

20 May 2016

Ms Pamela Morales
Planning Officer - Industry Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

By email: pamela.morales@planning.nsw.gov.au

Dear Madam,

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

I refer to your emailed correspondence and telephone conversation with Council's Andrew MacGee, Acting Coordinator Development Assessment. I appreciate the opportunity to provide you with Council's comments at this early stage of the subject modification application's assessment.

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 is quite concerned at the prospect an amendment or deletion of Condition 7 in the project approval may have on the capacity/efficiency of the local road network, amenity for local residents and longevity of Council's road assets. The amendment or deletion as proposed could potentially provide for all product in and out of the malting and grain transfer facility arriving by road, rather than rail.

The applicant's letter to the Department appears to conflict itself with regard to the plant's current operating capacity and approved capacity. A quote from the letter reads:

The JWM approval allows up to 130,000 tonnes of barley to be delivered to the Minto site per annum for malt production and up to 140,000 tonnes of other grains to be transported to the site per annum for packaging (270,000 tonnes of grain in total). In reality however, only about a total of 210,000 tonnes of inbound barley and grain come to the site annually.

Later on, the letter states that the plant is 'operating at capacity'. It must be assumed operating at capacity means that 270,000 tonnes arrives at the site annually.

I am sure the Department can appreciate that Council must consider the 'worst case scenario', being all grain by road, should Condition 7 be amended or deleted, despite the applicant's assertion this might not be the case.

Accordingly, Council would request at the very minimum, the following considerations be made during preparation of the Secretary's Environmental Assessment Requirements (SEARs) as part of the Department's assessment of the application:

- Further clarification being sought from the applicant regarding the justification for the change to transportation arrangements for the development. The current rail-based transport scenario (ie. reliance on other parties) was current at the time of the original application being made and at the time of the plant's construction and initial operation. To Council's knowledge, this has not changed and so the rationale for the request to potentially move all transport to road is not clearly provided.

The first modification to Condition 7 was made on the same grounds – so as to secure some protection from problems with the rail network. Council did not object to that modification on the grounds that it was considered (at the time) to be a reasonable request. As a failsafe, the condition already generously permits full operation by road in exceptional circumstances, subject to receipt of the Secretary's (nee Director-General) written approval.

With this in mind, Council does not consider that the application currently provides adequate justification for the significant potential change in operational regime for the facility.

- Clarification of the exact amount of product arriving and leaving the site over the course of a year – statements that the plant is operating at capacity but only in the order of 210,000 tonnes per year appear to conflict with the site's approval for 270,000 tonnes of incoming grain.

It must be noted that a strict interpretation of the grain quantities in Condition 6 of the Minister's approval actually infers that all 270,000 tonnes of grain coming to the site permitted by the Minister's approval may also leave the site in the same year, effectively making the transport task up to 540,000 tonnes per annum.

With the above in mind, clarification is sought regarding the exact quantum and type of articulated vehicles that would be used for the facility – potentially 540,000 tonnes of grain divided by a proposed 6,430 trucks per year does not equate to a feasible load per truck (some 84 tonnes of product). In the absence of alternate guarantee, it cannot be assumed that all trucks arriving loaded also leave loaded, potentially doubling the applicant's truck movement assumption.

Therefore, the applicant must be required to explain the transport task in more detail, after consideration of both ingoing and outgoing grain as well as the type and number of trucks proposed to be used, based on legal load amounts per vehicle.

- Details of the proposed routes for trucks to and from the site to the Hume Motorway (M31).

- Clarification of the hours/days at which the trucks might arrive/depart the site, noting performance of the Pembroke/Stonny Batter roundabout during peak periods and also potential loss of amenity due to intrusive vehicle noise for nearby residents along Pembroke Road at night.
- Preparation of updated traffic and intersection modelling without an apparent reliance on four year old data. Current traffic counts will need to be undertaken in order to properly inform new modelling. The potential increase in heavy vehicle movements mooted in the application from one site per day within a growing industrial area is not considered by Council to be insignificant.
- Intersection analysis will need to be undertaken, which takes into account the physical geometry of the roads, including their vertical alignment as this may impact on the speed at which vehicles can take off from a stopped position in Stonny Batter Road into the roundabout on Pembroke Road. It would be beneficial to assess how this alignment impacts on current vehicle movements and intersection performance. While not a traffic matter, this will also influence the noise impact on residential development near the roundabout.
- An assessment of impacts that the increase in heavy vehicles travelling to and from the site would have on Council's road pavement assets in the long term. This includes Stonny Batter Road and depending on desired access to the Hume Motorway could also include Ben Lomond Road, Rose Payten Drive and Blaxland Road. The assessment should include a thorough discussion on the impacts an increase in equivalent standard axle loadings might have on pavements proposed for use by trucks associated with the development.

I imagine that Roads and Maritime Services would also be interested to see impacts on its potentially affected assets, including Pembroke Road, Campbelltown Road and Narellan Road.

I would also like to respectfully request that the Department, as part of this application to modify one of the critical components of this approval, revisit Condition 13 of the Minister's approval for the project. Council originally requested a more significant sum, in line with the provision of its Section 94A developer contributions plan, however, this was reduced on advice from the applicant that local infrastructure (most importantly roads) would not be impacted on by the development as it would rely on rail transport.

With such a significant change to the site's transportation regime, it is considered paramount that a contribution from the developer towards maintenance and/or embellishment of Council's road infrastructure assets be made to the Council in accordance with its adopted contributions plan.

Thank you again for the opportunity to comment on the applicant's proposal to modify the subject project approval. Council awaits the opportunity to comment again in due course, once the modification's environmental assessment is received by the Department.

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

Yours sincerely,


James Baldwin
Acting Director Planning and Environment