

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning, under the Instrument of Delegation executed on 16 February 2015, I approve the modification of the project approval referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Chris Ritchie  
Director  
Industry Assessments

Sydney **14 SEPTEMBER** 2017

File: 16/07143

### SCHEDULE 1

Project Approval (08\_0157) granted by the former Minister for Planning on 12 May 2009 for the Minto Malting and Grain Project located at 11 Stonny Batter Road, Minto in the Campbelltown local government area.

### SCHEDULE 2

This approval is modified as follows:

1. Delete all references to Director-General and replace with the Secretary.

#### In Schedule 2: Administrative Conditions

2. Delete Condition 2(g) and replace with new Condition 2(g) as follows:  
  
2(g) Modification Request 08\_0157 MOD 4, supporting Environmental Assessment prepared by Cardno NSW/ACT Pty Ltd dated 2 September 2016 and the Response to Submissions prepared by Cardno NSW/ACT Pty Ltd dated 29 November 2016 and 1 May 2017.
3. Insert Condition 2(h) immediately after Condition 2(g) as follows:  
  
2(h) conditions of this approval.
4. Delete Condition 3 and replace with new Condition 3 as follows:  
  
5. If there is any inconsistency between the plans and documentation listed under Condition 2 above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.
6. Delete Condition 7 and replace with new Condition 7 as follows:  
  
7. The Proponent shall prioritise the use of the adjoining rail siding to transport grain, barley and malt via the Main Southern Railway. The details of how this prioritisation will occur must be included in the Transport Strategy as required under Condition 18C.
7. Insert new Condition 7A immediately after Condition 7 as follows:  
  
7A. Notwithstanding Condition 7, the Proponent may at any time in a calendar year (taken to commence on January 1):
  - (a) import up to 54,000 tonnes of grain and barley by road to the site;
  - (b) export up to 25,000 tonnes of malt and grain by road from the site;

- (c) import an additional 103,000 tonnes per annum of grain and barley by road to the site in accordance with the Transport Strategy as required under Condition 18C; and
- (d) all remaining grain and malting barley is to be transported via the rail siding to the Main Southern Railway.

8. After the words 'employees of the project' in Condition 13, add the following paragraph as follows:

In addition, prior to any additional material being transported by road as described in Condition 7A(c), the Proponent shall pay Council a further contribution of \$50,000 towards the maintenance of road infrastructure.

### **In Schedule 3: Specific Environmental Conditions**

9. Insert new Condition 17A immediately after Condition 17 as follows:

17A. Deliveries by road shall be between the hours of 6:00am to 6:00pm Monday to Friday and 6:00am to 2:00pm Saturday. No deliveries by road shall occur on Sundays.

10. Insert new Condition 18A immediately after Condition 18 as follows:

18A. No more than nine (9) B-Double trucks shall be on site at any time as shown on Drawing No. PG-004-00-244-S3, 'Site Plan' prepared by Joe White Maltings Pty Ltd dated 9 February 2015.

11. Insert new Condition 18B immediately after Condition 18A as follows:

18B. The Proponent must install signage to restrict heavy vehicles parking around hazardous areas on the site as shown on Drawing No. PG-004-00-244-S3, 'Site Plan' prepared by Joe White Maltings Pty Ltd dated 9 February 2015 within three (3) months of the approval of Modification Request 08\_0157 MOD 4.

12. Insert new heading Transport Strategy and new Condition 18C immediately after Condition 18B as follows:

18C. Prior to any additional material being transported by road as described in Condition 7A(c), the Proponent must prepare a Transport Strategy to the satisfaction of the Secretary. The Strategy must:

- (a) provide details of the proportion of materials transported to and from the site by rail;
- (b) provide details of the origin and destination of the materials; and
- (c) provide details of the measures used to prioritise the use of rail for the transport of transport of grain, barley and malt.

13. Insert new heading Travel Routes and new Condition 18D immediately after Condition 18C as follows:

18D. Heavy vehicles shall travel on the nominated routes described in the 'Technical Memorandum' prepared by Cardno NSW/ACT Pty Ltd dated 1 May 2017.

14. Delete Condition 19A and replace with new Condition 19A as follows:

19A. The Proponent shall update the Operational Traffic Management Plan within three (3) months of the approval of Modification Request 08\_0157 MOD 4 to the satisfaction of the Secretary. This Plan is to update the plan approved under condition 19 of Schedule 3 and shall also:

- (a) provide details of restrictions to delivery hours for heavy vehicle access the site;
- (b) detail measures to stagger truck arrivals evenly throughout the day; and
- (c) identify feasible and reasonable management strategies, including diesel control technology, to achieve best-practice noise and air emissions standards for vehicle movements associated with the project.

15. Insert new Condition 19B immediately after Condition 19A as follows:

19B. Prior to any additional material being transported by road as described in Condition 7A(c), the Proponent must implement the revised Operational Traffic Management Plan as described in Condition 19A.

16. Insert new Condition 21A immediately after Condition 21 as follows:

21A. The Proponent shall comply with the requirements of AS/NZS 4745:2012 *Code of Practice for Handling Combustible Dust*.

17. Insert new Condition 21B immediately after Condition 21A as follows:

21B. Within three (3) months of the approval of Modification Request 08\_0157 MOD 4, the Proponent must provide the following to the Secretary:

- (a) an updated Emergency Plan prepared in accordance the Department's *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines*; and
- (b) an updated Safety Management System prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9 - Safety Management*.

18. Insert new Condition 21C immediately after Condition 21B as follows:

21C. Prior to any additional material being transported by road as described in Condition 7A(c), the Proponent must implement the updated Emergency Plan and Safety Management System.

**In Schedule 4: Environmental Management, Monitoring, Auditing and Reporting**

19. Delete Condition 5(c) and replace with new Condition 5(c) as follows:

5(c) assess the environmental performance of the project (including road traffic noise), and whether it is complying with the relevant standards, performance measures, and statutory requirements;