

ASSESSMENT REPORT

Section 75W Modification Minto Malting and Grain Project (08_0157 MOD 4)

1. INTRODUCTION

This report assesses a modification request by Cargill Malt Operations Asia Pacific Pty Ltd (the Proponent) to change the approved transportation arrangements at its malt manufacturing factory located at 11 Stonny Batter Road, Minto. The request has been lodged pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2. BACKGROUND

The Proponent operates Australia's largest malt manufacturing facility at 11 Stonny Batter Road, Minto in the Campbelltown local government area (see **Figure 1**). Malt is made by partially germinating raw barley, then drying the barley when the sprouting begins. Malt barley is required to meet highly technical specifications and the finished malt product is primarily used by breweries in the brewing of beer.

The site is located approximately 5 kilometres (km) north of Campbelltown in Sydney's south-western suburbs and is approximately 50 km from the Port of Botany (see **Figure 2**). The site is approximately 2.6 hectares (ha) and has a road frontage of approximately 225 metres (m) to Reaghs Farm Road. The two main roads into and out of the site are Stonny Batter Road (a local road) and Pembroke Road (a State road). The site also has access to the main Sydney to Melbourne railway line via the rail siding connecting through the adjoining Macarthur Intermodal Terminal (MIT) site (see **Figure 1**).

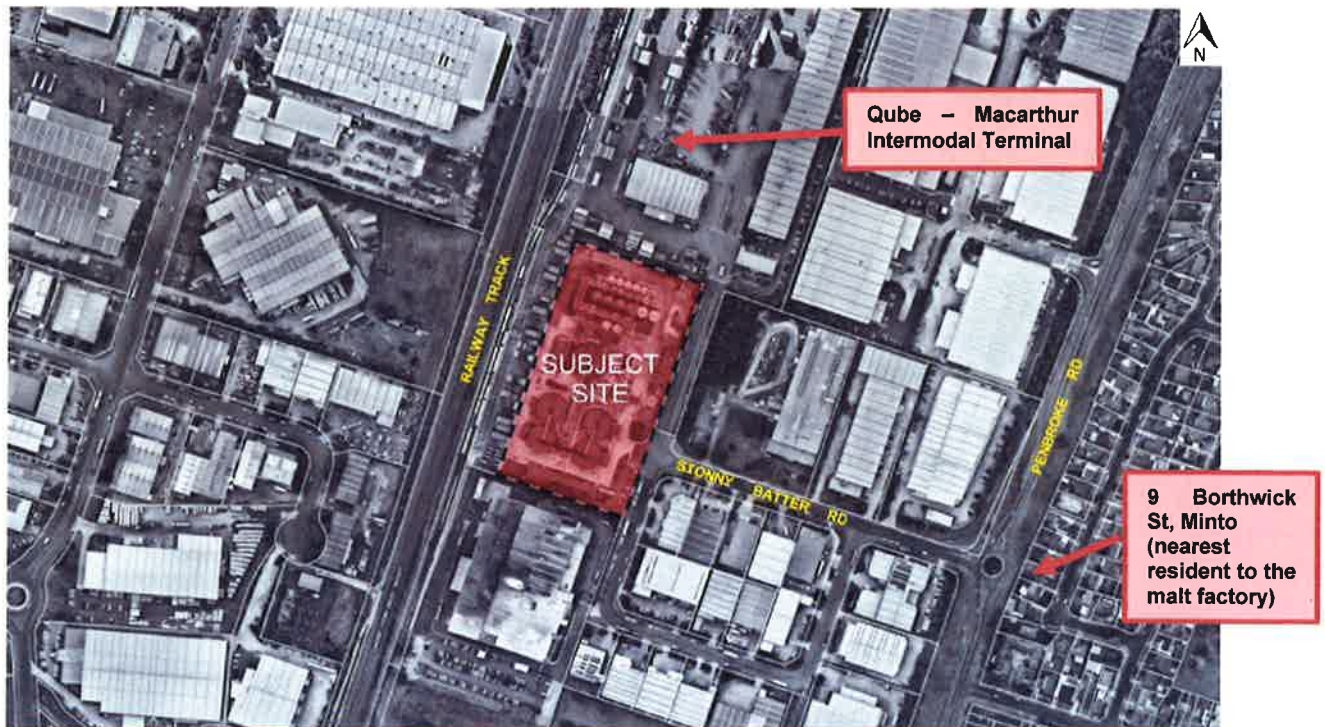


Figure 1: The Subject Site

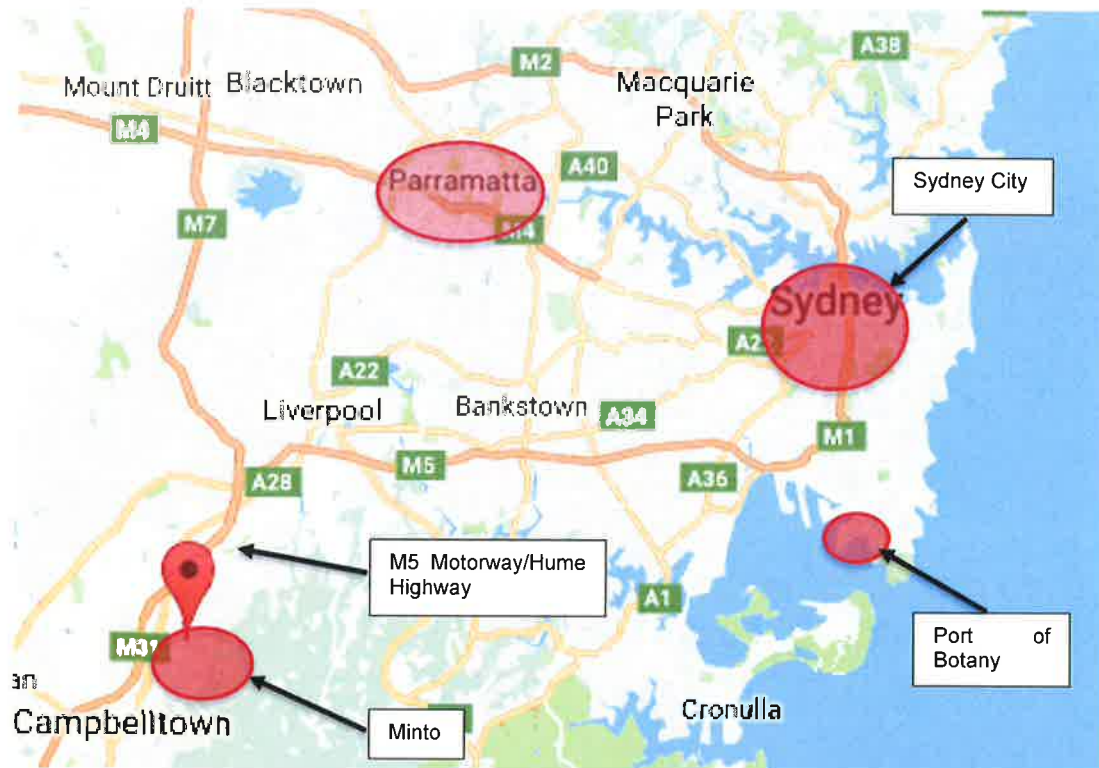


Figure 2: Site Location

The site is located within the Minto industrial area and is surrounded by existing light manufacturing, warehousing and other industrial land uses such as pharmaceutical manufacturing, storage and warehousing and light steel and metal fabricators. The nearest residences are approximately 400 metres (m) to the east of the site in the suburb of Minto (refer to **Figure 1**).

The site has been operating since 2012 and includes the following key infrastructure, as depicted in **Figures 3 and 6**:

- grain silos;
- grain transfer station;
- germination and steeping vessels;
- malt and barley storage silos;
- drying kiln;
- switch room and substation; and
- water treatment and recycle plant.

The plant operates 24 hours per day, 7 days a week.



Figure 3: Main entry gate

Barley is primarily received at the site from farms in western NSW in purpose built, reusable rail containers through the rail siding located on the adjoining MIT site owned by Qube. The dispatch of product is also undertaken primarily via the MIT with product being exported overseas from Port Botany.

It is the Proponent's preference to continue to use rail for the import of raw materials. However, the current operation of the facility is dependent on a commercial agreement and operational partnership with Qube, a third-party operator. The Proponent has identified this partnership as a business risk to the ongoing operation of the factory and seeks to increase the total road import of raw materials from 54,000 tonnes per annum (tpa) to 157,000 tpa to provide an alternative delivery option than rail, if required.

3. APPROVAL HISTORY

On 12 May 2009, the then Minister for Planning approved the Minto Malting and Grain Project (08_0157) under Part 3A of the EP&A Act. The facility was constructed over 2010/2011 and began operation in 2012.

The 2009 Ministerial approval allows the Proponent to:

- import via rail up to 270,000 tpa of malting barley or grain onto the site;
- produce up to 130,000 tpa of malt on site; and
- export via rail up to 140,000 tpa of grain and 130,000 tpa of malt from the site.

The project approval has been modified on three occasions as follows:

- on 20 April 2013, MOD 1 was approved under delegation to permit the transfer of:
 - up to 54,000 tpa of grain and barley to the site by road; and
 - up to 25,000 tpa of malt and grain leaving the site by road.
- on 24 June 2014, MOD 2 was approved under delegation to permit the construction of 12 new silos at the facility for storage purposes.
- on 21 June 2015, MOD 3 was approved under delegation to permit alterations and additions to an existing office building on the site.

4. PROPOSED MODIFICATION

The Proponent has lodged a modification request under section 75W of the EP&A Act to modify the project approval to change the approved transportation arrangements for the existing malt manufacturing facility. The modification is described in full in the Environmental Assessment (EA) included in **Appendix B** and is shown in **Table 1**.

The proposal seeks approval to enable the delivery of an additional 103,000 tpa of grain and barley by road instead of rail. The grain and barley is proposed to be delivered by trucks of a B-double configuration (maximum 25 m in length) to the site from western NSW primarily via two depots, one located in St Marys and another located in Narellan. The following transport routes have been nominated:

- inbound traffic travelling from the north: M1/Hume Motorway via Campbelltown Road, Ben Lomond Road, Pembroke Road and Stonny Batter Road; and
- inbound traffic travelling from the south: M1/Hume Motorway via Rose Payten Drive, Oxley Street, Moore Street, Campbelltown Road, Pembroke Road and Stonny Batter Road.

Outbound traffic will travel on the same roads as inbound traffic.

Currently the site has approval to receive 54,000 tpa of barley by road. If the modification is approved, the site would receive a total import of 157,000 tpa of raw material by road, if needed by the business, equating to up to an additional nine trucks (18 truck movements) entering the site on a typical weekday.

The proposal also seeks to extend truck delivery hours from 6 am to 2 pm Monday to Friday to 6 am to 6 pm Monday to Friday and 6 am to 2 pm on Saturdays. The Proponent expects that approximately 59% of trucks will deliver to the site between the hours of 6 am and 2 pm to spread the potential impacts of truck deliveries on the surrounding road network.

The Proponent currently uses the rail siding for the majority of its raw material importation and its preference remains to continue with rail transportation. However, it considers that its operational reliance on a third party operator – Qube, presents a business risk. Whilst a new five year commercial arrangement was renegotiated with Qube in January 2017, the Proponent considers it prudent to have an alternative option available in the event Qube is unable to provide rail transportation services. As such, the Proponent is seeking approval for an increase in road deliveries, should these be required. The Proponent considers the modification request is essential to ensure that deliveries are not wholly dependent on the future operation of Qube (or rail).

Table 1 summarises the existing (approved) and proposed delivery methods for barley.

The Proponent is not seeking to alter the mode of transportation for site exports. Product will continue to be transported from the site by rail to Port Botany and by road to Auburn.

Table 1: Site imports (deliveries), approved and proposed by road

Mode of Transport	MOD 1, 2013 – approved volume transported by road (tpa)	MOD 1, 2013 – approved truck movements	MOD 4 – proposed volume transported by road (tpa)	MOD 4 – proposed additional truck movements
Approved road import of raw materials (grain and barley)	Up to 54,000	Up to 10 truck movements on weekdays	Up to 157,000	Up to 18 truck movements on weekdays

5. STATUTORY CONTEXT

5.1 Approval Authority

The Minister for Planning is the approval authority for the request. Under the Minister's delegation of 16 February 2015, the Director, Industry Assessments, may determine the request under delegation as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

5.2 Section 75W

In accordance with clause 12 of Schedule 6A of the EP&A Act, section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

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 approved quantities for the transport of malt product being exported from the site would remain unchanged as a result of the proposed modification; and
- any potential environmental impacts associated with the use of road for the import of material to the site will be appropriately managed through the existing or modified conditions of approval.

Therefore, the Department is satisfied the proposed modification is within the scope of section 75W of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the request should be assessed and determined under section 75W of the EP&A Act rather than requiring a new development application to be lodged.

5.3 Other Licences and approvals

Cargill Malt Asia Pacific Pty Ltd is the licence holder for the site's Environment Protection Licence (EPL 20062) granted under the *Protection of the Environment Operations Act 1997*. No change to the licence is required as a result of the proposal.

6. CONSULTATION

Under section 75W of the EP&A Act, the Department is not required to notify or exhibit the modification request. Upon receipt, the request was placed on the Department's website and following a review of the documentation, the Department did not consider that further consultation was necessary. Notwithstanding, the Department sought comments from Environment Protection Authority (EPA), Campbelltown City Council (Council) and Roads and Maritime Services (RMS). The Department received a total of three submissions from these public authorities. No public submissions or objections from public authorities were received.

A summary of the issues raised in the submissions is provided below, with a copy of each submission included in **Appendix B**.

6.1 Submissions from Public Authorities

The EPA did not object to the modification request, however it raised a number of issues including:

Noise

- operational noise impacts from the proposal, including transportation noise;
- recommended the Proponent amend the existing Operational Traffic Management Plan to improve driver awareness to minimise noise and implement a Truck Noise Auditing Program; and
- recommended a noise verification report be prepared, should the modification be approved to demonstrate compliance with existing noise limits in the EPL.

Air Quality

- recommended that the Proponent amend the existing Operational Traffic Management Plan to ensure that vehicles servicing the premises are fitted with the best available diesel control technology; and
- recommended the Proponent provide a report to include a strategy for how rail transport is being maximised for the import of material to the site.

Road and Maritime Services (RMS) did not object to the modification request however recommended the use of current truck delivery patterns to estimate peak hour deliveries and requested further information in relation to the impact on the level of service of the Stonny Batter Road and Pembroke Road intersection. RMS also requested the Proponent propose management and mitigation measures for the nearby intersections of Rose Payten Drive / Pembroke Road / Smiths Creek Bypass and Rose Payten Drive / Campbelltown Road that are expected to operate at a level of service F both now and in the future.

Campbelltown City Council did not object to the modification request, however:

- requested further details in relation to the need and urgency of the modification request;
- requested details of the amount of product to leave and enter the site by road, the type of trucks to be used and the expected number of trucks to the site;
- requested that the delivery hours be modified to allow deliveries Monday – Saturday;
- expressed concern in relation to the potential impact from increased heavy vehicle traffic on Council's road pavement assets over the long term and requested an assessment of the impact on Stonny Batter Road, Ben Lomond Road, Rose Payten Drive and Blaxland Road;
- agreed with the comments from RMS and requested SIDRA data files for traffic modelling; and
- noted that the proposal would require a revised development contribution towards the maintenance of Council's road infrastructure.

The Department reviewed the comments from government authorities and requested the Proponent respond to the submissions and address the issues raised.

6.2 Response to Submissions

The Proponent submitted a response to the submissions to provide additional information to address the issues raised in the public authority submissions (see **Appendix C**).

The RTS included:

- a response letter which addressed Council's concerns;
- an addendum letter to the Acoustic Report detailing the noise impacts from the proposal on the nearest residence (9 Borthwick Street) and operational noise emissions from the existing plant equipment;
- a Site Hazardous Area Plan; and
- an addendum Traffic Impact Assessment (TIA) confirming the anticipated number of truck movements and intersection operation projections. The Proponent proposed the following mitigation measures to address intersections which are expected to deteriorate:
 - minor extensions to the south bound and west bound left turn lanes for the Rose Payten Drive / Campbelltown Road intersection; and

- the implementation of a three-phase traffic signal sequence for the Rose Payten Drive / Campbelltown Road intersection.

The RTS was referred to RMS, Council and the EPA.

The EPA requested the Proponent provide further details of the methodology for the noise impact assessment and further information in relation to road traffic noise. The Proponent responded to the EPA request for further details. The EPA confirmed that the Proponent's noise assessment was satisfactory on the basis the proposed additional truck deliveries do not change current noise emissions.

RMS requested clarification on the number of trucks delivering to the site in the evening period and additional technical advice on the traffic modelling. RMS did not support the proposed signal phasing changes and advised any road upgrades would need to be undertaken by the Proponent at their cost. The Proponent submitted a further letter with updated traffic modelling which removed the proposed signal phasing changes in the traffic modelling and confirmed the expected number of trucks to deliver in the evening period. RMS accepted the updated assessment and raised no further objection.

Council requested the Proponent provide specific information in relation to the heavy vehicle counts and delivery routes. The Proponent provided a further letter with a breakdown of heavy vehicles and revised delivery routes. Following this, Council undertook core testing of the road subgrade of Stonny Batter Road to test the Proponent's assumptions regarding the proposed pavement upgrades and undertook a traffic count of Stonny Batter Road. The results of Council's traffic count were consistent with the heavy vehicle counts provided by the Proponent and Council accepted the updated assessment.

The Department has considered the issues raised in submissions, the Proponent's responses and the supplementary matters raised in its assessment of the modification in **Section 7** below.

7. ASSESSMENT

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- EA for the proposed modification and the assessment report for the original application;
- existing conditions of approval (as modified);
- the EA supporting the proposed modification (**Appendix B**);
- submissions from State government authorities and Council (**Appendix C**);
- the Proponent's response to issues raised in submissions;
- relevant environmental planning instruments, policies and guidelines; and
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issues are:

- traffic from increased truck movements;
- noise from increased truck movements;
- hazards and risk; and
- developer contributions.

The Department's assessment of other issues is provided in **Table 3**.

7.1 Traffic and Transport

The Proponent is proposing to transport an additional 103,000 tpa of barley to the site by B-double truck (maximum 25 m in length), equating to up to an additional nine trucks travelling to the site on a typical weekday. This has the potential to impact on the efficiency of the surrounding local road network. Accordingly, the Proponent has undertaken a TIA to quantify the traffic impacts and determine whether any upgrades to intersections would be required.

The factory has been designed to take delivery of barley from trucks, and the site currently receives sporadic road deliveries with up to 54,000 tpa of material being imported to the site by road. This equates to around five trucks (10 movements) delivering to the site daily. There are no current restrictions on the hours of deliveries by road to the site.

The two main roads into and out of the site are Stonny Batter Road and Pembroke Road (see **Figure 4**). Pembroke Road is a State Road which carries approximately 1,000 vehicles in both directions during

weekday peak periods. During the morning peak (8 am to 9 am), around 200 of these vehicles are trucks and in the afternoon peak (4:45 pm to 5:45 pm) around 120 of these vehicles are trucks.



Figure 4: Site access roads

The TIA uses an equation to estimate the total peak hourly truck movements expected from the additional import of 103,000 tpa to the site. Based on the calculations provided in the TIA, the proposal will generate the following additional traffic:

- one truck (two movements) in the morning and afternoon peak hour period;
- nine trucks (18 movements) on a typical weekday; and
- six trucks (12 movements) on a Saturday.

RMS required that the Proponent use current truck delivery patterns to estimate peak hour deliveries. The Proponent provided an addendum to the TIA based on delivery distribution patterns to the site over a 3 ½ month period in 2016 when the site received 47 B-Double truck deliveries totalling 2,115 tonnes of barley between the hours of 6 am and 2 pm on weekdays. By extrapolating these truck delivery patterns, it is possible the site could receive up to an additional 22 trucks (44 movements) between 6 am and 6 pm on a typical weekday, including:

- up to four trucks (eight movements) in the morning peak hour; and
- up to 18 trucks (36 movements) between 2 pm to 3 pm.

However, the Department does not consider the method of calculating the peak hour traffic generation based on existing truck delivery patterns to be representative of the potential daily traffic that may be generated from the proposal for the following reasons:

- based on current delivery patterns, the Proponent expects truck deliveries of barley will occur on 26% of weekdays per year;
- the Proponent has advised the site has capacity for up to nine trucks to be present on site. Therefore, it would not be practicable for more than nine trucks to arrive at the site at any time; and
- the site operator will control and co-ordinate the timing of truck deliveries from the two depots located in St Marys and Narellan to avoid peak traffic periods and to ensure truck arrivals are staggered evenly throughout the day.

Therefore, the Department has assessed the potential traffic impacts on the basis that the proposal will generate up to an additional nine trucks on a typical weekday as stated in the TIA rather than the

modelling calculation methods required by RMS for peak hour traffic generation. The Department considers that the additional nine trucks arriving to the site will not represent a significant increase in traffic and the timing of trucks arriving to the site from the depots can be coordinated by the Proponent to ensure peak hour traffic periods are avoided.

The Department has recommended as a condition that the Proponent provide an updated Operational Traffic Management Plan (OTMP) to detail measures to stagger truck arrivals evenly throughout the day. The Department concludes that the additional nine trucks travelling to the site on a typical weekday can be suitably managed by the Proponent with the implementation of the revised OTMP. The Department concludes the estimated traffic generation does not represent a significant increase in traffic in the context of the site.

7.1.1 Potential Impact on Road Surfaces

In its submission, Council requested the Proponent consider potential impacts on the road pavement in the long term from the additional truck movements.

The Proponent's response to submissions estimates that the potential pavement wear from the additional truck movements will result in pavement deterioration over the next 20 years which exceeds the normal growth allowance assumed for pavement design (typically 3% per annum) for the following roads (refer **Figure 4**):

- Rose Payten Drive east of Airds Road;
- Pembroke Road south of Stonny Batter Road; and
- Stonny Batter Road.

The Proponent estimated the theoretical design life of the structure of Stonny Batter Road and recommended the current pavement structure would require strengthening with a 45-millimetre asphalt overlay prior to additional vehicles using the road.

Council undertook core testing of the Stonny Batter Road subgrade to confirm the appropriateness of the Proponent's recommendation. Stonny Batter Road was recently rehabilitated as part of Council's asset management cycle. As such, Council's road subgrade test results found that the additional truck movements did not require the strengthening of Stonny Batter Road in the short-term. Notwithstanding, Council has recommended that the Proponent provide a developer contribution to the future maintenance of Stonny Batter Road and Rose Payten Drive (refer **Figure 5**) as described in Section 7.4 of this Report.

The Proponent has advised that sections of Stonny Batter Road and Rose Payten Drive will experience a potential increase in pavement wear of around 4-5% over the next 20 years due to the proposed increase in truck movements associated with the proposal. Given the predicted additional impacts on these sections of road, the Department considers that the payment of a developer contribution is warranted as discussed further in Section 7.4 of this Report.

In the absence of pavement structural information and theoretical structural design life, the Proponent has not undertaken an assessment of the residual design life of Rose Payten Drive east of Airds Road and Pembroke Road south of Stonny Batter Road which are both RMS arterial roads. The Proponent's RTS concludes that the potential impact on these roads will be negligible and does not warrant a more detailed pavement analysis. The RMS raised no concerns regarding the impact of the proposal on RMS road surfaces.

Except for Stonny Batter Road, the Department considers that the minor percentage increases (less than 0.4%) above existing annual traffic volumes on nearby roads and the existing high number of truck movements along these roads from other industrial developments would have a negligible impact on the surfaces of the surrounding road network. As such, the Department considers that it is unreasonable and unnecessary for the Proponent to undertake further testing of potential impacts on the surfaces of potentially impacted sections of Rose Payten Drive and Pembroke Road.

The site is in an established industrial area and the surrounding road network has been designed and constructed to service industrial land uses. The delivery routes of trucks importing material will be limited to those identified in Section 4 of this Report and 90% of these road sections will experience an increase in traffic of less than 0.1%. The Department considers the percentage increase in traffic on Stonny Batter Road (2.68%) and Rose Payten Drive (0.32%) is negligible however notes that the pavement wear on

these roads from the additional traffic to the site will have an adverse impact on the road surfaces of Stonny Batter Road and Rose Payten Drive. As such, the Department concludes that the payment of a developer contribution to Council for the future maintenance of road surfaces that would be impacted by additional traffic from the proposal is warranted.

The Department concludes that the surrounding road network can accommodate an additional nine trucks on a typical workday without further upgrades to road surfaces being directly undertaken by the Proponent.

7.1.2 Potential Impact on Intersections

The increase in trucks travelling to the site has the potential to impact the performance of nearby intersections. The TIA has considered the impacts of the increased truck movements up to the year 2026 (in accordance with the RMS guidelines) on key intersections along the nominated transport routes. The assessment concludes all intersections close to the site would operate at a satisfactory Level of Service (D or better) in 2026, which is 'near capacity' with the exception of the following intersections:

- Rose Payten Drive / Pembroke Road intersection which will operate at a Level of Service F in the afternoon peak traffic period only (between 4:45 pm and 5:45 pm); and
- Rose Payten Drive / Campbelltown Road intersection which will operate at a Level of Service F in the afternoon peak traffic period only.

On **Figure 5**, these intersections are marked with a red star. The TIA noted that these intersections would fail in 2026 without any increase in truck movements associated with the proposal and that the failing intersections are representative of the 2026 baseline condition. In response to a request from RMS, the Proponent considered the improvement of these intersections with revised phasing and minor lane changes and found the proposed mitigation measures would result in an overall Level of Service of 'C' in 2026 for the intersection. However, RMS did not support the proposed revisions to the phasing of the intersection or require the Proponent to provide intersection improvements on the state road network. RMS raised no further objections to the proposed modification or concerns regarding the minor increase in traffic.

The Department considers that the minor increase in traffic of less than 0.1% on surrounding RMS roads does not warrant upgrade works to nearby intersections which are predicted to fail in 2026 during peak traffic periods irrespective of any increase in truck movements associated with the modification.

Whilst the additional nine trucks entering the site per day has the potential to impact on the efficiency of the surrounding local road network, the Department is satisfied that the potential impacts from these additional heavy vehicle movements on the road network can be mitigated. The Department requires that the Proponent prepare a Transport Strategy to outline how rail will be prioritised over road for the import of material to the site. It is the Department's preference that material is predominately transported by rail over road to minimise impacts on the road network as well as broader environmental impacts. Notwithstanding, the Department recognises the need to allow greater flexibility in transport methods to address the business risks identified by the Proponent in relying primarily on rail (and Qube) for material imports. The Department concludes that the preparation and implementation of a strategy by the Proponent will identify circumstances where road transportation is required and will ensure rail is prioritised over road for the import of material.

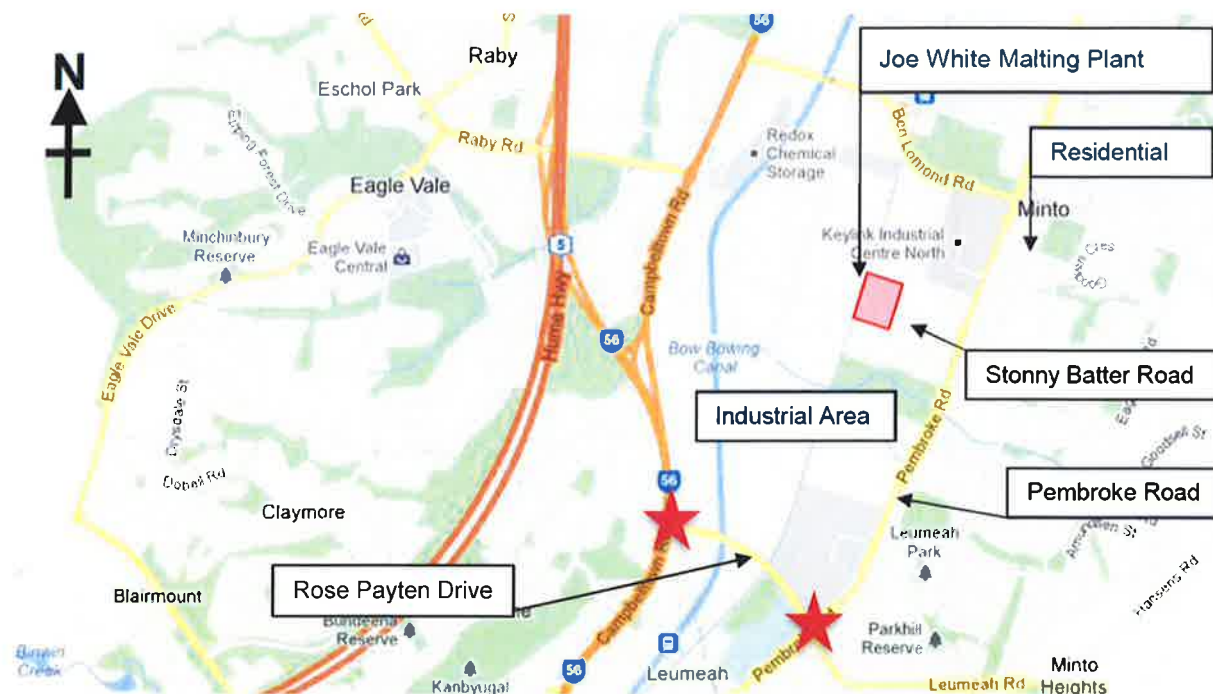


Figure 5: Key roads and intersections near the site

To further mitigate potential impacts from additional heavy vehicle movements on the road network the Department has conditioned that the Proponent provide an updated OTMP prior to increasing deliveries by heavy vehicles which details operational measures to manage additional road traffic. The Department concludes that the additional traffic generated from additional truck deliveries would have a negligible impact on the existing performance of nearby intersections and does not require any intersection or road improvements to the surrounding road network.

7.2 Noise

MOD 1 allowed the site to receive 54,000 tpa of raw grains and malt by road which equates to around 5 trucks (10 truck movements) per working day. The Proponent is now proposing up to an additional 9 trucks (18 movements) to travel to the site per day. As noise impacts may occur as a result of increased traffic on and offsite, the Proponent has undertaken a Noise Impact Assessment (NIA) to quantify the predicted impact from the proposed modification.

The NIA concluded the proposed increases in truck movements would only cause a marginal increase in road traffic noise levels which would not be perceptible at residential properties along Pembroke Road. Onsite operational noise impacts were not considered by the Proponent in the initial NIA.

Given the location of the site (between a rail line and an industrial area) the Department considers background noise levels at the nearest residence (9 Borthwick St, Minto – see **Figure 1**) would be most likely to be influenced by existing road traffic and other industrial noise (as opposed to operational noise from the site itself).

In its submission, however, the EPA referred to the 2013 Independent Environmental Audit report prepared by Peter J Ramsay and Associates Pty Ltd on behalf of the previous owner of the site (Joe White Maltings Pty Ltd) which had identified noise exceedances of up to 6 dB(A) (LAeq 15 minutes) above the existing project approval noise limits for operational noise (as outlined in **Table 2**) at the nearest residence during evening and night time periods.

Table 2: Project Noise Limits (dB(A)) as described in Schedule 3, Condition 16 of DA 08_0157

Location	Day	Evening	Night	
	LAeq (15 minute)	LAeq (15 minute)	LAeq (15 minute)	LA1 (1 minute)
Nearest residence (9 Borthwick Street, Minto)	45	40	40	50

The Department agreed with the EPA, and requested the Proponent undertake further monitoring of existing noise levels of the site (including transport noise) prior to the determination of the modification request. An addendum NIA was provided by the Proponent which describes operational noise emissions from the existing plant on site as well as noise from the operation of trucks. The addendum NIA noted that the existing daytime noise from traffic in the locality was measured at 70 dB(A) (LAeq 15 minutes) which already exceeds the noise criteria and that noise from additional onsite and road traffic will result in a 0.3 dB(A) increase above existing daytime noise levels. The Department considers this to be a minimal increase and notes the increase is within the 2 dB(A) relative increase criteria for residential land uses required by the EPA NSW Road Noise Policy 2011.

Schedule 4, Condition 5 of the project approval requires the preparation and submission of an Independent Environmental Audit to the Department every three years at the expense of the Proponent. The Proponent provided copies of the independent environmental and noise audits undertaken in 2013, 2014, 2015 and 2016 for the site.

All audits following the 2013 audit, conclude that when noise from the Cargill Malt operation is simulated in isolation from other noise sources, such as noise from surrounding industrial uses and existing traffic noise, the expected noise impact at the nearest residence at No. 9 Borthwick Street, Minto is below the noise limits in the EPL. Since the facility became operational in 2012, there has been only one complaint made to Council attributed to noise from the operation of the site.

The Department has reviewed the findings from audits and is satisfied that the existing plant equipment is operating in accordance with the noise criteria specified in the EPL and conditions of the project approval. The EPA recommended the Proponent provide a Noise Verification Report to demonstrate compliance with the noise limits outlined in the EPL and the project approval (08_0157 Schedule 3, Condition 16). The Department has recommended that the Proponent provide confirmation that traffic noise from the proposal will comply with existing project approval noise limits and that traffic noise will be addressed in future independent environmental audits by amending Condition 5, Schedule 4 of the project approval.

The Department's assessment has concluded the proposed additional heavy vehicle movements will not have a significant adverse impact on the amenity of nearby residential properties.

7.3 Hazards and Risk

Grain dust is combustible, and the modification could introduce new hazards on site if trucks are parked near ignition sources. The presence of a large number of trucks on site could also impede emergency access or evacuation, or result in trucks queuing outside of the site on local roads.

The Proponent predicted a worse-case scenario where up to 18 trucks (36 truck movements) could arrive at the site in one hour between 2:00 pm to 3:00 pm during a weekday. The Department requested detailed information from the Proponent as to how these trucks could be accommodated within the site whilst ensuring hazardous areas (containing grain dust) are avoided.

As each truck is only on site for approximately 20 minutes, the Proponent considers the site can unload 6 trucks every 20 mins, or up to 18 trucks in an hour.

The Department raised concerns the truck exhaust backfire at start up (after parking) may be a potential source of ignition for fires. The Department requested a Hazardous Area Plan be marked up with the proposed locations for trucks waiting to unload or load product as well as the locations where parking or stopping of trucks is not permitted around hazardous areas.

In response, the Proponent provided a Site Plan (refer **Figure 6**) showing the truck parking and idling positions, as well as locations where no parking or stopping is permitted on site. The no parking or idling locations are identified with a red star in **Figure 6**. The Proponent has confirmed there is space on the site for just 9 trucks at any time.

The Department considers appropriate planning and controls are needed to ensure trucks arrive safely, move through the site safely (avoiding hazardous areas), and do not queue on the public road network. While the project approval (condition 18 (c)) already prohibits all vehicles associated with the site from parking on public roads it is recommended, the existing OTMP is updated and new conditions imposed to ensure:

- a maximum of nine B-double trucks on site at any given time;
- measures are implemented to stagger truck arrivals more evenly throughout the day; and
- trucks are prevented from parking around hazardous areas and the Proponent must install signage restricting parking around such areas.

In addition, the Department has recommended that a new condition is imposed to ensure the Proponent updates the approved Emergency Plan and Safety Management System to include all changes to the site as a result of the modification prior to any additional truck deliveries of barley to the site.

Subject to the implementation of the recommended conditions, the Department considers the additional trucks (including nine B-double trucks within one hour) can be safely accommodated within the site to ensure that trucks are not parked near areas of high grain dust concentrations or impede emergency access/egress routes in the event of an emergency.

The proposed modification will not increase the approved operating capacity of the existing malt manufacturing facility above 130,000 tonnes of malt a year. The potential for hazards on site would occur where trucks are parked near ignition sources or if trucks obstruct emergency access/egress to the site. The Department's assessment concludes that potential hazards associated with the parking of additional trucks on site around areas of combustible grain dust will be suitably managed to minimise hazard and risks from grain dust fires and potential explosions on site.

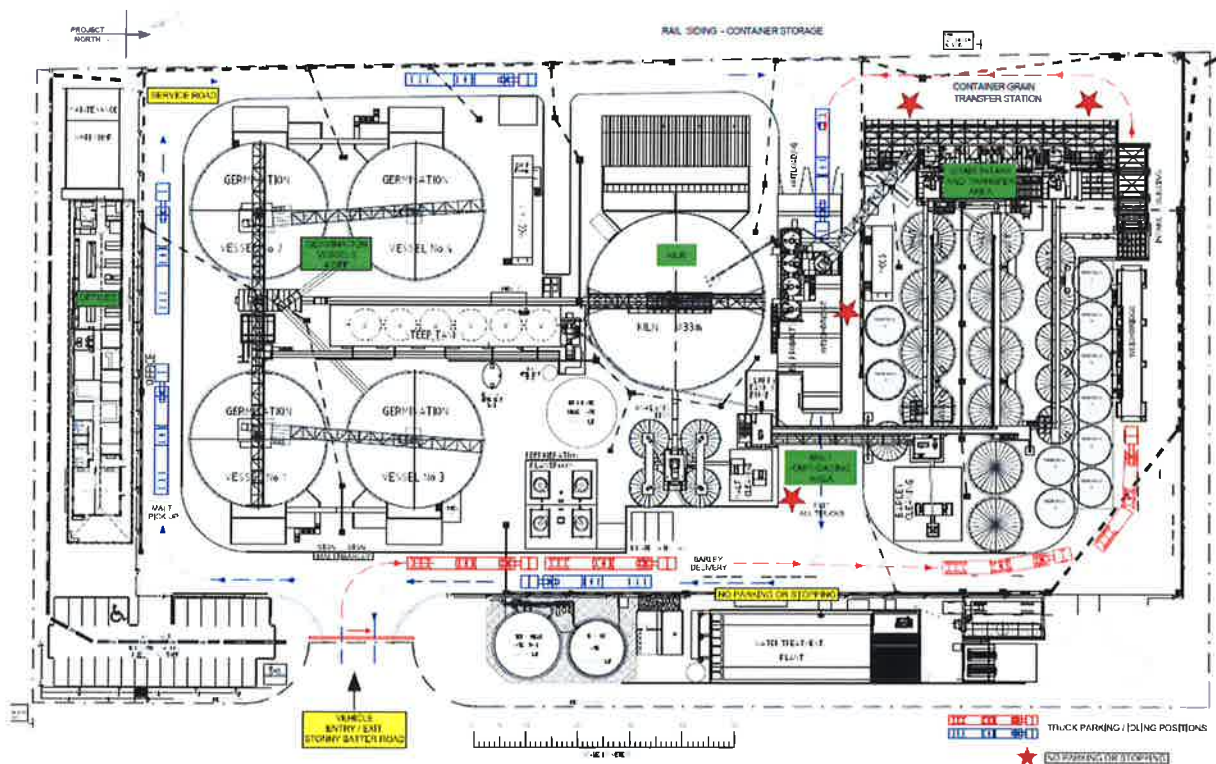


Figure 6: Existing Site Layout and Vehicle Movements

7.4 Developer Contributions

The increase in traffic to the site associated with the proposed transportation of an additional 103,000 tpa of barley to the site will have an impact on the surfaces of surrounding roads.

Condition 13 of Schedule 2 of the Project Approval required that the Proponent pay a \$50,000 development contribution to Council prior to the commencement of operations. This development contribution was calculated on the basis that the original Project would not impact on local roads and other infrastructure due to its reliance on rail infrastructure for the import and export of material.

As outlined in Section 7.1.1 of this Report, sections of Stonny Batter Road and Rose Payten Drive will experience a potential increase in pavement wear over the next 20 years due to the proposed increase in truck movements associated with the proposal.

Council has recommended that the Department consider requiring from the Proponent the payment of an additional \$50,000 in developer contributions on the basis the additional truck movements will impact local infrastructure. Council has advised the recommended amount is based on a nominal contribution to the payment of future road maintenance on local roads that will be affected by the modification. In particular, Council has advised the payment would assist to fund the required re-surfacing of Rose Payten Drive, scheduled for the 2018/2019 financial year and the part re-surfacing of Stonny Batter Road in approximately 15 years.

The Department considers the modification of the existing condition requiring the payment of further developer contributions by the Proponent, as recommended by Council, is necessary to cover additional maintenance costs to the local road network that will be impacted by the additional truck movements. The Department has recommended that the further developer contribution is to be paid prior to the commencement of any additional truck movements to the site. The developer contribution would be accepted in lieu of the Proponent's offer provided in the RTS to add additional seal to Stonny Batter Road and the Proponent has not objected to the Department's recommended developer contribution condition.

The Department concludes that the payment of an additional developer contribution is warranted and will be sufficient for Council to ensure the long-term maintenance of the road surfaces which will be impacted by the proposal.

7.5 Other Issues

The Department's assessment of other issues is provided in **Table 3**.

Table 3: Assessment of Other Issues

Issue	Assessment	Recommendation
Air Quality/Emissions	<ul style="list-style-type: none"> The proposal has the potential to add to environmental emissions of nitrogen oxide (NOx) and fine particulate emissions as a result of the increased truck movements which can be harmful to human health and contributing to ozone pollution. The Proponent did not provide an assessment of the potential air quality impacts in the Environmental Assessment and noted that air quality impacts were assessed as part of the original project approval. The EPA recommended the Proponent amend the existing OTMP to ensure that vehicles servicing the premises are fitted with the best available diesel control technology. The Department further recommends a condition is imposed to require that the Proponent provide a Transport Strategy which details for how rail transport is being maximised for the import of materials to the site. Condition 2, Schedule 3 of the project approval requires the Proponent implement Best Available Control Technology to minimise the emission of NOx as far as practicable. The Department considers that up to nine additional trucks travelling to the site per day will have a minimal impact on air quality emissions. The Department recommends that a new condition requiring the installation of best available diesel control technology in vehicles as well as Condition 2, Schedule 3 of the project approval will ensure minimal impact to air quality and emissions from the proposal. The Department's assessment concludes that the minor increase in truck movements to the site will have a minimal impact on air quality and that the recommended conditions would ensure any air quality impacts from the proposed increase in heavy vehicles travelling to the site would be minimised. 	<p>Require the Proponent to:</p> <ul style="list-style-type: none"> amend the existing OTMP to ensure that vehicles servicing the premises are fitted with best available diesel control technology; and provide a Transport Strategy which details how rail transport is being maximised for the import of materials to the site.
Delivery Hours	<ul style="list-style-type: none"> The addendum to the TIA states that the existing delivery hours to the site are between 6:00 am and 2:00 pm Monday to Friday only. The Proponent's TIA report seeks to extend the delivery hours for the site and seeks the following hours: 	<p>Limit the hours of deliveries by road to:</p> <ul style="list-style-type: none"> 6:00 am to 6:00 pm Monday to Friday; and

Issue	Assessment	Recommendation
	<ul style="list-style-type: none"> Monday to Friday: 6:00 am to 6:00 pm; Saturday: 6:00 am to 2:00 pm; and Sunday and Public Holidays: no deliveries. Council agreed with the delivery hours proposed in the TIA and recommended a condition to restrict the hours of deliveries to the site. The Department concludes that a condition to restrict the delivery hours of trucks will minimise adverse impacts on the amenity of residential properties located along Borthwick Street. 	<ul style="list-style-type: none"> 6:00 am to 2:00 pm Saturday. <p>No deliveries by road will occur on Sunday and Public Holidays.</p>

8. CONCLUSION

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers there would be some impact on the surrounding road network from the proposed increase in the total road import of raw materials from 54,000 tpa to 157,000 tpa including on existing road surfaces and intersection performance. Therefore, the Department has recommended a number of conditions to minimise these impacts, including:

- the requirement that the Proponent prioritise the use of the adjoining rail siding for the transport of grain, barley and malt and detail how this prioritisation will occur in a Transport Strategy to be submitted to the Department;
- a restriction on the delivery hours and delivery travel routes by road;
- the requirement for the Proponent to pay additional development contributions;
- a restriction on the number of trucks on site at any given time;
- the requirement that the Proponent include an assessment of road traffic noise in future environmental audits; and
- the requirement that the Proponent prepare and provide a revised Operational Traffic Management Plan to manage truck arrivals, air emissions and traffic noise associated with the development.

The Department considers the proposed modification is appropriate on the basis that the proposal will add value to the NSW agricultural industry and assist in the effective delivery of the product of malt. The proposal will provide an alternative transportation option for the import of material by the Proponent, if necessary, and will reduce business risks associated with the current dependence on Qube (or rail). Subject to the recommended conditions, the proposed modification will:

- ensure the key amenity impacts of traffic and noise are mitigated;
- maintain the hazards and risks of the facility below relevant limits; and
- will not increase the overall approved production volumes at the plant.

The Department is satisfied that the modification should be approved, subject to conditions.

9. RECOMMENDATION


It is recommended that the Director, Industry Assessments, as delegate for the Minister for Planning:

- consider the findings and recommendations of this report;
- determine that the request 08_0157 MOD 4 falls within the scope of section 75W of the EP&A Act;
- determine that the environmental assessment requirements have been addressed;
- modify the approval 08_0157 MOD 4; and
- sign the attached modification of approval (**Appendix A**).

Recommended by:

DECISION

Prepared by:


14/9/17.
Joanna Bakopanos
Team Leader
Industry Assessments


14/9/17
Chris Ritchie
Director
Industry Assessments
as delegate of the Minister for Planning.

Chloe Dunlop
Senior Planning Officer
Industry Assessments

APPENDIX A – INSTRUMENT OF MODIFICATION

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;

APPENDIX B – ENVIRONMENTAL ASSESSMENT

See link:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7650

APPENDIX C – SUBMISSIONS

See link:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7650

APPENDIX D – CONSOLIDATED APPROVAL

Consolidated Approval

I approve the project referred to in Schedule 1, subject to the conditions in Schedules 2 to 4.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

MOD 1 (2012) changes in red

MOD 2 (2014) changes in blue

MOD 3 (2015) changes in purple

MOD 4 (2017) changes in green

Sydney

2009

SCHEDULE 1

Application Number:	08_0157
Proponent:	Joe White Maltings Pty Ltd
Approval Authority:	Minister for Planning
Land:	Lot 201 DP 813362 - Stonny Batter Road, Minto
Project:	Minto Malting and Grain Project

TABLE OF CONTENTS

SCHEDULE 1	i
DEFINITIONS	1
SCHEDULE 2: ADMINISTRATIVE CONDITIONS	2
Obligation to Minimise Harm to the Environment	2
Terms of Approval	2
Limits of Approval	2
Structural Adequacy	3
Demolition	2
Protection of Public Infrastructure	4
Operation of Plant and Equipment	4
Developer Contribution	4
Management Plans	4
SCHEDULE 3: SPECIFIC ENVIRONMENTAL CONDITIONS	5
Air Quality	4
Soil and Water	5
Noise	6
Transport	7
Hazards	7
Waste	7
Visual	9
Vermin Control	9
SCHEDULE 4: ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING	10
Environmental Management Strategy	10
Incident Reporting	10
Auditing	10
APPENDIX 1: PROJECT LAYOUT PLAN	12
APPENDIX 2: STATEMENT OF COMMITMENTS	13

DEFINITIONS

AEP	Annual Exceedence Probability flood event
BCA	Building Code of Australia
Construction	All demolition and construction works to be undertaken on site
Council	Campbelltown City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DECC	Department of Environment and Climate Change
Department	Department of Planning and Environment
Director-General	Director-General of Department of Planning and Infrastructure, or delegate
EA	Environmental Assessment titled <i>Proposed Malting Plant and Packaging Facility, Lot 201 DP 813362, Stonny Batter Road, Minto</i> , volumes 1 and 2, dated November 2008 and the Proponent's response to the issues raised during the exhibition period
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6pm to 10pm
Incident	An incident causing or threatening material harm to the environment, and/or an exceedance of the limits or performance criteria in this approval
Minister	Minister for Planning and Infrastructure, or delegate
Ministry of Transport	New South Wales Ministry of Transport
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Offensive Odour	See definition in the <i>Protection of the Environment Operations Act 1997</i>
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
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.
RailCorp	Rail Corporation New South Wales
RBL	Rating Background Level as defined in the DECC's <i>Industrial Noise Policy</i>
RTA	Roads and Traffic Authority
RMS	Roads and Maritime Services
Secretary	Secretary of the Department of Planning and Environment (or nominee)
Site	The land referred to in Schedule 1
Statement of Commitments	The Proponent's commitments in Appendix 2.

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, operation or decommissioning 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 1);
 - (c) statement of commitments (see Appendix 2);
 - (d) ~~Modification Application 08_0157 – MOD 1 with supporting documentation by Cardno dated 11 December 2011 and 14 December 2011;~~
 - (e) ~~Modification Application MP 08_0157 MOD 2, supporting Environmental Assessment dated March 2014 and Response to Submissions (email) dated 8 May 2014 prepared by Cardno; and~~
 - (f) ~~Modification Application MP 08_0157 MOD 3, supporting Environmental Assessment and Statement of Commitments dated 19 May 2015 prepared by Cardno, Floor Plan PG-004-00244 S1 Dated 14.5.15 Revision 2 and Elevation Plan PG-004-00-244 S2 Dated 14.5.15 Revision 2; and~~
 - (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.~~
 - (h) conditions of this approval.
3. ~~If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.~~
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.
4. The Proponent shall comply with any reasonable requirement/s of the Secretary arising from its assessment of:
 - (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence submitted by the Proponent.

Limits of Approval

5. This approval shall lapse if the Proponent does not substantially commence the building works associated with the project within 5 years of the date of this approval.
6. The Proponent shall not:
 - (a) import more than 270,000 tonnes of malting barley or grain a year onto the site;
 - (b) produce more than 130,000 tonnes of malt a year on site; and
 - (c) export more than 140,000 tonnes of grain and 130,000 tonnes of malt a year from the site.
7. ~~The Proponent shall ensure that all the grain and barley imported onto the site, and all the malt and grain exported from the site, occurs via the adjoining rail siding to the Main Southern Railway. However, in exceptional circumstances, the Proponent may ignore these restrictions for short periods with the written approval of the Director-General.~~
~~The Proponent shall ensure that the Project:~~
 - (a) ~~does not import more than 54,000 tonnes per annum of grain and barley by road;~~
 - (b) ~~does not export more than 25,000 tonnes per annum of malt and grain by road; and~~
 - (c) ~~imports/exports all remaining grain and malting barley via the rail siding to the Main Southern Railway.~~

~~However, in exceptional circumstances, the Proponent may be exempt from these restrictions for short periods with the written approval of the Director-General.~~

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.

- 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.

Structural Adequacy

8. The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, 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 the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.

Demolition

9. The Proponent shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.
10. Prior to the commencement of demolition works, the Proponent shall prepare a Demolition Work Plan in consultation with Council, and to the satisfaction of the Secretary. This plan must:
- (a) Describe the measures that would be implemented on site to ensure compliance with *Australian Standard AS 2601-2001: The Demolition of Structures*; and
 - (b) Include the details of the demolition contractor.
- Following approval, the Proponent shall implement the plan to the satisfaction of the Secretary.

Protection of Public Infrastructure

11. The Proponent shall:
- (a) prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters, footpaths), in consultation with Council, and submit a copy of this report to the Department prior to the commencement of demolition works;
 - (b) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and
 - (c) 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

12. The Proponent shall ensure that all plant and equipment used on site is maintained and operated in a proper and efficient manner.

Developer Contribution

13. Prior to the commencement of operations, the Proponent shall pay Council \$50,000 as a contribution towards the provision of infrastructure and services for the employees of the project.

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.

Management Plans

14. With the approval of the Secretary, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.
-

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

AIR QUALITY

Offensive Odours

1. The Proponent shall not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the POEO Act.

Nitrogen Oxide Emissions

2. The Proponent shall implement Best Available Control Technology to minimise, as far as practicable, the nitrogen oxide emissions of the project to the satisfaction of the DECC.

Dust

3. The Proponent shall implement all reasonable and feasible measures to minimise dust generated by the project.
4. During construction of the project, the Proponent shall ensure that:
 - (a) all trucks entering or leaving the site that could generate dust 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, in the vicinity of the site, are kept clean.

Independent Air Quality Audit

5. Within 6 months of the commencement of operations on site, the Proponent shall commission and pay the full cost of an Independent Air Quality Audit of the project. This audit must be conducted by a suitably qualified, experienced and independent expert whose appointment has been endorsed by the Secretary. During the audit, this expert must:
 - (a) consult with DECC and the Department;
 - (b) measure all key odour sources and audit the effectiveness of the odour controls on site;
 - (c) audit the air emissions of the project criteria, and in particular the nitrogen oxide emissions;
 - (d) determine whether the project is complying with conditions 1, 2 and 3 above; and, if necessary,
 - (e) recommend measures to minimise the odour or air emissions of the project.
6. Within 2 weeks of this audit being completed, or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to DECC and the Secretary with an action plan for the implementation of any recommendations contained in the audit report.

SOIL AND WATER

Water Pollution

7. The Proponent shall not cause or permit any waters to be polluted, as defined under Section 120 of the POEO Act.

Wastewater Discharges

8. The Proponent shall ensure that all of the wastewater discharged from the site is discharged to sewer under a trade waste agreement with Sydney Water.

Bunding

9. 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

10. During construction of the project, the Proponent shall implement appropriate erosion and sediment controls on site, in accordance with the relevant requirements in Landcom's (2004) *Managing Urban Stormwater: Soils and Construction* manual to the satisfaction of the Secretary.

Stormwater Management Plan

11. The Proponent shall prepare and implement a Stormwater Management Plan for the project to the satisfaction of the Secretary. The plan/s must:
- (a) be prepared in consultation with Council and RailCorp;
 - (b) be submitted to the Secretary for approval prior to the commencement of construction;
 - (c) be prepared in accordance with DECC's *Managing Urban Stormwater: Council Handbook*, and the *Campbelltown (Sustainable City) Development Control Plan Volume 2 - Engineering Design for Development* (as amended); and
 - (d) 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.

Water and Energy Efficiency

12. The Proponent shall ensure the project is energy and water efficient, and comply with industry best practice, to the satisfaction of the Secretary.
13. The Proponent shall prepare and implement a Water and Energy Efficiency Program for the project to the satisfaction of the Secretary. The program must:
- (a) be approved by the Secretary prior to the commencement of building works;
 - (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 to ensure the project is water and energy efficient and uses the best available technology; and
 - (d) include a program to monitor and report on the efficiency of the measures implemented, and ensure the project remains energy efficient over time.

Note: The Proponent may submit Energy & Water Savings Action Plans to satisfy the requirements of this condition.

Geotechnical

14. Prior to carrying out any building works within 25 metres of the Main Southern Railway corridor, the Proponent shall prepare a Construction Plan for the works in consultation with RailCorp, and to the satisfaction of the Secretary. The plan must describe the measures that would be implemented to ensure that the works do not compromise the safety and structural integrity of the rail infrastructure facilities in the rail corridor, nor the safe and efficient operation of this infrastructure. Following approval, the Proponent shall implement the plan to the satisfaction of the Secretary.

NOISE

Construction Noise

15. The Proponent shall comply with the construction hours and noise goals in Table 1, unless otherwise agreed with the DECC.

Table 1: Construction Hours and Noise Goals

Activity	Day	Time	Noise Goal
Construction	Monday – Friday	7am to 6pm	RBL + 10 dB(A)
	Saturday	7am to 1pm	RBL + 10 dB(A)
	Saturday	1pm to 5pm	RBL + 5 dB(A)
	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

16. 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

Note: Noise generated by the project is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy.

17. 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.

- 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.

TRANSPORT

Vehicle Queuing, Parking and Transport

18. The Proponent shall ensure that:
- the internal road network and parking on site complies with Australian Standards AS 2890.1:2004 and AS 2890.2:2002;
 - vehicular access to the site is constructed in accordance with the requirements of Council;
 - 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;
 - the project does not result in any vehicles queuing on the public road network; and
 - suitable parking for bicycles and associated facilities including change rooms are provided at the facility,
- to the satisfaction of the Secretary.
- 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.
- 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 MOD4.

Transport Strategy

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

Travel Routes

- 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.

Traffic Management Plan

19. ~~The Proponent shall prepare and implement a Construction Traffic Management Plan for the project to the satisfaction of the Director-General. The Plan must:~~
- ~~(a) be prepared in consultation with the RTA and Council;~~
 - ~~(b) be submitted to the Director-General for approval prior to the commencement of demolition works;~~
 - ~~(c) nominate routes for the heavy vehicles accessing the site;~~
 - ~~(d) provide details on restrictions proposed for the hours that heavy vehicles may access the site; and~~
 - ~~(e) describe the measures that would be implemented to manage traffic safety during the construction of the project.~~

The Proponent shall prepare and implement an Operational Traffic Management Plan for the Project to the satisfaction of the Secretary. The Plan must:

- (a) be prepared in consultation with the RMS and Council;
 - (b) be submitted to the Secretary for approval prior to the commencement of importation or exportation of grain, barley or malt to/from the site via road;
 - (c) nominate routes for the heavy vehicles accessing the site;
 - (d) provide details on restrictions proposed for the hours that heavy vehicles may access the site;
 - (e) describe the measures that would be implemented to manage traffic safety during operation of the project; and
 - (f) describe the measures that would be implemented to manage heavy vehicle driver behaviour and traffic noise associated with the development.
- 19A. The Proponent shall update the Operational Traffic Management Plan within three (3) months of the approval of Modification Request 08_0157 MOD4 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.
- 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.

HAZARDS

- 19A. ~~The Proponent shall comply with the requirements of AS/NZS 4745:2012 "Code of Practice for Handling Combustible Dust".~~

Fire Safety Study

20. Prior to the commencement of construction of MP 08_0157 MOD 2, the Proponent shall prepare an updated Fire Safety Study for the project to the satisfaction of the NSW Fire Brigades and Secretary. This study must be prepared in accordance with 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*. Following approval, the Proponent shall implement the study to the satisfaction of the NSW Fire Brigades and Secretary.

Pre-Commissioning Studies

21. Prior to commissioning of MP 08_0157 MOD 2, the Proponent shall prepare the following to the satisfaction of 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*.
- Following approval, the Proponent shall implement the above studies to the satisfaction of the Secretary.
- 21A. The Proponent shall comply with the requirements of AS/NZS 4745:2012 *Code of Practice for Handling Combustible Dust*.
- 21B. Within three (3) months of the approval of Modification Request 08_0157 MOD4, 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.

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.

WASTE

- 22. During the demolition, construction and operation of the development the Proponent shall implement all reasonable and feasible measures to minimise the waste generated by the development.
- 23. The Proponent shall ensure that all waste generated by the project is classified in accordance with the DECC's *Waste Classification Guidelines: Part 1 Classifying Waste*, and disposed of appropriately.

VISUAL

Design

- 24. Prior to the commencement of any building works, the Proponent shall prepare detailed architectural and landscaping design plans for the buildings and landscaped areas to be constructed on site to the satisfaction of the Secretary. These plans must:
 - (a) be prepared in consultation with Council;
 - (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;
 - (c) 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) demonstrate that all habitable buildings would 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.

Following approval, the Proponent shall implement the study to the satisfaction of the NSW Fire Brigades and Secretary.

Reflectivity

- 25. The Proponent shall implement all reasonable and feasible measures to minimise the reflectivity of the larger structures on site, particularly the silo structures, to the satisfaction of the Secretary.

Lighting

- 26. 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

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

VERMIN CONTROL

- 28. The Proponent shall implement all reasonable and feasible measures to control on site to the satisfaction of the Secretary.

SCHEDULE 4

ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING

ENVIRONMENTAL MANAGEMENT STRATEGY

1. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Secretary. The Strategy must:
 - (a) be submitted to the Secretary for approval prior to the commencement of construction;
 - (b) be updated to the satisfaction of the Secretary prior to the commencement of operations on site;
 - (c) identify the statutory and other obligations that apply to the project;
 - (d) 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; and
 - receive, handle, respond to, and record any complaints that are received;
 - (e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project; and
 - (f) include a copy of the various studies, plans and programs required under this approval.
2. The Proponent shall update this strategy to the satisfaction of the Secretary, following each independent audit, or as directed by the Secretary.

Construction Environmental Management

- 2A. The Applicant shall prepare and implement a Construction Environmental Management Plan for MP 08_0157 MOD 2 to the satisfaction of the Secretary. The Plan must:
 - a) be prepared in consultation with Council;
 - b) be approved by the Secretary prior to the commencement of construction of MP 08_0157 MOD 2;
 - c) identify the statutory approvals that apply to the modification;
 - d) outline in detail all environmental management measures and controls to be implemented and the practices and procedures to be followed during construction of the modification to minimise environmental impacts (in particular for traffic, noise and vibration);
 - a) describe all activities to be undertaken on the site during construction of the modification, including a clear indication of construction stages;
 - b) detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
 - c) describe of the roles and responsibilities for all relevant employees involved in construction works associated with the modification; and
 - d) include arrangements for community consultation and complaints handling procedures during construction.

Note: Construction of the modification shall not commence until written approval of this plan has been received from the Secretary.

INCIDENT REPORTING

3. The Proponent shall notify the Secretary of any incidents associated with the project as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Secretary with a detailed written report on the incident, and any action that has subsequently been taken in relation to this incident.

AUDITING

Work-As-Executed Plans

4. Prior to commencement of operations, the Proponent shall submit work-as-executed plans to the Secretary of the development on site. 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

5. Within 12 months of the commencement of operations, and every 3 years thereafter unless the Secretary 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 Secretary;
 - (b) be undertaken in consultation with DECC and Council;
 - ~~(c) assess the environmental performance of the project, and whether it is complying with the relevant standards, performance measures, and statutory requirements;~~
 - (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;
 - (d) review the adequacy of any strategy/plan/program/system required under this approval; and, if necessary;
 - (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program/system required under this approval.
6. Within 1 month of completing this audit, or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the Secretary with a response to any recommendations contained in the audit report.
7. Within 3 months of submitting an audit report to the Secretary, the Proponent shall review and if necessary revise the strategy/plans/programs required under this approval to the satisfaction of the Secretary.
-

main southern railway



APPENDIX 2: 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 construction noise. • Responsible management of JWM site operational noise. 	<ul style="list-style-type: none"> • Care taken to avoid excessive noise during demolition and construction. • Demolition and construction works only between 7am – 5pm Monday to Saturday. • Ensure maintenance of equipment to limit noise

	<ul style="list-style-type: none"> 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.