer contributions payment should the modification be approved.

The payment would be set aside to assist in the funding of the required resurfacing of Rose Payten Drive, scheduled to take place in FY18-19 and would also in part be set aside to fund resurfacing of Stonny Batter Road in some 15 years, noting the road was rehabilitated independent of this assessment process quite recently as part of Council's usual asset management cycle.

The amount requested in order to assist finding the upgrading of affected local roads over time is \$50,000. This value is still some significant amount below that which the development would ordinarily attract should the Section 94A Plan contribution amount be provided.

Granting of the additional funding would be considered in lieu of the proponent's offer to strengthen Stonny Batter Road with a 45mm tick asphalt course (see page 10 of Cardno's 'Response to RMS and Campbelltown Council comments' dated 1 May 2017). Council's own tests detail that this would not be required in order to maintain a satisfactory lifespan for the surface of the road based on likely traffic generated from the development should the modification be approved.

However, a contribution to its future maintenance and that of Rose Payten Drive is, in Council's opinion warranted having regard to the significant change in transport arrangements.

The payment could be provided for by way of amending Condition No. 13, should approval for the modification be granted.

In addition to the contribution matter, Council requests that the Department consider the imposition of the following conditions:

- That the hours of operation relied upon in the traffic impact assessment and noise impact assessment accompanying the modification application are embedded into the project approval, should the modification be approved.

These hours are: 6am - 6pm Monday to Friday
 6am - 2pm Saturdays
 Closed on Sundays

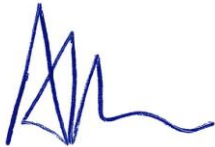
- A condition requiring that road traffic associated with the development travel on the nominated routes within Cardno's 'Response to RMS and Campbelltown Council comments' dated 1 May 2017, specifically pages 13, 14 and 15.

I trust that this assists your assessment of the proposal.

Thank you again for the opportunity to comment on the applicant's proposal to modify the subject project approval.

If you require any further information please contact me on (02) 4645 4566.

Yours sincerely,



Andrew MacGee
Acting Manager Development Services

DEFINITIONS

AEP	Annual Exceedence Probability flood event
Construction	All demolition and construction works to be undertaken on site
Council	Campbelltown City Council
Day	The period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays
DECC	Department of Environment and Climate Change
Department	Department of Planning
EA	Environmental Assessment titled <i>Proposed Malting Plant and Packing Facility, Lot 201 DP 813362, Stonny Batter Road, Minto Volumes 1 and 2</i> , dated November 2008.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environmental Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
Evening	The period from 6pm to 10pm
Minister	Minister for Planning
Night	The period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays
Project	The development as described in the EA
Proponent	Joe White Maltings Pty. Ltd., or its successors
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
RTA	Roads and Traffic Authority
Site	Land to which the application applies (see Schedule 1)
Statement of Commitments	The proponents commitments in Appendix B

SCHEDULE 2

ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction and/or operation of the project.

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
 - a) EA;
 - b) site plan (see Appendix A);
 - c) statement of commitments (see Appendix B); and
 - d) conditions of this approval.
3. If there is any inconsistency between the above, then the conditions of this approval shall prevail to the extent of the inconsistency.
4. The Proponent shall comply with any reasonable requirement of the Council arising from its assessment of:
 - a) any reports, plans, strategies or programs that are submitted in accordance with this approval; and
 - b) the implementation of any actions or measures contained in these reports, plans, strategies or programs.
5. This approval shall lapse if the Proponent does not commence construction of the project within 5 years of the date of this approval.

Limits on Production

6. The Proponent shall ensure that the malting and packing facility shall generally not exceed a maximum volume of:
 - a) 110,000 tonnes of malt per year; and
 - b) 140,000 tonnes of grain transfer,

unless any additional tonnage can be processed within the operational parameters imposed by this approval.

Management Plans/Monitoring Programs

7. With the approval of the Council, the Proponent may submit any management plan or study required by this approval on a progressive basis, however, where detailed certain plans must be submitted for approval prior to the issue of a Construction Certificate for the development.

Structural Adequacy

8. The Proponent shall ensure that any new buildings and structures on the site are constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for any building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.*

Protection of Public Infrastructure

9. The Proponent shall:
 - a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Operation of Plant and Equipment

10. The Proponent shall ensure that all plant and equipment used on the site is maintained and operated in a proper and efficient manner, and in accordance with relevant Australian Standards.

Service Providers / Additional Approvals

11. Prior to the construction of any utility works, the Proponent shall obtain relevant approvals from service providers, including the provision of a Section 73 Certificate from Sydney Water, pursuant to the *Sydney Water Act 1994*.

Developer Contribution

12. The Proponent must pay the Council a monetary contribution as a developer contribution under section 94A of the EP&A Act. This contribution is to be calculated in accordance with the *Campbelltown City Council Section 94A Development Contributions Plan (2007)*. The payment shall be made prior to the issue of a Construction Certificate for the development or in accordance with Clauses 20 or 22 of the Plan by prior arrangement.

Note: This contribution is subject to indexation by the Consumer Price Index, as published by the Australian Bureau of Statistics.

Environment Protection Licence

13. The Proponent shall apply for, and receive an Environment Protection Licence issued under the *Protection of the Environment Operations Act 1997* from the DECC prior to the commencement of operations at the site.

Rail access

14. The Proponent shall make all necessary arrangements with the management of the Macarthur Intermodal Shipping Terminal to ensure that rail access is available to service the development.

Apart from exceptional circumstances, delivery and dispatch of grain and grain products to and from the site shall be made by heavy rail.

The Proponent shall provide evidence to the Council that a contractual arrangement is in place for the servicing of the facility prior to the commencement of operations, to ensure that rail is the primary method of transportation of goods to and from the site.

Demolition Works

15. Demolition works shall be carried out in accordance with the following:
 - a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be

employed to minimise any dust nuisance and the disposal methods for hazardous materials.

- b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
- c) The handling or removal of any asbestos product from the building/site must be carried out by a WorkCover NSW licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.
- d) An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
- e) Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and WorkCover NSW prior to the commencement of any works.

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

DESIGN

16. The Proponent shall submit detailed architectural and landscaping design plans for the buildings and landscaped areas to be constructed on site. The plans must:
- a) be approved by the Council prior to the commencement of building works;
 - b) demonstrate the treatments are of sufficient design quality to minimise the visual impact of the project and include a variety of materials and external finishes, however, must not include reflective materials on grain storage silos;
 - c) clearly illustrate the existing and proposed elevations of the site, how the facilities would sit on-site (describing any cut and fill required) and any retaining walls, etc proposed;
 - d) detail that habitable buildings are to be a minimum of 150mm above the 1% AEP overland flow level for the site where applicable; and
 - e) illustrate the location, species and mature height of plants to be established at the site, noting that the species selected shall be low water demand and locally indigenous.

AIR QUALITY AND ODOUR

Dust

17. The Proponent shall carry out all reasonable and feasible measures to minimise dust generated by the project.
18. During demolition, the Proponent shall ensure that:
- a) all trucks entering or leaving the site with loads have their loads covered;
 - b) trucks associated with the project do not track dirt onto the public road network; and
 - c) public roads used by these trucks are kept clean.

Odour

19. Except as may be expressly provided in an EPL for the project, the Proponent shall ensure that the project complies with Section 129 of the *Protection of the Environment Operations Act, 1997*.

Air Quality Monitoring Program

20. The Proponent shall prepare and implement an Air Emissions Validation Program, to be submitted to the Council and the DECC within three months of the commencement of operations. The program must:
- a) be undertaken to the satisfaction of the Council and the DECC;
 - b) be prepared by a suitably qualified and experienced person;
 - c) monitor air emissions from the facility;
 - d) validate the monitoring data against the levels of emissions specified in the EA and the criteria in the *Protection of the Environment Operations (Clean Air) Amendment (Industrial and Commercial Activities and Plant) Regulation 2005*; and
 - e) detail the contingencies that would be implemented should complaints or exceedences occur.

Notes:

Section 129 of the Protection of the Environment Operations Act 1997, provides that the Proponent must not cause or permit the emission of any offensive odour from the site, but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

SOIL AND WATER

Discharge Limits

21. Except as may be expressly provided in an EPL for the project, the Proponent shall comply with Section 120 of the *Protection of the Environment Operations Act 1997*.

Bunding

22. All chemicals, fuels and oils shall be stored in appropriately banded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. The bund(s) shall be designed and installed in accordance with the:
- a) requirements of all relevant Australian Standards; and
 - b) DECC's *Storage and Handling Liquids Environmental Protection - Participant's Manual*.

Erosion and Sediment Control Plan

23. The Proponent shall prepare and implement an Erosion and Sediment Control Plan for the project to the satisfaction of the Council and in accordance with the details provided in the EA and the requirements of Landcom's (2004) *Managing Urban Stormwater: Soils and Construction* manual.

Land Contamination

24. The Proponent shall assess and monitor potential soil contamination that may be revealed during construction works in accordance with the recommendations of the EA.

Stormwater Management Plan

25. The Proponent shall prepare and implement a Stormwater Management Plan for the project to the satisfaction of the Council. The plan/s must:
- a) be prepared in consultation with Council and RailCorp, and be approved by the Council prior to the commencement of construction of the approved facility;
 - b) be prepared in accordance with DECC's *Managing Urban Stormwater: Council Handbook*, Council's *Campbelltown (Sustainable City) Development Control Plan Volume 2 - Engineering Design for Development (as amended)*; and
 - c) include details of:
 - pre and post development flows;
 - water quality;
 - stormwater detention, treatment and control infrastructure; and
 - measures to maintain this infrastructure and the proposed monitoring of stormwater quantity and quality during operation of the project.

Wastewater Management

26. The Proponent shall remove all wastewater generated from on-site treatment and processing in accordance with the requirements of Sydney Water and the DECC's EPL.

NOISE

Construction Hours

27. The Proponent shall comply with the construction hours in Table 1, unless otherwise agreed with the DECC.

Table 1: Construction Hours

Activity	Day	Time
Construction	Monday – Friday	7am to 6pm
	Saturday	7am to 5pm
	Sunday and Public Holidays	Nil

Notes:

- Construction activities may be conducted outside the hours in Table 1 provided that the activities are not audible at any residence beyond the boundary of the site;
- Emergency work to avoid the loss of life, property and/or prevent environmental harm may be undertaken outside the hours in Table 1; and
- Deliveries of oversize equipment may occur outside these hours, if required by the RTA or NSW police.

Operational Noise Limits

28. The Proponent shall ensure that noise generated by the project's operations does not exceed the noise limits presented in Table 2.

Table 2: Project Noise Limits (dB(A))

Location	Day	Evening	Night	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
Nearest residence (9 Borthwick Street, Minto)	45	40	40	50

Notes:

- Noise from the premises is to be measured at the most affected point on or within the residential boundary to determine compliance with the L_{Aeq}(15 minute) noise limits in condition 28.
- Where it can be demonstrated that direct measurement of noise from the premises is impractical, the DECC may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.
- The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise level where applicable.
- The noise emission limits identified in Table 2 apply under meteorological conditions of:
 - wind speeds up to 3 m/s at 10 metres above ground level; or
 - temperature inversion conditions of up to 3°C/100m and wind speeds up to 2 m/s at 10 metres above ground level.

29. During the night time period, roller doors are to be kept closed and loading and unloading activities, such as rail carriage shunting or truck movements on site, are to be kept to a minimum.

Note: Loading and unloading activities and truck movements during the night time period may only occur on site in exceptional circumstances.

TRAFFIC AND TRANSPORT

Traffic Management Plan

30. The Proponent shall prepare and implement a Traffic Management Plan to manage traffic safety during the demolition of existing buildings, construction of the facility and for occasions where the rail loading and unloading facilities at the site are temporarily unavailable. The Plan must:
- a) be prepared in consultation with the RTA and Council, and be approved by the Council, prior to the commencement of demolition work at the site;
 - b) nominate routes for heavy vehicles accessing the site; and
 - c) provide details on restrictions proposed for the hours that heavy vehicles may access the site.

Vehicle Queuing, Parking and Transport

31. The Proponent shall ensure that:
- a) the internal road network and parking on site complies with Australian Standards AS 2890.1:2004 and AS 2890.2:2002;
 - b) vehicular access to the site is constructed in accordance with the requirements of Council;
 - c) all parking generated by the project is accommodated on site, and that no vehicles associated with the project shall park on the public road system at any stage;
 - d) the project does not result in any vehicles queuing on the public road network; and
 - e) suitable parking for bicycles and associated facilities including change rooms are provided at the facility,
- to the satisfaction of the Council.

WATER AND ENERGY EFFICIENCY

32. The Proponent shall ensure the project is energy and water efficient, in accordance with industry best practice, to the satisfaction of the Council.
33. The proponent shall prepare and implement a Water and Energy Efficiency Program for the project, to the satisfaction of the Council. The program must:
- a) be approved by the Council prior to the commencement of construction;
 - b) compare the proposed energy and water usage ratio of the project to other existing malting facilities, and set benchmarks for industry best practice;
 - c) describe the measures that would be implemented onsite, demonstrating the use of best available technology; and
 - d) include a program to monitor and report on the efficiency of the measures implemented and ensure the project would continue to operate at industry best practice overtime.

HAZARDS AND RISK

Pre-Construction

34. The proponent shall install and make available fire hydrants throughout the site in accordance with the requirements of the NSW Fire Brigades and BCA.
35. The Proponent shall prepare and implement the studies set out below, to be submitted at least one month prior to the commencement of building works. Building works shall not commence until the following studies have been approved by the Council:
- a) **Fire Safety Study** - This study shall cover the relevant aspects of the Department's *Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines'* and the New South Wales Government's *'Best Practice Guidelines for Contaminated Water Retention and Treatment Systems'*. The study shall be submitted for approval, to the NSW Fire Brigades. The study shall be approved by the NSW Fire Brigades, prior to the commencement of construction.

Pre-Commissioning

36. The Proponent shall develop and implement the plans and systems set out below no later than two months prior to commissioning. The Proponent shall submit for the approval of the Council documentation describing those plans and systems, no later than two months prior to commissioning. Commissioning shall not commence until approval has been given by the Council.
- a) a comprehensive **Emergency Plan** and detailed emergency procedures. This plan shall include detailed procedures for the safety of all people outside of the project who may be at risk from the project. The plan shall be in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 1, 'Industry Emergency Planning Guidelines'*; and
 - b) a document setting out a comprehensive **Safety Management System** covering all on-site operations and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records shall be kept on-site and shall be available for inspection by the Council upon request. The Safety Management System shall be developed in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*.

Pre-Startup

37. One month prior to the commencement of operations, the Proponent shall submit to the Council, a Pre-Start Up Compliance Report detailing compliance with conditions 34 and 36, including:
- a) dates of study/plan/system submission, approval, commencement of construction and commissioning;
 - b) actions taken or proposed, to implement recommendations made in the studies/plans/systems; and
 - c) responses to each requirement imposed by the Council under condition 4.

Post-Startup

38. Three months after commencement of operation of the project, the Proponent shall submit to the Council, a **Post-Start Up Compliance Report** verifying that:
- a) the Emergency Plan required under condition 36a) is effectively in place and that at least one emergency exercise has been conducted; and
 - b) the Safety Management System required under condition 36b) has been fully implemented and that records required by the system are being kept.

WASTE

39. The Proponent shall ensure that all waste generated on the site during construction and operation is classified in accordance with the DECC's *Waste Classification Guidelines: Part 1 Classifying Waste* and disposed of to a facility that may lawfully accept the waste.
40. The Proponent shall prepare a waste management plan for the plant's construction, detailing the quantity of materials to be discarded and their destination. The waste management plan shall be prepared in accordance with the requirements of the *Campbelltown (Sustainable City) Development Control Plan*.
41. For the life of the project, to the satisfaction of the Council, the Proponent shall:
- a) monitor the amount of waste generated by the project;
 - b) investigate ways to reduce the amount of waste generated by the project;
 - c) implement all reasonable and feasible measures to minimise and recycle waste, including waste generated as a result of the use of the projects products; and
 - d) provide a report to the Department, on the requirements listed from 40a) to 40c) above, every 5 years from the commencement of operations.

VISUAL AMENITY

Reflectivity

42. The Proponent shall ensure that reflectivity of silo structures erected at the facility is minimised by the use of non-reflective and neutrally toned materials and colours to the satisfaction of the Council.

Lighting

43. The Proponent shall ensure that lighting associated with the project:
- a) complies with the latest version of Australian Standard *AS 4282(INT)-Control of Obtrusive Effects of Outdoor Lighting*; and
 - b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties, the Main Southern Railway or the public road network.

Signage and Fencing

44. The Proponent shall not install any fencing on site without the written approval of the Council. In seeking this approval the Proponent shall:
- a) submit detailed plans of the proposed fencing, which have been prepared in consultation with Council; and
 - b) demonstrate that the proposed fencing is consistent with the relevant requirements in *Campbelltown (Sustainable City) Development Control Plan*.

VERMIN CONTROL

45. The Proponent shall prepare and institute a program for the control and eradication of vermin, to ensure that there are no detrimental affects on the operation of the subject plant and adjoining and nearby businesses.

SCHEDULE 4 ENVIRONMENTAL MANAGEMENT, AUDITING AND REPORTING

ENVIRONMENTAL MANAGEMENT STRATEGY

46. The Proponent shall prepare and implement an Environmental Management Strategy for the project, to the satisfaction of the Council. The Strategy must:
- a) be approved by the Council prior to the commencement of construction;
 - b) be updated and approved by the Council prior to operation;
 - c) provide the strategic context for environmental management of the project;
 - d) identify the statutory and other obligations that apply to the project;
 - e) describe in general how the environmental performance of the project would be monitored and managed;
 - f) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the, operation and environmental performance of the project;
 - receive, handle, respond to, and record any complaints that are received;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance; and
 - respond to emergencies;
 - g) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project; and
 - h) incorporate the various studies, plans and programs required under this approval.
47. The Proponent shall update this strategy to the satisfaction of the Council, every 2 years from the commencement of operations, or as directed by the Council.

REPORTING

Incident Reporting

48. Within 24 hours of any:
- a) incident or potential incident with actual or potentially significant off-site impacts on people or the biophysical environment; or
 - b) exceedence of the limits/performance criteria in this approval;
 - the Proponent shall notify the Department and other relevant agencies and an Incident Report shall be supplied to the Department outlining the basic facts. The Proponent shall also notify the DECC and the Council immediately upon becoming aware of any pollution incident.
49. Within 6 days of notifying the Department and other relevant agencies of an incident, potential incident or exceedence, and following investigations of the causes and identification of necessary additional preventive measures, the Proponent shall provide the Department and these agencies with a written report that:
- a) describe the date, time, and nature of the incident/exceedence;
 - b) identify the cause (or likely cause) of the incident/exceedence;
 - c) describe what action has been taken to date; and
 - d) describe the proposed measures to address the incident/exceedence.
50. The Proponent shall maintain a register of accidents, incidents, potential incidents and exceedences. The register shall be made available for inspection at any time by the independent Hazard Auditor and the Council.

AUDITING

Compliance Audit

51. Prior to commissioning of the facility, the Proponent shall submit work as executed plans to the Department for all development associated with the project. These plans must be prepared by a suitably qualified and experienced expert, and must include plans showing the

work as executed plans laid over the approved plans to demonstrate that the development has been carried out in accordance with the approved plans.

Independent Environmental Audit

52. Within 12 months of the commencement of operations, and every 3 years thereafter, unless the Council directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
- a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Council;
 - b) include a review of the site's Safety Management System and all entries made in the incident register since the previous audit;
 - c) assess whether the project is being carried out in accordance with industry best practice;
 - d) assess the environmental performance of the project, and its effects on the surrounding environment and sensitive receivers;
 - e) assess whether the project is complying with the relevant standards, performance measures, and statutory requirements;
 - f) review the adequacy of any strategy/plan/program required under this approval; and, if necessary;
 - g) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval; and
 - h) include a program for the implementation of the recommendations made in the audit report with justification for any deferred implementation.
53. Within 1 month of completing this audit, or as otherwise agreed by the Council, the Proponent shall submit a copy of the audit report to the Council with a response to any recommendations contained in the audit report.
54. Within 3 months of submitting an audit report to the Council, the Proponent shall review and if necessary revise the strategy/plans/programs required under this approval to the satisfaction of the Council.

[illegible]

Appendix B - Proponent's Statement of Commitments

Objective	Commitment
Demolition & Construction Works	
<ul style="list-style-type: none"> • Safe working environment. • Minimise environmental impact. 	<ul style="list-style-type: none"> • Construction Management Plan to be prepared for the works and submitted with the Construction Certificate. • Preparation of a specific Environmental Management Plan for the Minto site demolition & construction works. • All works conducted in accordance with relevant demolition and construction legislation.
Operation of Malting Plant & Packing Facility	
<ul style="list-style-type: none"> • Safe working environment. 	<ul style="list-style-type: none"> • Site specific and job specific OH&S training for all staff. • Provision of information regarding safe working practices for the development. • Identification of pedestrian walkways around plant in locations where dangers may be present. • Separation, where possible, of pedestrians and vehicles. • Requirement for appropriate personal protective equipment to be worn onsite. • Appropriate number of staff to receive first aid training.
Air Quality	
<ul style="list-style-type: none"> • Minimise & manage emissions of dust, odour & oxides of nitrogen. 	<ul style="list-style-type: none"> • Operation of development within DECC criteria and limits in relation to emission of dust, odour and oxides of nitrogen. • Installation of dust monitor onsite to record emission levels. • Regular site cleaning to remove dust. • Installation of nitrogen dioxide monitor and retention onsite until base line emissions are identified.
Traffic & Transport	
<ul style="list-style-type: none"> • Provision for alternative modes of transport to the private car. 	<ul style="list-style-type: none"> • Bike racks to be provide near the office building. • Shower facilities to be provided for staff use in the office block.
Soil Management	
<ul style="list-style-type: none"> • Prevention of soil erosion. 	<ul style="list-style-type: none"> • Compliance of demolition, construction and ongoing operation with a Soil & Water Management Plan for the site.
Water Management	
<ul style="list-style-type: none"> • Minimise use of potable water on site. • Effective management of onsite storm water. • Prevention of water pollution. 	<ul style="list-style-type: none"> • Reduction in freshwater use through the implementation and operation of a world's best practice water recycling facility. • Capture of rain water from roof of office building and storeroom in tanks. • Use of rainwater to irrigate landscaping when feasible. • Implementation of 4, 5 or 6 star rated water appliances in the proposed office to minimise potable water use. • Implementation and maintenance of an appropriate stormwater management system to channel water to Council's drainage system and ensure runoff does not flow onto adjoining land. • Compliance of demolition, construction and ongoing operation with a Soil & Water Management Plan for the site.
Noise Management	
<ul style="list-style-type: none"> • Responsible management of JWM demolition and 	<ul style="list-style-type: none"> • Care taken to avoid excessive noise during demolition and construction.

<ul style="list-style-type: none"> construction noise. Responsible management of JWM site operational noise. 	<ul style="list-style-type: none"> Demolition and construction works only between 7am – 5pm Monday to Saturday. Ensure maintenance of equipment to limit noise emissions. Repair of any equipment that fails and results in excessive noise emissions without undue delay. JWM to commission a noise assessment 6 months after the site becomes operational. Mitigation measures taken if noise emissions are found to breach appropriate NSW guidelines or legislation.
Visual	
<ul style="list-style-type: none"> Minimise visual impacts from site. 	<ul style="list-style-type: none"> Control of external illumination to reduce spillage. Specific attention paid to ensure direction of lights is not towards the RailCorp rail line. Colourbond colouring selected to reduce visual impact and use of galvanised silos to reduce light reflection.
Greenhouse Gases	
<ul style="list-style-type: none"> Minimise the production of greenhouse gas emissions associated with JWM operations. 	<ul style="list-style-type: none"> Implementation of energy reduction measures as identified in this EA. Implementation of world best technology for the capture and reuse of heated air in the kilning process. Implementation of world best technology gas burners in the kilning process.
Waste	
<ul style="list-style-type: none"> Minimise waste from ongoing operations. Ensure appropriate disposal for waste streams. 	<ul style="list-style-type: none"> Recycling of process water for reuse in the malting process. Location of bins onsite for different waste streams and education of staff where to dispose of waste to maximise recycling. Investigation of local opportunities for the reuse of dry and sludge organic waste.
Environmental Monitoring	
<ul style="list-style-type: none"> To ensure compliance with any Environmental Protection Licence (EPL) issued for the malting plant and packing facility. 	<ul style="list-style-type: none"> Development and implementation of an Environmental Management Plan for the Minto facility which documents environmental monitoring in accordance with the EPL.
Landscaping	
<ul style="list-style-type: none"> Improve the visual amenity of JWM on surrounding community. 	<ul style="list-style-type: none"> Implement landscaping generally in accordance with concept scheme.