

COUNCIL REFERENCE: 34236 or 33359  
CONTACT PERSON: JR  
YOUR REF: MP 07\_0021

Acting Director - Gordon Kirkby  
NSW Department of Planning  
G P O Box 39  
SYDNEY 2001

28<sup>th</sup> March 2007

Dear Sir

**REQUEST FOR PROVISION OF DETAILS OF KEY ISSUES  
AND ASSESSMENT REQUIREMENTS  
Major Project Application 07\_0021**

I refer to your recent correspondence concerning the abovementioned matter and advise that following the liaison meeting and site inspection a preliminary assessment of the Draft Preliminary Report submitted by the applicant has been undertaken by relevant Council staff. The key issues and concerns resulting from this assessment are provided in the attached report, for your perusal.

If you need further information about this matter, please contact Jessica Rippon on 4429 3319 **between the hours of 9.00 – 10.30am Monday to Friday**. Please quote Council's reference 34236.

Yours faithfully

Jessica Rippon  
**Senior Development Planner**

**SUBMISSION TO THE NSW DEPARTMENT OF PLANNING  
PART 3A SUBMISSION  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**MAJOR PROJECT APPLICATION**

**PROPOSED DEVELOPMENT  
Shoalhaven Starches Flour Mill**

**PROPERTY:** Lot 1 DP 838 753, 160 Bolong Road, Bomaderry

**PROPOSAL:** Shoalhaven Starches Flour Mill

**OWNER:** Shoalhaven Starches

**MAJOR KEY ISSUES**

**Report Inconsistencies**

Lack of detail about the actual flour milling process. The preliminary report goes into detail about the current process but contains little information about the actual flour mill process. Is there any additional water consumption associated with the milling of the flour? Are there any other by-products other than the 'mill feed'? What impacts will the operation of the milling equipment have?

There also appears to be an inconsistency in the section of train movements. For example, the prelim report states that currently arrive and depart in the morning between 3am and 10am on Tuesdays and Thursdays and that once the mill starts operating that trains will run in the morning on most days. It then goes on to state that the proposal however will not alter the overall number of trains required.

**Environmental Health**

The site is scheduled under the POEO Act and as such is licensed by the DEC. Council is NOT therefore the regulatory authority for Shoalhaven Starches in the event of a spill or pollution event, although there would be close liaison between the DEC and Council in that event.

**Odour** - It is understood that there will be no increase in the nature or degree of odour emissions as a result of the proposed flour mill.

**Noise** - Given the location of the proposed mill and silos, it is unlikely that any additional noise would be generated from the site. In fact there may actually be some attenuation of existing noise levels from the starch factory from structures blocking

noise emissions across the River. However, evaluation of the Acoustic Engineer's Report and noise issues will be addressed by DEC.

**Waste Water** - There will be no increase in waste water emissions from the site.

**Bank Stabilisation** - Due to the proximity of the structures to the river bank, it is strongly recommended that a Geotechnical Engineer be consulted to design the footings to ensure no likelihood of bank destabilisation occurs, either during construction or as a result of vibration or loading after completion. DNR should be consulted in this regard and their recommendations for suitable tree planting followed.

**Acid Sulphate Soils** - The area is designated by the DNR (DLWC) as having a high probability of being effected by A/S/Soils. As such soil samples should be taken for analysis prior to excavation works for footings etc. taking place. If A/S/Soil encountered, a plan of management is to be prepared and submitted to Council and DNR for approval prior to proceeding. Such plan to address environmental control measures necessary to mitigate any pollution of waters and acid damage to structures.

## **Traffic**

Whilst the actual increased traffic and transport usage as a direct result of this DA may be relatively minor, Council is concerned with the cumulative impacts of Manildra DA's over time, together with increasing traffic volumes on Bolong Road, and un completed (outstanding) conditions of consent requiring Manildra to upgrade their access points and rail level crossing to minimum safe standards.

Council believes these factors have led to present day situation where maintenance and safety issues have arisen along Bolong Road relating to Manildra activities.

Council is seeking assistance from the Department of Planning through it's development control powers to ensure Manildra complete all outstanding conditions of consent prior to issue of any further development approvals (previous consent conditions requiring Manildra to complete all outstanding conditions of consent prior commencement of any further works have not proved successful).

Additional information and details relating to outstanding conditions of consent can be found below in this report.

Council supports the Director General's Requirements (General Requirement to undertake an assessment of the potential impacts of the project including potential cumulative impacts that may arise from the combined operation of the project and existing activities) and believes this will reinforce the need for Manildra to undertake all upgrade works in accordance with previous conditions of consent.

Further - Council is concerned with road safety relating to the behaviour of Manildra workers in Bolong Road reserve (primarily parking and pedestrian behaviour) and believe Manildra should be doing more under its OH&S responsibilities to minimise pedestrian crossings, parking activity, and other unsafe practices in Bolong Road relating to it's activities.

On-going use of Bomaderry Local Streets by Heavy Vehicle Transport remains of concern to Council and Council have outlined its concerns below in this report.

### **Invitation by the Department to submit comments**

Following the Planning Focus meeting Wed 14/03/2007 in relation to construction of the proposed flour mill at Manildra Bomaderry - Jacqueline Ingham (Senior Environmental Planner - Major Development Assessment - Department of Planning) forwarded email to Council advising that :

- the Department has issued already draft Environmental Assessment Requirements (EARs), for the project (with copy of the draft EARs attached to email), and that
- most of the issues raised at the Planning Focus meeting were identified in the draft EARs, however, noted that there were a number of additional issues that were identified, and accordingly advised that
- Council is now invited to submit written requirements to the Department by Monday 26 March 2007, for consideration as part of the formalised EARs.

The department advised that requirements should focus on the information required in the EA to enable Council to undertake an assessment of the proposal. The department advised Council to highlight specific issues Council considered are critical to the assessment, and advised that any other issues could be included as an attachment.

### **Comments on the Director General's Requirements**

Council's Traffic & Transport Group would like to emphasise the many outstanding conditions of consent relating to road works in Bolong Road at Manildra access points as well as outstanding conditions of consent relating to upgrade of the existing rail level crossing.

Road safety issues have arisen along Bolong Road as a result of increased activity at Manildra in conjunction with increased traffic on Bolong Road.

Council would like to remind the department of the failings of previous consents that have required the upgrade of access points in Bolong Road prior to any commencement of capital works on site under the respective consents.

Manildra have acted on numerous previous consents without undertaking the required road upgrades as required under the respective conditions of consent.

Council is concerned that additional approvals will be forthcoming without enforcement of outstanding consent conditions.

To allow the department the information it requires to assess the access points to Bolong Road to/ from Manildra as well as existing rail crossing - Council's Traffic & Transport Group would like to reinforce the importance of the following Director General's requirement :

### **Director General's Requirements - General Requirements**

- *an assessment of the potential impacts of the project including potential cumulative impacts that may arise from the combined operation of the project and existing activities;*

Complete compliance with this requirement should ensure the department will have the appropriate information it needs to undertake a thorough assessment of existing and proposed conditions of access points along Bolong Road and the rail level crossing, and assessment of the impact of Manildra traffic (including heavy vehicle traffic on Bolong Road and local Bomaderry Roads)

This should include assessment of accident history, traffic volumes (Bolong Rd), traffic movements at Manildra access points and conflict with trains, pedestrian movements associated with Manildra activities, and traffic distribution from Manildra along Bolong Road compared with through Bomaderry local road network. The issues raised below (further information and comment about these matters) below should also be addressed.

#### **Comments on Preliminary Assessment Report (by Cowman Stoddart) dated December 2006**

Page 2 *“The benefit for the company of relocating part of the industrial grade flour production to the Bomaderry Plant will be that subsequent spare capacity at the Manildra Plant can be devoted to the production of higher grade flour **therefore increasing export opportunities for the Company**”*

Page 3 *“The project will create an estimated construction workforce of 20 jobs during the 9 month construction phase; **will sustainably maintain the existing workforce at the plant currently comprising 225 employees; and may increase employment on the site by up to an additional 8 employees**”*

By virtue of the above statements from the Cowman Stoddart report, it can (should) be concluded that traffic must increase as a result of the proposal (presumably both light and heavy vehicle)

Cowman Stoddart however add :

Page 29 *“It is envisaged that the flour mill proposal will not have any effect on the level of heavy or light vehicle traffic to the site”*

Council disagree. It is considered that these statements are contradictory. The cumulative impacts of Manildra DA's over time, together with increasing traffic volumes on Bolong Road and exacerbated by uncompleted (outstanding) conditions of consent requiring Manildra to upgrade their access points to Bolong Road to safe minimum standards - have led to present day situation where maintenance and safety issues have arisen along Bolong Road relating to Manildra activities.

That said, Council supports the DGR's requirement in particular the **General Requirement :**

- *an assessment of the potential impacts of the project including potential cumulative impacts that may arise from the combined operation of the project and existing activities;*

Such an assessment would be expected to identify works that support the need for the current (outstanding) conditions of consent in Bolong Road.

To that extent however, Council wishes to advise the department that previous similar reporting by the applicant has not contained completely correct or factual statements about the current standard and state of their access points.

This has led to the drafting of previous consent conditions by the Department (on the basis of advice by Manildra's consultants) that would not be consistent with Council's views and would contravene advice from Council. These issues shall be clarified below.

Page 29 *"Under current operations, trains arrive and depart at the Manildra site as follows :*

- *arrive at 3am and depart at about 10am. Presently these trains usually run on Tuesday and Thursday*
- *arrive at 3pm and depart at about 10pm. Presently these trains run everyday except Saturday*

*Following the establishment of the flour mill, it is likely that:*

- *arrive at 3am and depart at about 10am will occur on most days*
- *arrive at 3pm and depart at about 10pm will occur on all days of the week"*

By virtue of the above statement from the Cowman Stoddart report, it can (should) be concluded that the number of trains must increase as a result of the proposal.

Cowman Stoddart however add :

Page 29 *"The proposal will not however alter the overall number of trains that are likely to be required to either supply raw materials or transport finished product from the site"*

Council disagree. The current conflicts between vehicles and trains at the existing rail level crossing on Bolong Road (a classified main road) meets RTA warrants for flashing light and bells and consideration of boom gates. Currently there is only flashing light assembly. The need to upgrade the crossing is an outstanding condition of consent not yet completed by Manildra.

Further there is already noise related issues up and down the South coast relating to Manildra train travel during the critical night time hours where residents are more susceptible to noise and noise nuisance is significantly higher (disturbance of sleep patterns, likelihood of awakenings, disturbance of other home based activities, etc).

EPA criteria is different for night time assessment than day time assessment (typically night time assessment is over the period 10pm-7am), and night time assessment criteria is appropriately more stringent.

That said, the current proposal seeks to increase weekly train movements and during the critical night time hours which Council consider must require a thorough assessment of the likelihood of increased noise nuisance.

Again - Council supports the DGR's requirement in particular the **General Requirement**

- *an assessment of the potential impacts of the project including potential cumulative impacts that may arise from the combined operation of the project and existing activities;*

With respect of train movements, such an assessment would be expected to identify the need for upgrade works in Bolong Road (reinforcing outstanding condition of consent) requiring upgrade of the existing railway level crossing, as well as identify any issues associated with likely increased noise impacts of Manildra train travel, including recommendations for noise attenuation.

On the topic of Traffic & Transport - Cowman Stoddart conclude on Page 29 :

Page 29 *"It is not anticipated that these matters (Traffic & Transport) will require detailed consideration as part of the environmental assessment"*

Again. Council disagree. The main issue being the cumulative impacts of Manildra developments over time and the failure of Manildra to address outstanding conditions of consent relating to road works in Bolong Road which have led to the present day maintenance and road safety issues which continue to be of concern to Council.

#### **Outstanding consent conditions relating to external road works :**

The following are relevant council records (select Manildra development approvals and associated consent conditions) relating to external road works :

| DA #      | Date of Determination | Works Related To...            | List of works requested  |
|-----------|-----------------------|--------------------------------|--|
| DA98/1457 | 27/08/1998            | Overhead Product Loading Tanks | ACCESS: Item #8<br>"The western access shall be upgraded to a Type "C" intersection configuration to a standard specified by the Roads and Traffic Authority. This junction will accommodate all service vehicles that access the site.<br><br>Item #9 |

|                       |            |                                     |   |
|-----------------------|------------|-------------------------------------|---|
|                       |            |                                     | <p>Kerb and gutter and shoulder seal and associated stormwater drainage along the western side for the western most intersection with Bolong Road shall be provided.”</p> <p>A file note from Development Services notes also that :</p> <p>“The Manildra Roadworks in Bolong Road which include widening the culvert, upgrading the railway crossing and the construction of a passing lane have yet to be completed as part of a previous consent.”</p>   |
| DA98/2004<br>Pt 1 & 2 | 30/03/1999 | Redevelopment of #4<br>Gluten Dryer | <p>Nil road related works specific to this DA however, on the Administrative Procedures Checklist, there is a note:<br/>“Please note outstanding conditions of consent with respect of upgrade to access.”</p>  |
| DA99/1764             | 01/08/1999 | Installation of coal<br>fire boiler | <p>Report on Traffic &amp; Access:<br/>Recommendation 1 – Abernathys Creek have a painted median with suitable signage to make this entrance a ‘LEFT IN – LEFT OUT’ only intersection.</p> <p><b>(Note this in conflict with previous conditions requiring widening of the culvert to effect a Type A intersection at this point due to the on-going use of this access by Manildra)</b></p> <p>R 2 – Construct a ‘Type B’ intersection at the laneway beside Cleary Bros.</p> <p>R 3 – Construct a landscaped earthen mound approx 600 mm high to prevent employees parking on the road side.</p> <p><b>(Note this was later reduced back to condition requiring fencing along boundary and install No Stopping signs to effect the same).</b></p> |



|           |            |                       |   |
|-----------|------------|-----------------------|---|
|           |            |                       | <p><b>Council consider at the time that this would have addressed the issue of Manildra employees and contractors parking in the road reserve.</b></p> <p><b>Since installation of the original No Stopping signs by Manildra, the signs have been subject to repeat vandal and theft attacks which have rendered the area unenforceable</b></p> <p><b>This road safety issue (Manildra workers parking on the northern side of road reserve and walking across to Manildra) continues to be of concern.</b></p> <p><b>Very recently (March 2007) No Stopping signs have been completely re-installed by Council, and NSW Police and Council Rangers have since advised that the re-installation of the parking restrictions will now allow the area to be enforced.</b></p> <p><b>Council believes that Manildra should be doing more under its OH&amp;S responsibilities to minimise pedestrian crossings and parking activity on Bolong Road relating to it's activities</b></p> |
| DA03/1674 | 06/03/2003 | Capital Works upgrade | <p><b>Pg 21: 3.57 Prior to the commencement of construction</b> the three access point to the factory site from Bolong Road shall be upgraded where necessary to a safe and appropriate level as determined in consultation with the RTA and Council.</p> <p>Letter to applicant on file requiring that the EIS address the following issue:<br/>         "The parking of vehicles belonging to staff, visitors and contractors</p>   |

|              |            |                                |  |
|--------------|------------|--------------------------------|--|
|              |            |                                | <p>within the road reserve on the northern side of Bolong Road continues to be of considerable concern to Council.</p> <p>Relocation of the staff carpark further to the East is likely to exacerbate this problem. The EIS should consider feasible measures to address this ongoing problem.”</p> <p>“Access:</p> <ul style="list-style-type: none"> <li>▪ Consideration/investigation of a roundabout at Bolong Rd &amp; existing employee car park access</li> <li>▪ Proposed road (culvert) widening west of existing Manildra access.</li> <li>▪ Proposed access to new car park.</li> <li>▪ Heavy Vehicle access and servicing of both sides of the road</li> <li>▪ Reducing Heavy Vehicle impacts in Bomaderry residential area.</li> <li>▪ Outstanding DA issues.”</li> </ul> |
| DEPT OF      | NSW        | PLANNING`                      |  |
| DA265-8-2002 | 23/12/2002 | Proposed Effluent Storage Pond | <p>TRAFFIC IMPACTS:</p> <p>2.35:</p> <p>Road verges at the intersection of the site access road and Hannigan’s Lane shall be appropriately cleared and profiled to ensure adequate and safe driver sight distance for all vehicles entering and exiting the site.</p>  |
| DA223-7-2002 | 06/03/2003 | Extension of Irrigation Area   | <p>TRAFFIC IMPACTS:</p> <p>3.57:</p> <p><b>Prior to commencement of construction</b>, the three access points to the factory site from Bolong Road shall be upgraded where necessary to a safe and appropriate level as determined in consultation with the RTA and Council.</p>   |
|              |            |                                |  |

### **Status of Outstanding Consent Conditions :**

The previous conditions of consent requiring Manildra to undertake road works in Bolong Road “Prior to commencement of construction” and “to a safe and appropriate level as determined in consultation with the RTA and Council” have not been undertaken or completed by Manildra. Details below :

#### Access Point 1 (Eastern most access)

##### **(No works outstanding)**

As stated in the Cowman Stoddart Preliminary Assessment Report , this access has previously been upgraded to a Type C intersection.

Given that this access is at the location of speed zone change from 100 to 60 and higher speeds are common for considerable distances west of this location along the frontage of Manildra - RTA have previously indicated their desire for Manildra to construct a roundabout at this location to regulate traffic flows and provide appropriate speed control benefits. Such an upgrade however would be costly and there is insufficient justification at this point in time for Manildra to undertake such works.

#### Access Point 2 (Central access east of railway line and adjacent Abernethy’s Creek)

##### **(Works outstanding)**

Cowman Stoddart’s Preliminary Assessment Report identifies that :

Access 2 is located “directly adjacent to a drainage culvert (Abernethy’s Creek). The intersection is designed as a Type A intersection (as per AUSTROADS) and is in good condition”.

This information in Cowman Stoddart’s is NOT correct. The intersection is NOT designed as a Type A intersection (as per AUSTROADS) which requires “width sufficient to permit passing of a right turning vehicle”.

This is the same false information which led to no action being taken by the department with respect of this access when considering the previous Manildra DA (DA223-7-2002). That report was submitted by Christopher Stapleton consulting.

RTA road design guidelines specifies in Figure 4.8.23 that this requires 6m minimum width to be provided from centre line, and the actual width provided adjacent Access Point 2 is nothing like 6m. Whilst the actual width varies, the actual width adjacent the culvert (which is the obstruction to through traffic adjacent to Access 2) is lucky to be 4m.

There is an outstanding condition requiring this culvert to be widened in conjunction with road works with the objective of ensuring this access meets the minimum road standards

including (provision of Type A intersection).

This location has been the subject of run off road accidents in recent years, highlighting the need for Manildra to take action to ensure the condition requiring widening of Bolong Road adjacent Access 2 is met without further delay.

Access Point 3 (Western most access west of railway line and adjacent Cleary Bros)

**(Works outstanding)**

Cowman Stoddart's Preliminary Assessment Report identifies that :

With respect of Access 3 "The intersection is designed as a Type A intersection (as per AUSTRROADS) and is in generally good condition, though the road reserve is not fully sealed".

This information in Cowman Stoddart's is partially correct. The intersection could be described as a Type A intersection as there is "width sufficient to permit passing of a right turning vehicle".

Type A does not require the sealing of road shoulder (for passing of a right turning vehicle) and the northern road shoulder is not sealed.

This information in Cowman Stoddart's relating to the intersection being "in generally good condition" is NOT correct.

Due to traffic movements into / out of the Manildra access - the non-sealed area of the intersection (the actual driveway and area of road shoulder directly adjacent the driveway) are in very poor condition with the gravel pavement being pot holed and considerable road base material strewn all over the intersection creating safety issues at the junction.

Further - the use of the unsealed northern shoulder by through vehicles passing right turning traffic at the access has also created a similar situation on the northern side of the intersection with shoulder failure and road base material strewn over the eastbound through lane.

These maintenance and safety related issues would not have otherwise arisen had Manildra undertaken the required upgrade works in accordance with conditions of previous consent requiring upgrade of this access to a higher standard of intersection requiring sealing of the intersection and driveway construction.

Works were undertaken in Bolong Road adjacent this access following issue of consent in 2003 (works involved kerb, gutter, and shoulder seal however works failed to include the construction of driveway and adjacent shoulder seal in the road reserve).

Ideally extent of works should have included sealing the internal roadway (Access 3) or atleast the first 30m of that internal road to limit on-going maintenance and safety related issues in Bolong Rd road reserve.

Railway level crossing

**(Works outstanding)**

The current conflicts between vehicles and trains at the existing rail level crossing on Bolong Road (a classified main road) meets RTA warrants for flashing light and bells and consideration of boom gates.

Currently there is only flashing light assembly.

The need to upgrade the crossing is an outstanding condition of consent not yet completed by Manildra.

At least 1 reported accident has occurred in recent years as well as other complaints of rear end accidents and delays at the crossing highlighting the need for Manildra to take action to ensure the condition requiring upgrading of the railway level crossing is met without further delay.

Intersection of Manildra site access points and Hannigan's Lane

**(Works outstanding)**

Road verges at the intersection of the site access road and Hannigan's Lane were required to be "appropriately cleared and profiled to ensure adequate and safe driver sight distance for all vehicles entering and exiting the site" in accordance with previous condition of consent.

There is no evidence that this work has been undertaken.

Further, vegetation growth on Manildra land adjacent the access points obstructs sight distance to / from those access points and should be removed to ensure minimum safe sight distances are available at the access points.

**Status of other on-going concerns relating to Manildra activities :**

Road Safety – Bolong Road

Since the re-installation of No Stopping signs in Bolong Road opposite Manildra in March 2007, Council have observed that works are no longer parking in Bolong Road reserve but approximately 5-6 cars continue to park around the BOC Gas plant access with workers then walking across Bolong Road to Manildra. Council can not control this activity and rely on Manildra to reinforce safe practices amongst their workforce.

Further to these concerns, are the continued numbers of Manildra workers that traverse the

narrow Abernethy's Creek culvert (walking along the road within the westbound travel lane) enroute between Manildra and Manildra head office, or between Manildra and the local Bomaderry shops.

As noted above - Council believes that Manildra should be doing more under its OH&S responsibilities to minimise pedestrian crossings, parking activity, and other unsafe practices in Bolong Road relating to its activities.

#### On-going use of Bomaderry Local Streets by Heavy Vehicle Transport

The issue of heavy vehicle transport using local Bomaderry Streets has a long history with Council.

In the past 10-20 years Council have undertaken public meetings, held meetings with residents and other community representatives, have written on numerous occasions to the large generators of heavy vehicle traffic (including Manildra) to request that their drivers use Bolong Road and Princes Highway, and have considered numerous schemes for mitigating the impacts of heavy vehicle traffic including the consideration of load limits.

The use of local Bomaderry streets by heavy vehicle transport from nearby industry continues to be of concern for local Bomaderry residents. Installation of load limits has been considered by Council on numerous occasions and has been met with concerns from enforcement officers that enforcement would be problematic given the mixed land uses in Bomaderry (mixed residential / industrial zones) that make it difficult to identify which heavy vehicles have a right to be on local roads and which don't.

Essentially it's the heavy vehicle traffic from large industry (Manildra, Paper Mill, and the former Dairy Coop) that have caused most concern in the past, not just for the volumes of heavy traffic but also the time of day trips have been made, including heavy vehicle movements between 10pm-7am.

As part of the consultants reports submitted with application (DA223-7-2002) – Council was disappointed with the level of incorrect information reported by Christopher Stapleton consulting including statements that Council would have no concerns with heavy vehicle traffic using local Bomaderry roads, which led to the Department of Planning issuing consent conditions supporting the on-going use of local Bomaderry Streets by heavy vehicle traffic from Manildra.

Council maintain their position that the intersection Bolong Road / Princes Highway should be upgraded to accommodate increased heavy vehicle traffic (currently a very deficient right turn lane – right turn from East to North – creates the situation where by only one large rigid or articulated heavy vehicle is required to obstruct the adjacent through lanes on Bolong Road). Council considers this situation unacceptable and are concerned that this issue has encouraged the greater use of local roads by heavy transport.

