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Department of Planning and Environment
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ATTENTION: Ms Kerry Hamann

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Dear Kerry

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**APPLICATION TO MODIFY EXISTING PROJECT APPROVAL MP 08_0157, JOE WHITE
MALTINGS, STONNY BATTER ROAD, MINTO**

The above modification refers. The Modification 4 was referred to various agencies for comment during the notification period which ended on the 22 September 2016. The agencies which responded included the following:

- The Department of Planning and Environment (DoPE) letter dated the 27 September 2016;
- The NSW Environment and Protection Agency (EPA) dated the 22 September 2016;
- Campbelltown Council responded in a letter dated the 27th September 2016; and
- The Roads and Traffic Authority email dated the 22 September 2016.

In addition, telephone conversations held with DoPE, the EPA (Peter Bloem) and with the RMS (Pahee Rathan). Cardno met with Campbelltown Council on the 24th October 2016 to discuss all concerns raised by them. The meeting was attended by Jeff Lawrence (Director of Strategy), Jim Baldwin (Director of City Planning) and Andrew McGee (Manager of Development Assessment).

This letter provides a summary of the key issues raised by the above agencies and a detailed response to each issue. The responses should be read with additional supporting documentation being;

- Appendix 1 – SIDRA Files
- Appendix 2 – Hazard Management Plans
- Appendix 3 – Traffic Report
- Appendix 4- Acoustic Letter

Issues raised by Campbelltown Council

Issue 1

Campbelltown Council requested further details on the need and urgency for the modification. In particular Council are interested in understanding the changes to operations since approval of the Development Application in 2008/2009 and the associated impact on current transportation arrangements. In addition, information is to be provided on the role of QUBE, the penalties for not using rail and the potential impact on jobs at the site and the multiplier effect of such.

Response 1

Chronology of the Operations on Site since DA approval

Since the original Development Application (DA 08_0157), which was approved in 2009, the business has undergone numerous changes in ownership and structure. The original DA was submitted whilst the business was part of the ABB Grain business in 2008. At that time, the intent for the site was that it was to be shared between the Malt business and ProGrain, a Grain packaging division of ABB Grain.

The DA specified that all in bound business, except for exceptional circumstances, would be conducted on rail. All other product is exported in containers via rail to Port Botany. A rail agreement was struck with QUBE (formerly Macarthur Intermodal Shipping Terminal or MIST) that reflected the volume expectations of inbound grain for both JWM and the Viterra packing business (formerly ProGrain). The agreement allowed for a minimum of 144 train services per annum, of which roughly 50% would be attributed to the Malt business and the balance for the Viterra Grain packing division.

Subsequent to this, further organisational changes occurred,

- In Sept 2009, the business was sold to Viterra
- In Dec 2012, Glencore purchased Viterra
- In Nov 2013, the JWM business was divested to Cargill Australia, now trading as Cargill Malt Asia Pacific Pty Ltd.
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Impact on Transport movements

An amendment to the DA was sought to allow 54kmt to be received on road, which was in response to the need to access grain not readily available at a rail siding and as a risk mitigation strategy in the event of a "Force Majeure" event on rail services.

As a result of the 2013 change, the Minto site was retained in the JWM business, and as such, the rail contract. At this point, the separation from the packing business meant that the rail contract was oversized for requirement of malt production.

Penalty Rates

Due to a take or pay agreement, JWM has been incurring penalties for every contracted train movement missed. Presently this penalty approximates 30k per train which equates to approx. A\$2m per year.

The business is in negotiations to renew the rail agreement with QUBE, which remains the most efficient and

preferred outcome. However, it is in Cargill's interest to ensure that we have a viable financial alternative to ensure the ongoing viability of the site.

Contribution to the Local Economy

At present, Cargill employs 23 people at its Sydney site and contributes approx. \$A40m into the local and regional NSW economy in areas of barley procurement, employment, plant capital expenditure and maintenance & general procurement.

Issue 2

Council requested details on the amount of product to leave and enter the site. Council is concerned that the amount stipulated will vary in the future considering the different origins and destinations of products leaving and arriving on the site. Council requests additional information about transport arrangements of all products leaving and entering the site by road.

Response 2

Amount of Product Leaving the Site by Road.

There is no proposed change to the amount of product that leaves the site by road. It remains as per at 25,000 tonnes per annum as per the approval on the 20th April 2009, (MOD 1). This modification was approved by the Department of Planning and Environment to permit 20% of the grain and barley to be delivered by road and reads as follows:

"Clause 7 'The proponent shall ensure that the Project:

does not import more than 54,000 tonnes per annum of grain and barley by road;

does not export more than 25,000 tonnes per annum of malt and grain by road; and

imports/exports all remaining grain and malting barley via the rail siding to the Main Southern Railway".

Amount of Product Entering the site by road.

In order to keep the plant operating, the JWM plant needs to bring in approximately 157, 000 tonnes of barley and grain per annum. Given that the previous MOD1 allowed up to 54,000 tonnes of grain and barley to be transported by road, the proposed Modification 4 seeks to transport an additional 103,000 tonnes of barley and grain by road instead of rail.

This modification seeks to amend Clause 7 of DA 08_0157 (MOD1) -to read as follows:

'The proponent shall ensure that the Project:

does not import more than 157,000 tonnes per annum of grain and barley by road;

does not export more than 25,000 tonnes per annum of malt and grain by road; and

Imports/exports all remaining grain and malting barley via the rail siding to the Main Southern Railway"

Inbound Product

Inbound grain will be sourced from Bulk Handlers based in the following locations:

- Bogan Gate
- Milvale
- Quandialla
- Crooble
- Moree
- Ardlethan
- Grong Grong
- Parkes
- Stockinbingal
- Temora
- West Wyalong
- Wumbugal
- Junee

Outbound Product

Product is transported to the following locations:

- Port Botany via rail
- Auburn via road

Issue 3

The type of trucks proposed to be used to transport grains are to be nominated and provided to Council.

Response 3

The type of truck proposed to be used are B double configuration. Further details are provided below.

Issue 4

Council requested specific information about the type of trucks that are proposed to transport stock to the site. Information such as the number of trucks, size, weight and the amount of axils on each truck are to be included.

Response 4

Truck type

- Trucks are B double configuration – no longer than 25m – and are an articulated semi-trailer as per the definition provided in Vehicle Standard (Australian Design Rule –Definitions and Vehicle Categories) 2005.
- This configuration meets with the current permissible limits at the location.
- c.** This configuration has nine axles per truck and the maximum Gross Weight of 65-68 tonnes (this figure includes the weight of the product). The weight of the truck alone is approximately 45 tonnes.

Issue 5

Council commented that they agree with RMS re request for SIDRA files

Response 5

Cardno have copies of the SIDRA files and are enclosed in **Appendix 1.**

Issue 6

Request modification of hours of operation. Council requested "The proposed hours of operation should be modified to 6am- 6pm Monday to Friday 6am – 2pm Saturdays Closed on Sundays."

Response 6

Cargil have reviewed the proposed hours and am able to ensure that the operations works within the hours proposed.

Issue 7

Council raised concerns over the impact that extra heavy vehicles will have on a number of roads in the area have been raised (s)." Page 3, point 3 of the letter states that:

'The assessment should include a thorough discussion on the full impact, that the increase in equivalent standard axle loadings will have on pavements proposed for use by trucks associated with the development. This discussion should include a consideration of the associated increase in dynamic loads exerted by trucks being the continual loading and unloading actions by trucks through their perspective suspension systems and tyres when moving along the various roads at speed, and dynamic loading of those pavements'

Response 7

Cardno Traffic Engineers have reviewed this issue in their Traffic Assessment Report as enclosed in **Appendix 3**. The issue of the impact of additional axle loadings will have on pavements is commented on within the context of the total number of additional vehicles on the road. Refer to pages 1 and 2. The Report concludes that a detailed pavement impact assessment is not required, given the modest volume of trucks anticipated.

Issue 8

Payment of S94A Developer Contributions. Council explained that the applicable S94 developer contributions detailed under condition 13 of the project approval was reduced on the premise that the local infrastructure, particularly roads, would not be impacted on by the development as it would heavily rely on rail transport. If a significant change transport regime were approved, a revised contribution from the developer towards the maintenance of Council's road infrastructure should be made that is more in line with Council's adopted

Response 8

While the original DA did not impact the road network the applicant still contributed \$50,000 to the Council towards the provision of infrastructure and services for the employees of the project. The number of additional vehicles proposed is anticipated to be 35 trucks between 6:00am to 2:00pm for 26% of the time, and 8 trucks between 2:00pm to 6:00pm which is based on previous assumptions. Accordingly, only 26% of the time the site will expect to receive 43 truck intakes between 6:00am to 6:00pm on a typical work day. It is not anticipated that the additional trucks will significantly impact the existing infrastructure and services to warrant additional S94 Contributions.

The Department of Planning and Environment (DoPE)

Issue 1

Council requested further detail on the proposed truck transfer process, regarding:

- *“The potential number of trucks on the site at any one time,*
- *The time taken to unload; and*
- *Truck entry, internal queuing, circulation and controls available to prevent site congestion”*

A hazard and risk assessment is required to ensure the following:

The plant design is appropriate to ensure hazards and risks from grain dust fires and explosions are assessed and necessary safe guards are in place; and

The proposed importing of materials by road will not introduce any new risks associated with dust and fire risks. The assessment should detail any additional safeguards to be implemented to minimise or control these risks.

Response 1

Potential number of trucks on the site (including those associated with the proposed modification)

- 38 trucks daily on weekdays for 26% of the time
- 3 trucks daily on weekdays for 74% of the time
- 6 trucks daily on Saturdays
- 2 By products trucks - daily
- 2 bio sludge trucks – daily
- 6 x 40 foot containers – varies dependant on requirements – daily
- 2 x waste removal – weekly

Time taken to unload

It will take approximately 25 minutes from time sample is taken, to the time truck completes discharge.

Truck entry

Truck entry is through the main gate.

Internal queuing

- Barley trucks – There is comfortable room for 3 trucks. 1 discharging, 1 sampling and 1 parked adjacent to Silos. There is room for an additional 2 trucks up stream of the silos adjacent to the analysis bins and cleaning plant, this will dependant on other traffic such as bio sludge trucks.
- Malt trucks – There is comfortable room for 4 trucks. 1 discharging and 3 parked adjacent to the GV on the road

Circulation and controls are in place to ensure that existing traffic patterns will accommodate additional movements based

on the following movements:

- Malt trucks turn left on entry and follow road to loading point
- Barley trucks turn right on entry and follow road to sample stand and discharge

Hazard and Risk Assessment

An Independent Environmental Audit Report was carried out by Peter J Ramsay & Associates Pty Ltd in October 2013 and he undertook a site visit on the 7 November 2016. Peter Ramsay concludes that the site has prepared a hazard Identification and risk assessment (HIRA) matrix and the potential for grain dust fires has been considered. Refer to **Appendix 2** for a copy of the Audit Report, Section 6.2.5 and commentary on the issue raised.

The NSW Environment Protection Agency

Issue 1

The Agency stated that the submitted Acoustic Impact Assessment appears to relate only to road traffic noise. EPA commented that it is unclear from the information provided whether the proposed modification can satisfy:

- Operational Noise Limits specified in the existing project approval.
- Noise limits in the environment protection licence.

These limits are identical and relate to noise from the premises (which should include transportation noise). This information should be provided to help inform the determination of this modification.

Response 1

An existing Operational Traffic Management Plan (OTMP) is already in place for JWM which was previously prepared by Cardno in June 2012 (and as attached in **Appendix 3**) with the objectives of:

- *Maximise safety for internal and external users of the Malting plant associated with the amended proposed truck movements.*
- *Manage the operational arrival and departure as well as onsite circulation of truck movements*
- *Manage the movement of trucks on the road network surrounding the site.*

On the above basis, the previously prepared OTMP remains largely valid on the basis that the modification proposal will not alter the site's existing operation.

Noise Limits in the Environmental Protection Licence

PKA, Acoustic Consultants have prepared an Addendum Letter dated the 25th November 2016 which has reviewed The Noise Limits in the Environmental Protection Licence, which is the same as that identified in the DA 08_0157 Schedule3 Condition 16 and is addressed in the said report and Issue 3 Response below.

Issue 2

The Agency commented that the existing project approval includes a requirement for an independent audit within one year of issuing (and then every three years). The original consent was issued on 12 May 2009. These audits should be used to help inform the determination of this modification. This includes assessing the current level of compliance and any measures/actions to improve environmental performance.

Response 2

The most recent Independent Environmental Audit was prepared by Peter J Ramsay and Associates, October 2013 and a copy of the report is submitted with this letter. Refer to **Appendix 2**.

A further Independent Environmental Audit is due to be undertaken in November 2016.

Issue 3

The Agency stated that a Noise Verification Report is required. Unless otherwise addressed under an existing project approval condition, a Noise Verification Report should be prepared, if the modification is approved. This report should demonstrate compliance with the noise limits specified for the premises (including transport noise).

Response 3

The Noise levels identified in the original consent refer. DA 08_0157 Schedule3 Condition 16 states that

Table 1, Project noise limits dB(A)

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

An Addendum to the Acoustic Report has been prepared, Refer to Appendix 4 to respond to these issues and concludes that the calculations indicate that the perceived noise level at this location, being 9 Borthwick Street will be 38 dBA. The Report concludes that this level complies with the day time, evening & night criteria, hence a noise impact report is not likely to occur. Further this issue can continue to be a Condition of Consent.

Issue 5

The Agency stated that the proponent needs a Strategy to maximise rail transport. The proponent should develop and implement a program to investigate and implement all reasonable options to maximise the use of rail to transport materials. The proponent should regularly provide a report to DPE on its progress to achieve this outcome. This report should include, but not be limited to, details of:

- The annual proportion of materials transported to and from the site by rail
- Origin and destination of the materials
-

Measures being investigated or undertaken by the proponent to maximise use of rail.

Response 5

The issue of preferred rail use has been comprehensively addressed in Issue 1 above. The question of a regular report to DPE regarding the annual proportion of materials transported to and from the site by rail and the origin and destination of materials may be Conditioned as part of a Condition of Consent linked to the Environmental Audit.

Issue 6

Existing approval requires an Operational Traffic Management Plan. The existing project approval requires an Operational Traffic Management Plan. If approved, this plan should also include, but not be limited to, details of:

- Driver traffic awareness to minimise noise, particularly from reversing alarms and compression braking a regular Truck Noise Auditing Program (including testing and reporting requirements)
- Identify, consider and implement feasible and reasonable management strategies to achieve best-practice noise and air emissions standards for vehicle movements associated with the Development.
- Diesel exhaust emissions are a major source of fine particle pollution. Where feasible vehicles servicing the JWM premises should be fitted with best available diesel control technology

Response 6

An Operational Traffic Management Plan may be conditioned as part of the Conditions of Consent.

Roads and Maritime Authority

Issue 1

RMS does not support the traffic modelling formula. Roads and Maritime does not support the use of this formula to estimate the peak hour traffic generation. Instead, Roads and Maritime recommends use of the current delivery pattern to the site to estimate the peak hour traffic generation. The traffic report needs to be updated with the revised traffic generation

Response 1

The Traffic Report has been updated with the revised methodology and is enclosed in Appendix 2. The revised methodology has resulted the number of additional vehicles proposed anticipated to be 35 trucks between 6:00am to 2:00pm for 26% of the time, and 8 trucks between 2:00pm to 6:00pm which is based on previous assumptions. Accordingly, only 26% of the time the site will expect to receive 43 truck intakes between 6:00am to 6:00pm on a typical work day. I

Issue 2

Operational Level of Intersection. The traffic report indicates that the signalised intersection of Rose Payton Drive/Pembroke Road and Campbelltown Road/Rose Payten Drive will operate at Level of Service F in 2016. Furthermore, it is noted that some of the movements at these intersections currently (2016) operate at Level of Service F. The applicant is to identify the required mitigation measures to ensure these intersections operate at an acceptable level, now and in the future.

Response 2

Cardno have responded in detail in **Appendix 3**. Cardno has reviewed the Rose Payten Drive / Campbelltown Road intersection and notes that both the southbound left-turn short lane, and the westbound left-turn short lane queues may extend into the adjacent full-length lanes, reducing its capacity. Accordingly, it is recommended that the southbound left turn short lane to be increased to 250m from 180m, and the westbound left-turn short lane to 100m from 70m.

Furthermore, Cardno has reviewed the intersection phasing and recommends the intersection to adopt a three phase sequence as illustrated in Figure 6 of the Report, running at a cycle time of 115 seconds which is well within the maximum cycle time for four phased.

The performance of the intersection under the recommended layout and phase sequence is summarised in Figure 7, of the Report indicating the proposed mitigation measures will be able to accommodate 2026 background traffic volumes and further confirms that the nominal increase of 4 truck movements will have negligible impact on the operational performance of the intersection.

Should you have any further queries, do not hesitate to contact me directly.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Tracy Davey', with a stylized flourish at the end.

Tracy Davey
Senior Project Planner (Sydney)
For **Cardno**