

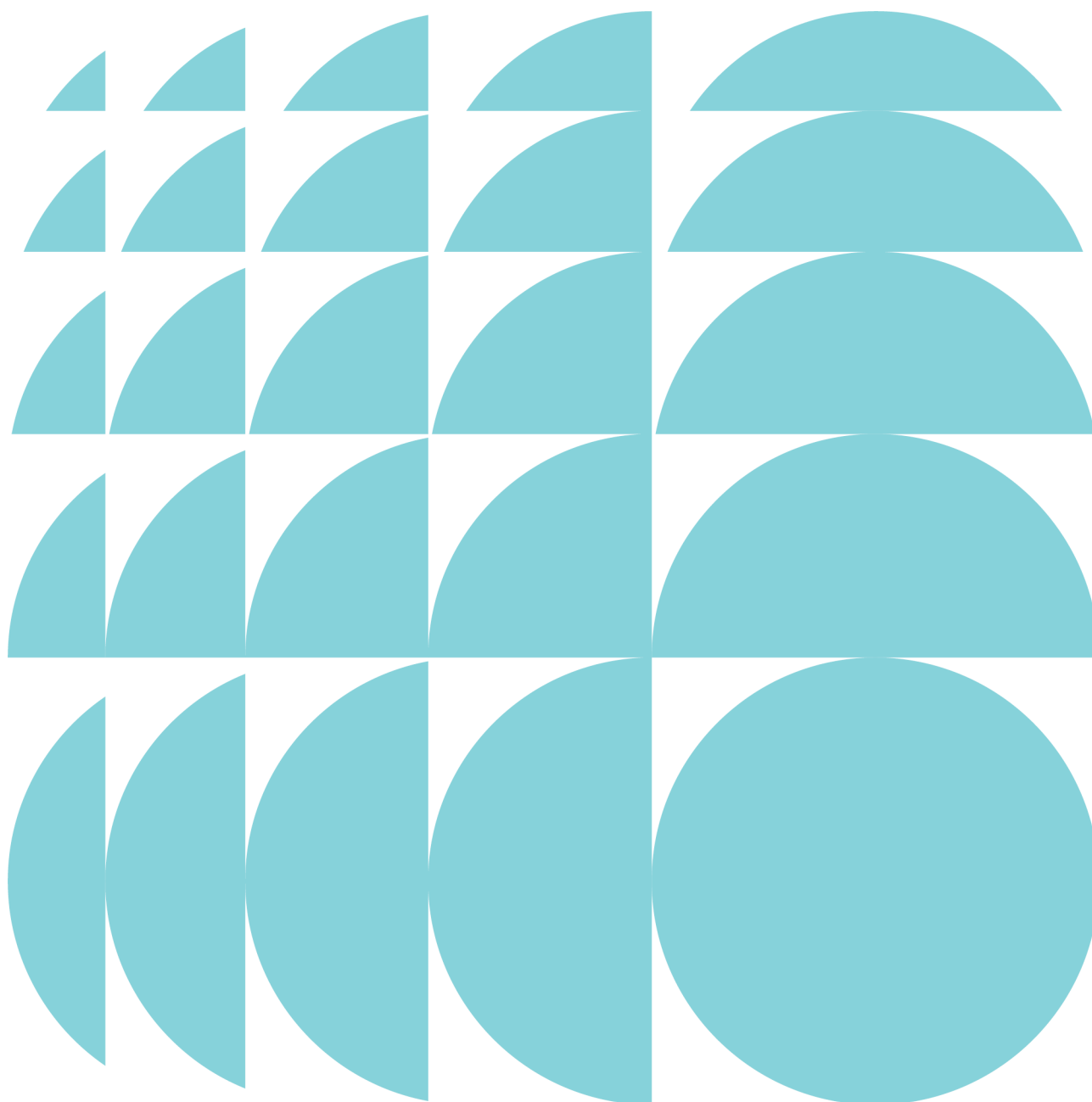
ETHOS URBAN

Environmental Impact Statement

Part of 91 Gardiner Street, Rutherford
Livestock Processing Facility

Submitted to Maitland City Council
On behalf of SPF Diana Australia Pty Ltd

13 May 2022 | 2210654



Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We acknowledge the Gadigal people, of the Eora Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

We pay our respects to their Elders past, present and emerging.

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TTW

Statement of Validity

Development Application Details

Applicant name	SPF Diana Australia Pty Ltd
Applicant address	Hawthorne Street, Beresfield NSW 2322
Land to be developed	Part of 91 Gardiner Street, Rutherford (Lot 2 DP 1197299)
Proposed development	Livestock processing industry as described in Section 4.0 of this Environmental Impact Statement

Prepared by


Name	Tim Ward
Qualifications	B Sc (Geography) UNSW
Address	173 Sussex Street, Sydney NSW 2000
In respect of	Designated Development – Development Application

Certification

I certify that I have prepared the content of this EIS and to the best of my knowledge:

- it is in accordance with Schedule 2 of the Environmental Planning and Assessment Regulation 2000;
- all available information that is relevant to the environmental assessment of the development to which the statement relates; and
- the information contained in the statement is neither false nor misleading.

Signature



Name	Tim Ward
Date	13/05/2022

Executive Summary

Purpose of this Report

This submission to Maitland City Council comprises an Environmental Impact Statement for a Development Application (DA) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It relates to an application for Designated and Integrated Development concerning the construction and operation of a pet food ingredient manufacturing facility.

The DA is classified as Designated Development pursuant to Clause 22 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) as the proposed development is in respect to the operation of a livestock processing facility that has a production capacity of up to 25,000 tonnes per annum, and is within 5km of residential zone land. In accordance with Clause 23 of Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act), the proposal also requires an environmental protection licence as it has a production capacity of up to 25,000 tonnes per annum. As such, under Section 4.46 of the EP&A Act, the proposal is also Integrated Development.

Pursuant to the requirements of the EP&A Regulation, an application for a Designated Development must be accompanied by an Environmental Impact Statement (EIS). A request for the issue of secretary's Environmental Assessment Requirements (SEARs) was sought on 9 December 2021. Accordingly, the SEARs were issued on 18 January 2022. This submission addresses the issues raised in the SEARs.

Overview of the Project

The DA seeks approval for the construction and operation of pet food ingredient manufacturing facility with a capacity for the production of up to 25,000 tonnes per annum.

The Site

The site is located at proposed future Lot 206, 91 Gardiner Street, Rutherford, and will have an area of 23,015m². The site will form part of an industrial community title subdivision (see draft subdivision plan at **Appendix F**), which is currently being prepared by Hunter Land Corporation and will imminently be lodged with Council. The site will be accessed from a future private road, via Gardiner Street, to be delivered as part of the community title subdivision.

Planning Context

Section 6.0 of the EIS considers all applicable legislation in detail. The proposal is consistent with the requirements of all relevant State Environmental Planning Policies (SEPPs) as they apply to the site and the development. The site is zoned IN1 General Industrial pursuant to the *Maitland Local Environmental Plan (LEP) 2011*. For the purposes of Schedule 3 of the EP&A Regulation, the proposed development is defined as a livestock processing industry, which is a type of rural industry – rural industry is permissible with consent and meets the objectives of the subject zone.

Environmental Impacts and Mitigation Measures

This EIS provides an assessment of the environmental impacts of the project in accordance with the SEARs and sets out the undertakings made by the Proponent to manage and minimise potential impacts arising from the development. It demonstrates that the proposed development is satisfactory in relation to:

- **Strategic Context** – The proposed use is consistent with the land use zone of the site, and strengthens the role of Rutherford as a regionally significant employment cluster. The proposed development is also consistent with relevant planning instruments (notwithstanding any minor non-compliance justified within this report). Refer to **Section 2.4** and **Section 5.1** of this report;
- **Contamination** – There is no indication of gross contamination which would constrain the development of the site for the proposed use. The proposed development is found to be suitable for the site without the need for remediation or a detailed site investigation. Refer to **Section 5.2**.
- **Hazards** – The proposed dangerous goods quantities exceed the Department of Planning's screening thresholds and as such is characterised as 'potentially hazardous'. Several recommendations are presented in

the Preliminary Hazard Analysis, which are considered fundamental in aiding the control of risks presented by the proposed development, ensuring that it is not deemed to be 'hazardous'. Refer to **Section 5.3**.

- **Air Quality and Odour** – The odour modelling predictions conclude that the proposed development would comply with the EPA's criteria at all existing and future sensitive receptors. Refer to **Section 5.4**.
- **Wastewater Management** – A waste water treatment plant is proposed to separate sludge and solids from wastewater. All sludge and solids will be picked up by a licenced waste contractor. Once treated, an average of 30,000L of wastewater will be discharged to sewer each day, under a trade wastewater agreement with Hunter Water. Refer to **Section 5.5**.
- **Noise and Vibration** – Operational impacts of the mechanical equipment, factory use, truck movements, forklift operations, and light vehicle movements were assessed at the 16 nearest residential receptors. The proposal is predicted to comply with the recommended noise criteria at the surrounding receivers without the need for additional acoustic treatment. Refer to **Section 5.6**.
- **Traffic Impact and Parking** – A traffic study of the existing Beresfield facility informed the proposed traffic generation, which concluded the proposed traffic generation during road network peak periods would be minimal and would not impact on the function of the surrounding road system. The potential peak hour traffic generation would have minimal impact on the future intersection operating conditions, namely the intersection of the New England Highway / Kyle Street / Mirage Drive. A total of 45 car spaces is provided onsite, which is compliant with Council's car parking requirements. Refer to **Section 5.7**.
- **Lighting** – Lighting will be designed and installed in accordance with the Australian Standards. There is sufficient distance between the site and adjacent residential properties to ensure light impacts are contained. Refer to **Section 5.8**.
- **Biodiversity** – Existing biodiversity constraint considerations identified three Plant Community Types within the study area, with no threatened flora species identified during the field assessment. Field assessments indicate that 0.67ha of PCT 1600 Spotted Gum and 1.4ha of derived grassland will be required to be removed. As native vegetation being removed exceeds the BAM threshold trigger, a Biodiversity Development Assessment Report (BDAR) is being prepared by Hunter Land Corporation as part of the industrial community title subdivision, although assessment of specific species will be delayed until September/October to ensure surveys are completed in the appropriate season. Refer to **Section 5.9**.
- **Bushfire** – A number of bushfire protection measures (Asset Protection Zones, construction standards for the weighbridge, water supply etc) are necessary to protect the building and its occupants from the threat of bushfire. Refer to **Section 5.10**.
- **Aboriginal Heritage** – A portion of the Project Area is considered a Potential Archaeological Deposit and has associated archaeological sensitivity. The development footprint does not overlap the PAD, however, it does overlap the area of archaeological sensitivity associated with the PAD. Further archaeological test excavation is to be undertaken to sample areas archaeological sensitivity where development is being proposed. This process would need to be undertaken with Aboriginal community consultation and an Aboriginal Cultural Heritage Assessment Report (ACHAR) will be prepared and provided to Council. Refer to **Section 5.11**.
- **European Heritage** – The proposed building, earthworks and associated retaining wall will have a negligible impact on the heritage significance of the adjacent heritage item (Government Railway). Refer to **Section 5.12**.
- **Stormwater Management** – The installation of a detention tank would reduce the post development peak flows below the predevelopment peak flows for the 10% and 1% Annual Exceedance Probability (AEP) storm events. While the post developed peak flows have not been reduced below the predeveloped peak flows for the 1-year AEP storm events, mechanisms are proposed to reduce these flows to ensure peak flows do not have an impact on the downstream stormwater drainage infrastructure. In relation to stormwater quality, several measures will be implemented to ensure the site meets and exceeds the relevant targets. Refer to **Section 5.13**.
- **Waste Management** – Waste generated by the proposal has been identified, and appropriate measures established to ensure waste is minimised during construction and operation phases of the development. Refer to **Section 5.15**.

All measures that have been recommended as part of the detailed technical studies to mitigate potential environmental impacts have been incorporated into the proposed development, or are included in the Mitigation Measures at **Section 7.0**.

Conclusion and Justification

In considering economic and social impacts, including the principles of ecologically sustainable development, the proposed development is justified and should be approved. The potential impacts of the proposed development are acceptable and are able to be managed and the development is entirely consistent with the relevant planning controls that apply to the site. Given the planning merits of the proposal, the proposed development warrants approval by the Council.

1.0 Introduction

This Environmental Impact Statement (EIS) is submitted to Maitland City Council pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), in support of an application for Designated and Integrated Development for a pet food ingredient manufacturing facility.

Clause 22 of Schedule 3 of the EP&A Regulation stipulates that livestock processing facilities constitute Designated Development if they meet the following criteria:

22 Livestock processing industries

Livestock processing industries (being industries for the commercial production of products derived from the slaughter of animals or the processing of skins or wool of animals)--

...

(b) that manufacture products derived from the slaughter of animals, including--

...

(iii) plants with an intended production capacity of more than 5,000 tonnes per year of products (including hides, adhesives, pet feed, gelatine, fertiliser or meat products), or

...

(d) that are located--

(i) within 100 metres of a natural waterbody or wetland, or

(ii) in an area of high watertable or highly permeable soils or acid sulphate, sodic or saline soils, or

(iii) on land that slopes at more than 6 degrees to the horizontal, or

(iv) within a drinking water catchment, or

(v) on a floodplain, or

(vi) within 5 kilometres of a residential zone and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste.

Since the proposed development is in respect of the operation of a pet food ingredient manufacturing facility that has a production capacity of up to 25,000 tonnes per annum, and is within 5km of residential zone land, the DA is classified as Designated Development. Designated Development is required to be supported by an EIS.

Clause 23 of Schedule 1 of the POEO Act stipulates that livestock processing activities require an environmental protection licence if they meet the following criteria.

23 Livestock processing activities

(1) This clause applies to the following activities—

general animal products production, meaning the manufacture of products derived from the slaughter of animals occurring in plants producing products such as hides, adhesives, pet food, gelatine, fertiliser or meat products.

greasy wool or fleece processing, meaning the scouring, topping or carbonising of greasy wool or fleeces.

rendering or fat extraction, meaning the manufacture of products derived from the slaughter of animals occurring in rendering or fat extraction plants.

slaughtering or processing animals, meaning the slaughtering or processing of animals (including poultry and fish).

tanneries or fellmongeries, meaning the manufacture of products derived from the slaughter of animals occurring in tanneries or fellmongeries (that is, operations that process animal skins or other animal products to produce leather or other similar products).

(2) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

Table

Column 1 Activity	Column 2 Criteria
<i>general animal products production</i>	<i>capacity to produce more than 5,000 tonnes of animal products per year</i>
<i>greasy wool or fleece processing</i>	<i>capacity to process more than 200 tonnes of wool or fleece per year</i>
<i>rendering or fat extraction</i>	<i>capacity to produce more than 200 tonnes of tallow, fat or their derivatives or proteinaceous matter per year</i>
<i>slaughtering or processing animals</i>	<i>capacity to slaughter or process more than 750 tonnes live weight per year</i>
<i>tanneries or fellmongeries</i>	<i>capacity to process more than 2 tonnes of skins or hides per year</i>

Since the proposed development is in respect of the operation of a pet food ingredient manufacturing facility that has a production capacity of up to 25,000 tonnes per annum, it would require an Environment Protection Licence issued under the POEO Act from the Environment Protection Authority. As such, the DA is also classified as Integrated Development pursuant to Section 4.46 of the EP&A Act.

This EIS has been prepared by Ethos Urban on behalf of SPF Diana Australia Pty Ltd, and is based on the Architectural Plans by Bell Architecture (see **Appendix C**) and other supporting technical information appended to the report (see Table of Contents).

This EIS has been prepared in accordance with the requirements of Part 4 of the EP&A Act, Schedule 2 of the EP&A Regulation, and the SEARs for the preparation of the EIS. This EIS should be read in conjunction with the supporting information and plans appended to and accompanying this report.

1.1 Overview of Proposed Development

The proposed development is for a pet food ingredient manufacturing facility. Meat from off-site meat production facilities and/or abattoirs would be delivered to the site, where it is then processed into a protein-based liquid palatability enhancer for off-site pet food production. The product is sold as a wholesale liquid to pet food producers to be made into kibbles and other forms of pet food. It is anticipated that the total liquid ingredient production capacity of the facility will be up to 25,000 tonnes per annum.

The proposed development is proposed to be able to operate 24 hours per day, seven days per week. The proposed facility would employ up to 40 employees or contractors. Specifically, the proposed development seeks construction of a two storey building including the following elements:

- Construction and operation of a livestock processing facility with a capacity up to 25,000 tonnes per annum. It includes the following main components:
 - Production area – where meat is processed and cooked
 - Warehousing – for finished goods
 - Ancillary areas including office space, mechanical plant, laboratories control room, cleaning rooms, staff breakout rooms, amenities.
- Business identification signage.

Architectural Plans have been prepared (refer to **Appendix C**). The cost of works associated with the proposed development is \$28.56 million. A Quantity Surveyor's Report has been included **at Appendix X**). As the works do not exceed \$30 million, the proposal does not constitute State Significant Development.



Figure 1 Perspective – view from street

Source: Bell Architecture

1.2 Background to the Development

1.2.1 SPF Diana Australia Pty Ltd

SPF Diana Australia Pty Ltd (Diana Pet Food) (the Proponent) is a global leader and pioneer of high value solutions, improving pets’ well-being and owners’ satisfaction. Diana Pet Food is a multinational supplier of wholesale pet food ingredients. Across 5 continents, the Proponent’s global network comprises 17 industrial sites, 18 sales offices and 3 expert-measurement centres. Diana Pet Food has operated a pet food ingredient manufacturing facility in Beresfield for just over 20 years, and are seeking to relocate its existing facility to Rutherford. The Proponent is committed to a facility that provides positive benefits to the community whilst ensuring that potential environmental impacts are minimised and appropriately managed.

SPF Diana Australia Pty Ltd is trading in Australia under the name of Diana Pet food and as such is using the Diana Pet Food logo. In March 2022, as part of global management decision, the ‘dianapetfood’ logo has been replaced by the ‘Symrise’ logo, globally. The business will continue to operate in Australia under the registered business name of ‘SPF Diana Australia Pty Ltd’, while using the Symrise logo. Aspects of the proposed development, namely signage, represent the Symrise name and logo.



1.2.2 Future Subdivision Development Application

Hunter Land Corporation will imminently be lodged with Maitland City Council for a community title subdivision comprising 6 lots and the construction of a private road (see draft subdivision plan at **Appendix F**). This subdivision will create the allotment of future Lot 206, which will contain the proposed pet food manufacturing facility. Proposed future Lot 206 is sited at the head of the private road cul-de-sac, at the western end of the subdivision. At this stage, Hunter Land Corporation have advised they will be imminently lodging the DA with Council.

Importantly, under a contractual agreement, Hunter Land Corporation are responsible to deliver the proposed future Lot 206 and are required to make arrangements for utilities and access to the site, tree removal and associated retiring of biodiversity credits, and undertake Aboriginal heritage investigations including the ACHAR.

To ensure a coordinated approach to planning and design for the subject DA, all supporting plans and technical studies take into consideration and reflect the layout of proposed Lot 206.

1.3 Council Consultation

A pre-DA meeting was held with Maitland City Council on 13 January 2022. The points raised by Council included adherence to the SEARs, and provide advice in relation to planning, engineering, heritage, ecology and environmental health. The key outtakes of the meeting minutes are detailed in **Table 1** below.

Table 1 Pre-Lodgement Meeting Minutes

Pre-Lodgement Meeting Minutes	Response
Planning	
<p>An EIS for designated development must be prepared in accordance with the Planning Secretary's requirements. It is noted that SEAR's has been submitted with the DPIE. The SEAR's is expected to provide a detailed statement that fully addresses the likely environmental impacts of the development (including impacts on both the natural and built environments), the social and economic impacts in the locality, and how the environmental impacts of the development have been identified. The EIS should demonstrate how identified impacts will be mitigated. A detailed discussion is required, but not limited to the information contained in this document. The EIS must also address site suitability and demonstrate that in designing the proposal you have fully considered and responded to the applicable site constraints legislative provisions. Any departures from legislative requirements should be justified with appropriate reasons for justification.</p>	<p>The requirements of the SEARs and EIS in line with the EP&A Regulation are addressed in this document.</p>
<p>A detailed bulk earthworks plan is required that responds sensitively to the topography of the land to restrict and control excessive earthworks. Cut and fill should minimise land shaping outside of the building footprint and ensure that the amount of cut and fill does not concentrate surface flows onto adjoining properties or impact the riparian area. The plan should indicate the total amount of cut and fill across the entire site with inclusion of existing levels of the land for such works, including the construction of building and those areas of the site external to building platforms. Any cut/fill batters or retaining along boundary lines shall be clearly indicated in regard to heights and offsets to boundaries.</p>	<p>A bulk earthworks plan is provided at Appendix Z. A discussion on proposed earthworks and retaining walls is provided at Section 5.14 of this EIS.</p>
<p>Any cut retaining walls shall be offset away from neighbouring boundaries and road reserves. In addition, provision of longitudinal section plans for retaining in relation to their relationship with boundaries and/or fencing is also required. Any departures from Council's DCP in this regard should be fully justified, in particular, where retaining is not offset from boundaries and should provide good justification given potential issues with construction of walls and sub soil drainage etc.</p>	<p>Cut retaining walls are offset from the road reserve. A retaining wall adjacent the south-western boundary is proposed to stabilise cut. The face of perimeter retaining walls have been offset 600mm from the property boundary to ensure all construction works are within the property boundaries. See also Section 5.14 of this EIS.</p> <p>Longitudinal section plans of the retaining walls are provided in the Civil Plans at Appendix Z.</p>
<p>Please be aware this advice is dependent on the satisfactory approval of a subdivision creating proposed lot 206. This advice is provided without prejudice to the satisfactory establishment of the subdivision first. There is currently no application lodged for the subdivision of the western portion of 91 Gardiner Street; however the applicant indicated during the meeting that the further subdivision of land identified as 'Lot 3' will be imminently lodged with Council. Proposed lot 3 is a residue lot containing all the western vegetation and watercourses as approved via DA2019/1049 and as currently considered via modification</p>	<p>Noted. A future development application relating to the community title subdivision will be imminently lodged with Council. See draft subdivision plan for reference.</p>

Pre-Lodgement Meeting Minutes	Response
DA2019/1049:1. Note: There is also a DA under assessment for the 12 lot industrial subdivision of proposed lot 2 (as approved via DA2019/1049, ref DA2021/1314).	
The sewer is to be extended in Gardiner Street; however confirmation from HWC is recommended prior to lodgement. The application will need to demonstrate the ability to connect to the far western end of this site.	Hunter Water Corporation have confirmed sewer from Gardiner Street will be extended to service the site. See confirmation at Appendix Y .
Engineering	
Stormwater: Individual detention requirements are permitted within this subdivision.	Noted.
Vehicle Access and Traffic Management: It is recommended that a redesign of the vehicle access is made. The manoeuvring of trucks and cars should be separated. Full swept paths for the largest vehicle manoeuvring the site shall be shown. Pedestrian paths shall also be shown on the plans.	Redesign of the vehicle access has been made to ensure heavy vehicle access is separate from car access. See Section 5.75.7 and Appendix H for further details.
Heritage	
The site is not identified as a heritage item, nor is it within a heritage conservation area; however the site adjoins Heritage Item I119 Main Northern Railway. The supporting documentation shall address any impacts.	Impacts upon the adjacent heritage item have been addressed in the Heritage Impact Statement at Appendix M .
Building	
Ensure the building meets accessibility and fire safety standards under both the BCA, Australian Standards and Guidelines and the requirements of Maitland DCP 2011 (where applicable).	A BCA Statement has been prepared and is made available at Appendix W .
Ecology	
<p>There are 3 vegetation communities present within the portion of the greater proposed Lot 3, that is likely to accommodate any future proposed lot 206. These communities include:</p> <ul style="list-style-type: none"> - Lower Hunter Spotted Gum – Ironbark Forest (Endangered under the BC Act 2016) - Hunter Lowland Red Gum Forest (Endangered under the BC Act 2016) - Hunter Valley Moist Forest (not listed) <p>The vegetation present has also been mapped by State government as High Environmental Value (HEV) as part of the High Environmental Value for Hunter Regional Growth Planning area based on two criteria:</p> <ul style="list-style-type: none"> - Key Habitat for Threatened Species - Threatened Ecological Communities <p>Surrounding remnant bushland has been identified as suitable habitat for numerous threatened fauna species including Squirrel Glider (listed threatened under the BC Act).</p> <p>The vegetation corridor has also been identified as a Regional and sub regional corridor through a focal species analysis (NGH 2021).</p> <p>Note that while vegetation clearing can be offset outside of the LGA, wildlife corridor cannot. DA2007/1067 approving a four lot subdivision over 91 Gardiner Street references the retention of vegetation within 'stage 3' (i.e. the western portion of 91 Gardiner Street). In summary, the report states that the land is identified within MCC's greening plan, however a previous approval (DA2004-2672) has permitted some clearing of this site. DA2007/1067 then states that retaining the vegetation in the west is of importance. DA2007-1067 imposes a condition stating that this consent does not permit any works within stage 3 (thus attempting</p>	<p>While the predominant remnant vegetation corridor lies outside proposed future Lot 206, biodiversity and vegetation impacts and mitigation measures have been addressed in the Preliminary Biodiversity Development Assessment Report at Appendix J.</p>

Pre-Lodgement Meeting Minutes	Response
to protect the vegetation). Resolution of the vegetation matters for any proposed subdivision creating 'Lot 206' is critical to enabling the continuation of this project.	
Environmental Health	
Acoustic impacts of the development must be fully addressed as part of any development application and acoustic report provided. Hours of operation shall be clearly defined.	An Acoustic Report is provided at Appendix I . The proposal is proposed to operate 24 hours, 7 days a week.
A lighting summary shall be provided (noting the potential for 24 hours operation). Light spill shall not impact residential areas or local fauna.	A Lighting Impact Assessment has been prepared at Appendix V .
An odour impact and air quality report prepared by a suitably qualified professional shall be prepared and submitted with the application. The report shall pay specific attention to the residential subdivision to the east of the site.	An Air Quality and Odour Report has been prepared (Appendix G).
The site has been identified as 'potentially contaminated' as an activity listed on Table 1 of SEPP 33 has occurred on the site. The site has also been identified as a PFAS investigation area; therefore as part of lodgement detail, a Preliminary Site Investigation (PSI) shall be submitted. There is a likelihood that a Phase 2, detailed Site Investigation may be required; however the outcomes of the PSI would guide this. For guidance on the process the applicant should refer to: - Council's contaminated land policy https://www.maitland.nsw.gov.au/contaminated-land-policy-land-use-planning ; - SEPP 55 and associated guidelines; - Any relevant NSW EPA guidelines, including the Guidelines for Consultants Reporting on Contaminated Land https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/contaminated-land/20p2233-consultants-reporting-on-contaminated-land-guidelines.pdf?la=en&hash=EBB6758A2DE448534B6FDD5057D280523E423CC7	A Preliminary Site Investigation (see Appendix R) has been undertaken which did not recommend undertaking a Phase 2 Detailed Site Investigation.
A management plan for waste servicing of the site shall be submitted. This plan shall specify the types of waste product produced on site, and suitably separate organic matter and packing material etc.	An analysis of waste processes is detailed at Section 5.15 and Appendix T .

1.4 Objectives of the Development

The rate of Australian pet ownership has increased significantly in recent years during the COVID-19 pandemic. According to a survey conducted by Animal Medicines Australia, a total of 69% of all Australian households own a pet as of August 2021, with almost 50% owning at least one dog and 30% owning a cat.¹ Consequently, the need for pet food has also grown.

The key objective of the proposed development is to construct a new pet food ingredient manufacturing facility. Diana Pet Food seek to expand and grow its presence in the Maitland LGA in response to the increasing demand for greater product choice and quality for pets. The proposed development, which manufactures a liquid palatability enhancer, delivers highly sought-after quality pet food. The proposal will increase Diana Pet Food's manufacturing output, strengthen the role of the Rutherford employment area, and increase employment within the Maitland LGA.

1.5 Analysis of Alternatives

1.5.1 Strategic Need for the Proposal

The proposed development sits in the Rutherford employment area which is earmarked as a strategic employment hub. Considering the Proponent's expanding operations and desire to upgrade, a new location is sought in relative proximity to its current facility at Beresfield. This will ensure that existing workforce can be retained and relocated from the existing facility, and maintains the operation in close proximity to livestock sources throughout the Hunter

¹ 'Australian pet ownership reaches record high during Covid pandemic', 16 August 2016, *The Daily Telegraph*, <<https://www.dailytelegraph.com.au/news/nsw/australian-pet-ownership-reaches-record-high-during-covid-pandemic/news-story/3d6bafa280bd2715056c28a4961aecc>>.

and surrounding districts. The site is suitably well-distanced from low-density residential areas, where spatial separation in itself, serves as a mitigation measure between the site and more sensitive land uses.

1.5.2 Alternative Options

Three options are available to the Proponent in responding to the identified need for upgrading and expanding their manufacturing output.

Option 1: Do Nothing

Given Diana Pet Food’s identified growth which is driven by market demand, a do nothing scenario would fail to capitalise on potential additional economic activity. Where the Proponent is restricted in such a way in this market, it may drive up costs with flow on effects to consumers, and may push the company to focus investment and growth away from the Maitland LGA.

Option 2: Upgrade of Existing Facility

The existing facility at Beresfield demonstrates a lack of floorspace and future flexibility for the company’s operations. Further, were the current facility upgraded, this would require Diana Pet Food to cease manufacture of its products in the area for a period of up to 3-4 years dependent on construction/fit out timelines. The Beresfield site also lacks the strategic employment characteristics identified for Rutherford and thus is without any future agglomeration effects.

Option 3: The Proposed Development

The proposed development will provide a modern and more environmentally sensitive pet food ingredient manufacturing facility in an industrial area that is subject to future growth. The proposed development is compatible with surrounding development, as demonstrated in supporting technical studies in the EIS. The development will contribute to the vision for Rutherford as a strategic employment area in the Maitland LGA.

1.6 Secretary’s Requirements

In accordance with section 4.39 of the EP&A Act, the Secretary of the Department of Planning and Environment issued the requirements for the preparation of the EIS on 18 January 2022. A copy of the Secretary’s Environmental Assessment Requirements (SEARs) is included at **Appendix A**.

Table 2 provides a detailed summary of the individual matters listed in the SEARs and identifies where each of these requirements has been addressed in this report and the accompanying technical studies.

Table 2 Secretary’s Requirements

Requirement	Location in Environmental Assessment	
General		
The Environmental Impact Statement (EIS) must address the <i>Environmental Planning and Assessment Act 1979</i> and meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 the Environmental Planning and Assessment Regulation 2000.	Environmental Impact Statement	
Key Issues	Report/EIS	Technical Study
<p>Environmental assessment requirements</p> <p>The EIS must include an assessment of all potential impacts of the proposed development on the existing environment (including cumulative impacts if necessary) and develop appropriate measures to avoid, minimise, mitigate and/or manage these potential impacts. As part of the EIS assessment, the following matters must also be addressed:</p> <ul style="list-style-type: none"> • Strategic and Statutory Context; • Suitability of the Site; • Waste Management; • Food Safety; • Air Quality and Odour; • Noise and Vibration; • Soil and Water; 	See below.	

Requirement	Location in Environmental Assessment	
<ul style="list-style-type: none"> Traffic and Transport; Hazards and Risk; Biodiversity; Visual; and Heritage. 		
<p>Strategic and Statutory Context</p> <ul style="list-style-type: none"> a detailed justification for the proposal and suitability of the site for the development a Land Use Conflict Risk Assessment prepared in accordance with relevant Department of Primary Industries guidelines a demonstration that the proposal is consistent with all relevant planning strategies, environmental planning instruments, development control plans (DCPs), or justification for any inconsistencies a list of any approvals that must be obtained under any other Act or law before the development may lawfully be carried out. 	Section 5.0	
<p>Suitability of the Site</p> <ul style="list-style-type: none"> a detailed justification that the site can accommodate the proposed processing capacity, having regard to the scope of the operations and its environmental impacts and relevant mitigation measures floor plans depicting the proposed internal layout, including the location of machinery and equipment. 	Environmental Impact Statement (addressed throughout)	N/A
<p>Waste Management</p> <ul style="list-style-type: none"> details of the types, quantities and classification of all waste streams to be generated on site during construction and operation of the development details of waste storage and handling including, transport, identification, receipt, stockpiling and quality control including off-site reuse and disposal the measures that would be implemented to ensure that the proposed development is consistent with the aims, objectives and guidelines in the <i>NSW Waste Avoidance and Sustainable Materials Strategy 2041</i>. 	Section 5.15	Appendix T
<p>Food Safety</p> <ul style="list-style-type: none"> including details of how the proposed development would meet the relevant Australia Standards and NSW Food Authority Standards in relation to meat handling and processing. 	-	Appendix DD
<p>Air Quality and Odour</p> <ul style="list-style-type: none"> an assessment of the potential air quality, dust and odour impacts of the development, during both construction and operation, in accordance with relevant Environment Protection Authority guidelines a description and appraisal of air quality and odour impact mitigation and monitoring measures 	Section 5.4	Appendix G
<p>Noise and Vibration</p> <ul style="list-style-type: none"> a description of all potential noise and vibration sources during construction and operation, including road traffic noise a noise and vibration assessment in accordance with the relevant Environment Protection Authority guidelines a description and appraisal of noise and vibration mitigation and monitoring measures. 	Section 5.6	Appendix I
<p>Soil and Water</p> <ul style="list-style-type: none"> a description of local soils, topography, drainage and landscapes details of water usage for the proposal including existing and proposed water licencing requirements in accordance with the <i>Water Act 1912</i> and/or the <i>Water Management Act 2000</i> an assessment of potential impacts on floodplain and stormwater management and any impact to flooding in the catchment details of sediment and erosion controls a detailed site water balance an assessment in accordance with ASSMAC Guidelines for the presence and extent of acid sulfate soils (ASS) and potential acid sulfate soils (PASS) on the site and, where relevant, appropriate mitigation measures 	Sections 5.2, 5.13	Appendix P, Q, R

Requirement	Location in Environmental Assessment	
<ul style="list-style-type: none"> an assessment of potential impacts on the quality and quantity of surface and groundwater resources details of the proposed stormwater and wastewater management systems (including sewage), water monitoring program and other measures to mitigate surface and groundwater impacts, including a detailed stormwater assessment to ensure that the New England Highway (State road) will not be negatively impacted characterisation of the nature and extent of any contamination on the site and surrounding area any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations to address this a description and appraisal of impact mitigation and monitoring measures. 		
<p>Traffic and Transport</p> <ul style="list-style-type: none"> details of road transport routes and access to the site road traffic predictions for the development during construction and operation, including consideration of traffic impacts on the New England Highway an assessment of impacts to the safety and function of the road network and the details of any road upgrades required for the development. 	Section 5.7	Appendix H
<p>Hazards and Risk</p> <ul style="list-style-type: none"> a preliminary risk screening completed in accordance with State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33 (DoP, 2011), with a clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the development. Should preliminary screening indicate that the project is "potentially hazardous" a Preliminary Hazard Analysis (PHA) must be prepared in accordance with Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis (DoP, 2011) and Multi-Level Risk Assessment (DoP, 2011). an assessment of the risk of bushfire, including addressing the requirements of Planning for Bush Fire Protection 2019 (RFS). Any proposed Asset Protection Zones must not adversely affect environmental objectives (e.g. buffers) 	Section 5.3	Appendix L
<p>Biodiversity</p> <ul style="list-style-type: none"> accurate predictions of any vegetation clearing on site or for any road upgrades a detailed assessment of the potential impacts on any threatened species, populations, endangered ecological communities or their habitats, groundwater dependent ecosystems and any potential for offset requirements a detailed description of the measures to avoid, minimise, mitigate and/or offset biodiversity impacts. 	Section 5.9	Appendix J
<p>Visual</p> <ul style="list-style-type: none"> including an impact assessment at private receptors and public vantage points. 	Refer to Photomontages	-
<p>Heritage</p> <ul style="list-style-type: none"> including Aboriginal and non-Aboriginal cultural heritage. 	Sections 5.11 and 5.12	Appendix M and N
Environmental Planning Instruments and other policies		
<p>The EIS must assess the proposal against the relevant environmental planning instruments, including but not limited to:</p> <ul style="list-style-type: none"> State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 State Environmental Planning Policy (Koala Habitat Protection) 2021 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development Maitland Local Environmental Plan 2011 relevant development control plans and section 7.11 plans. 	Section 5.1	
Consultation		
<p>During the preparation of the EIS, you must consult the relevant local, State and Commonwealth government authorities, service providers and community groups, and address any issues they may raise in the EIS. In particular, you should consult with the:</p>	Section 4.0	-

Requirement	Location in Environmental Assessment	
<ul style="list-style-type: none"> • During the preparation of the EIS, you must consult the relevant local, State and Commonwealth government authorities, service providers and community groups, and address any issues they may raise in the EIS. In particular, you should consult with the: • Department of Planning and Environment, specifically the: <ul style="list-style-type: none"> ○ Environment, Energy and Science Group ○ Water Group ○ Department of Primary Industries ○ Environment Protection Authority • Heritage NSW • Transport for NSW • NSW Rural Fire Service • Mindaribba Local Aboriginal Land Council • Maitland City Council • the surrounding landowners and occupiers that are likely to be impacted by the proposal. <p>Details of the consultation carried out and issues raised must be included in the EIS.</p>		

2.0 Site Analysis

2.1 Site Location and Context

The site is located at proposed future Lot 206, 91 Gardiner Street, Rutherford, within the Maitland LGA. The site is approximately 5.5km northwest of Maitland, 35km northwest of the Newcastle CBD, 1.5km from Maitland Airport and 20km north-west of Diana Pet Food’s existing facility in Beresfield (**Figure 3**). The site is located within the Rutherford Employment Land, which is a regionally significant industrial and bulky goods business cluster.

The site adjoins a railway line and is adjacent to rural-zoned land to the south. The site is adjacent to industrial land to the east which is sought to be subdivided into smaller industrial lots under a future community title subdivision. The site adjoins B5 Business Development zoned land to the north and north-west, which is anticipated to accommodate the proposed Rutherford Park Freight and Business Centre. The site also adjoins Council-owned land to the north which is densely vegetated.

The site is not a heritage item, nor is it located within a heritage conservation area. The site adjoins the Main North Railway line to the south which is identified as a heritage item of local significance under the Maitland LEP 2011.

The site will form part of a community title subdivision (see draft subdivision plan at **Appendix F**). The site will be accessed from the proposed private road via Gardiner Street, to be delivered as part of the community title subdivision.

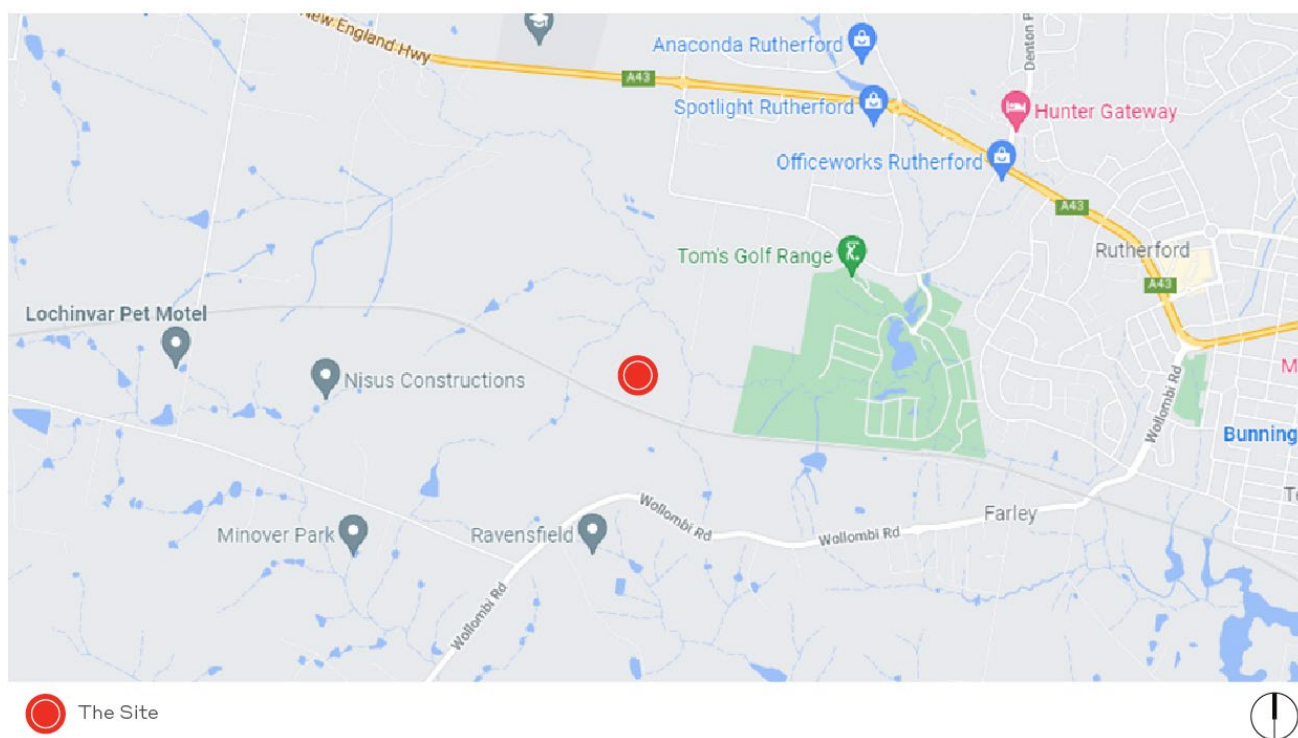


Figure 2 Locational context

Source: Google Maps annotated by Ethos Urban

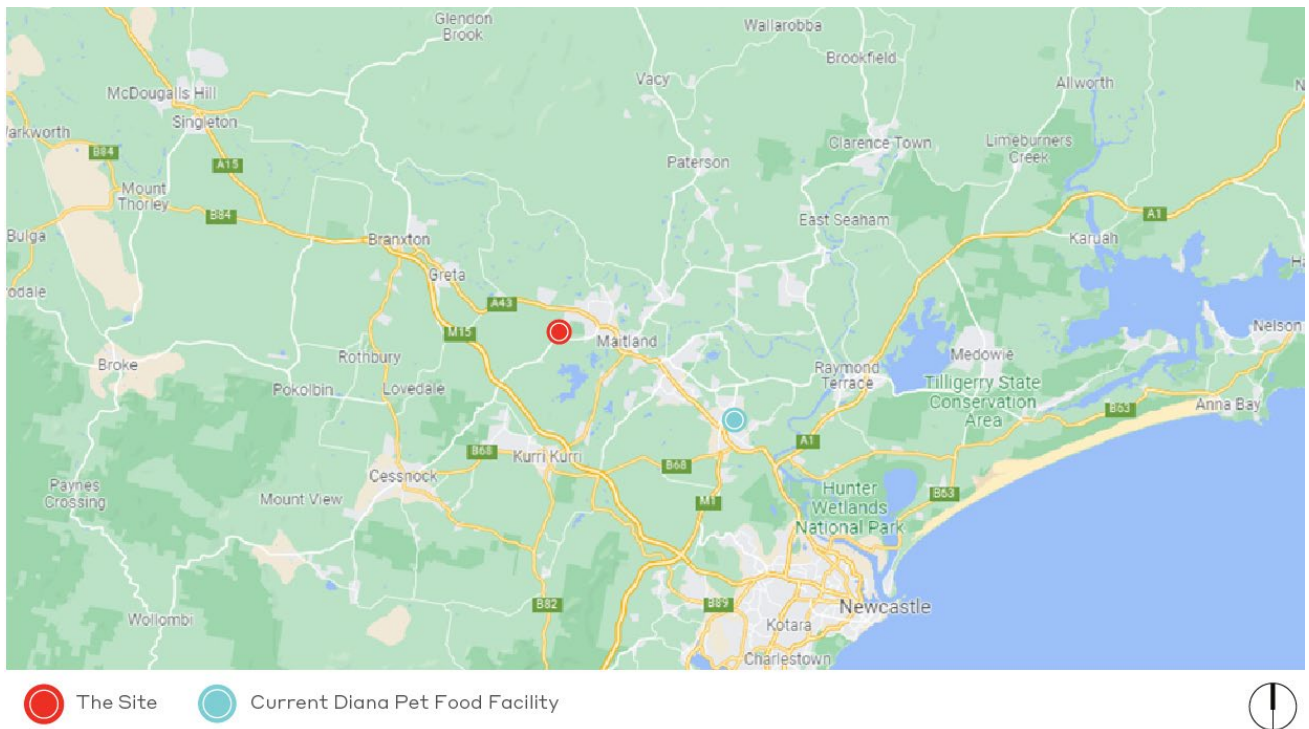


Figure 3 Broader regional context

Source: Google Maps annotated by Ethos Urban

2.2 Site Description

The site is legally described as part Lot 2 DP 1197299 and is currently owned by Machil Pty Ltd. The site, being proposed future lot 206, has an area of 23,015m² and is triangular in configuration. The proposed future lot is sited at the head of a proposed cul-de-sac, at the western end of the subdivision, and would be accessed from a proposed private road (to be delivered under the community title subdivision) via Gardiner Street.

The site has a slope of approximately 4.68m, falling from the south-western boundary to the north-eastern extremity of the site. The site is planned to benefit from an Easement for Stormwater 3m wide (C), which will be sought under the future community title subdivision (see draft Subdivision Plan at **Appendix F**).

A stream traverses the western-most portion of the site, which flows into Stoney Creek to the north. The site is predominantly cleared with some vegetation remaining at the rear and adjacent the site's boundaries, as shown in **Figure 3**. Council's mapping identifies the site as bushfire prone land.

Figure 4 to Figure 9 illustrate the current condition of the site.



Figure 4 The site within Lot 2 DP 1197299

Source: Nearmap annotated by Ethos Urban



Figure 5 The Site

Source: Nearmap annotated by Ethos Urban



Figure 6 The site facing west

Source: Hunter Civilab



Figure 7 Existing trees adjacent the site's northern boundary

Source: Hunter Civilab



Figure 8 The site facing east

Source: Hunter Civilab



Figure 9 The rear of the site with the Main North Railway Line visible to the rear

Source: Base Partnership

2.3 Development Application History

A summary of the site's DA history is outlined in **Table 3**.

Table 3 DA History

DA Number	Determination Date	Proposal	Status
DA/2021/1314	19/04/2022	Community title subdivision of proposed Lot 2 into twelve (12) lots	Operational Approval
DA/2019/1049:1	20/04/2022	Section 4.55(1A) Modification - Amend proposed lot boundaries and lot sizes	Operational Approval
DA/2019/1049	01/07/2020	Community title subdivision - One (1) lot into four (4) lots	Operational Approval
DA/07/1067	18/06/2008	Industrial subdivision – 57 lots and drainage reserve	Approved

2.4 Surrounding Development

2.4.1 Existing Development

The site is located on the southern periphery of the Rutherford Employment Land which is defined by industrial and business-zoned land. Surrounding development is summarised below:

- **North:** Cowhill Road is an unformed road and directly adjoins the site's northern boundary. To the north of the site is a motorcross track and Council-managed park, which is densely vegetated. The site is adjacent to B5 Business Development zoned land, which is currently occupied by dwelling houses. Maitland Airport is located approximately 1.5km north of the site.
- **South:** The Main North Railway, a local heritage item under the Maitland LEP 2011, adjoins the site to the south. Further to the south is land zoned RU2 Rural Landscape. This is predominantly vacant with sporadic dwellings, the closest of which, is 650m from the proposed development.
- **East:** Currently, the site adjoins vacant IN1 General Industrial land. Approximately 1.5km to the east of the site are low-density residential dwellings on land zoned RE2 Private Recreation which are permitted by virtue of Schedule 1(6) of the Maitland LEP 2011.
- **West:** The site is adjacent to B5 Business Development zoned land.

It is highlighted that the closest national parks are the Werakata National Park (over 8 km to the south-west) and Columbe State Conservation Area (over 20 km to the north-east). Due to the large distance away from the site the proposed development has no potential to impact on either national park. Further, no watercourses leaving the site connect to either national park.

2.4.2 Planned Development

The Rutherford Employment Land is recognised under local strategic plans to continue to evolve and adapt to support new economies and create jobs for a growing community. A summary of planned development in the site's vicinity is summarised below:

- **North and west:** Adjacent to the north and west of the site is intended to be the Rutherford Park Freight and Business Centre, which is identified in the Maitland Local Strategic Planning Statement (LSPS) as a 'key project'. SEARs for this project were issued on 18 December 2019 relating to a concept proposal and staged DA for a Freight and Business Park, including:
 - Stage 1: construction and operation of:
 - a rail spur and loop connecting to the Main Northern Railway;
 - a rail maintenance and provisioning facility within the RailPark;
 - internal roads and intersections with the New England Highway; and
 - subdivision and establishment of 10 lots into a 74 lot Business Park; and
 - Stage 2: construction and operation of a freight transport facility within the Rail Park, including an intermodal facility.

The Preliminary Environmental Assessment that accompanied the SEARs request identifies the site directly adjacent to the Stage 2 Rail Park (see **Figure 10**). It is noted the Stage 2 Rail Park is anticipated to operate 24 hours per day, seven days a week.

- **East:** It is expected that there will be further small-lot industrial development to the east of the site which will form part of a future industrial subdivision DA to be lodged with Council.

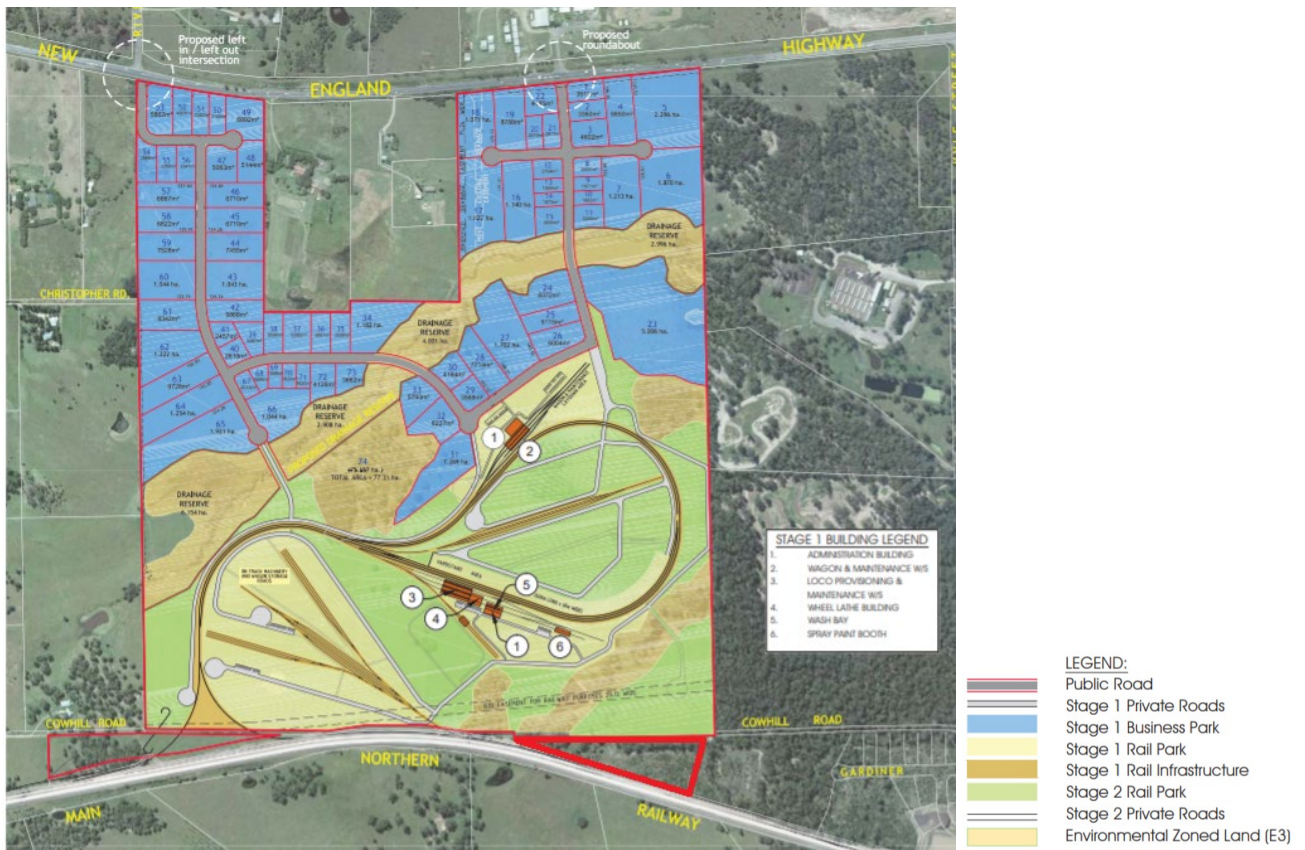


Figure 10 Concept Rail and Business Park (the site outlined in red)

Source: Ramboll Environ

3.0 Description of the Development

This chapter of the report provides a detailed description of the proposed development. Architectural drawings are included at **Appendix C**.

This DA seeks approval for:

- Construction and operation of a two storey pet food ingredient manufacturing facility with a capacity up to 25,000 tonnes per annum. It includes the following main components:
 - Production area – where livestock products are processed and cooked
 - Warehousing – for finished goods
 - Ancillary areas including mechanical plant, laboratories control room, cleaning rooms, office space, staff breakout rooms, amenities.
- Business identification signage.

3.1 Numerical Overview

The key numeric development information is summarised in **Table 4**.

Table 4 Key development information

Component	Proposal
Site area	23,015m ² (as per draft subdivision plan)
Gross floor area	6,407m ²
Maximum building height	15.25m (Top of parapet: 45 AHD; NGL: 29.75 AHD)
Boundary setbacks	North: 9m South-west: 9.5m East: 30m (including front 5m landscaped area)
Car spaces Heavy vehicle spaces Bicycle spaces	45 car spaces 1 space 6 spaces
Landscape area	4,145m ² (18%)
Retaining wall heights	Cut: 2.2m (contiguous piles) Fill: 2.2m (concrete retaining walls)

3.2 Spatial Description

The proposed pet food ingredient manufacturing facility is part one and part two storeys in height. The spatial arrangement of the facility is intrinsic to the production process and functional requirements of the facility. A general description of the proposed layout is provided below:

Ground floor

- **Loading** finished products and **unloading** of raw materials. The back-of-house area is sited at the rear of the building and is not visible from the public domain.
- **Production:** The production area comprises multiple rooms on the southern portion of the building, for the handling and cooking of the liquid pet food ingredients.
- **Warehouse:** Warehousing for finished goods is sited north of the building and is within proximity to loading dock.
- **Ancillary office use:** Ancillary offices, meeting rooms and staff amenities are located to the east of the building, adjacent to the car park.

First floor

- The first floor is occupied by plant, storage, biosecurity room and reactor mezzanine.

3.3 Process Description

The proposed development manufactures a liquid palatability enhancer which is a liquid petfood ingredient supplied to petfood manufacturers. The process consists of:

Production

Raw Material Receiving

Heavy vehicles arrive at the facility and deliver pallets of raw materials via the designated loading dock bays. Raw materials include beef liver, chicken liver, chicken guts, chicken MDM (mechanically deboned meat), salmon and kangaroo.

The packaging of the incoming material is manually removed and the raw material is transferred into plastic lined crates.

Defrost Room (unfreezing, if required)

Most of the incoming material is delivered frozen. Frozen raw materials crates are moved into a tempering room (unfreezing room) which is heated with steam from the boiler.

Grinding Room

Other material and frozen material, once thawed, gets tipped via a forklift into a grinder and the resultant slurry gets transferred into a mixing tank.

Reactor Room (cooking and adding ingredients)

The mixing tank receives flavour additives before being transferred to the heated processing tank (reactor) where the pH and temperature is controlled (pH with dosing phosphoric acid and caustic soda) and temperature from the steam from the boiler. Strict control of these parameters is necessary for the efficacy of the enzymes which are added as a powder manually via a hatch at the top of the tank. The enzymes and temperature liquify the slurry. Typical temperature of the liquid is 100°C, and max is 130°C.

Filtration Room (sifting)

This liquid is then sifted (screened using a vibrating screen) which removes solids such as bits of bone etc (i.e., material that the enzymes cannot break down) which is transferred directly into a bin as solid waste which is removed offsite by a licenced waste contractor.

Warehouse

Transfer to storage tanks

The product is cooled to 40°C transferred to bulk storage tanks where it is either decanted into Intermediate Bulk Containers (IBCs), BIBs, Pallecons, or Drums (mostly IBCs) or it is unloaded directly from the bulk storage via a tanker truck.

Quarantine (if required)

Some of the products are quarantined for a designated period within the facility.

3.4 Earthworks and Retaining Walls

The site has a slope of approximately 4.68m, falling from the south-western boundary to the north-eastern extremity of the site. The proposed finished floor level (FFL) of the building is RL 30.90. To facilitate the development, the proposal seeks a balance of cut and fill of up to 2.2m to regrade the site. The proposed FFL has been adopted in response to restrictions imposed on the surface grading as dictated by Australian Standards, and the requirement of the loading dock ground level to be 1.2m below the proposed FFL.

The height of proposed retaining walls varies as it correlates to the proposed earthworks. The face of perimeter retaining walls have been offset 600mm from the property boundary to ensure all construction works are within the property boundaries.

The Civil Plans (**Appendix Z**) provide details on the proposed earthworks and elevations of the retaining walls.

3.5 Site Access, Parking and Loading

3.5.1 Access

Vehicular access to the site is via a future private road to be delivered as part of a subdivision DA that will imminently be lodged with Council. Three (3) vehicle crossovers are proposed at the head of the future cul-de-sac as follows:

- Separate ingress/egress for light vehicles, controlled by boom gates.
- Ingress only for heavy vehicles, controlled by sliding gates.
- Egress only for heavy vehicles, controlled by sliding gates.

The heavy vehicle access driveway is an 8m wide one-way driveway which circulates the proposed building to allow access to the loading docks at the western extent of the building, and extends to the wastewater unit at the rear of the site.

3.5.2 Parking

Provision is made for 45 car spaces on-site for staff and visitors. Bicycle parking for six (6) spaces is provided. Car parking and bicycle parking is provided within the front setback and is easily accessible to the reception. Parking provision is further assessed in the Traffic and Parking Assessment at **Appendix H**.

3.5.3 Heavy Vehicles

It is expected that heavy rigid vehicles (HRV) or 19.0m semi trailers will service the development daily, noting these vehicle types service the existing facility in Beresfield. On occasion (less than once per day), access to / from the site may occur via a B-Double vehicle. Provision of six (6) loading docks is accommodated.

The Traffic and Parking Assessment at **Appendix H** provides swept paths which confirms the proposed access, loading dock arrangements and manoeuvring areas would adequately cater for the expected operational largest vehicle to access the site.

3.6 Stormwater Disposal

The site is planned to benefit from an Easement for Stormwater 3m wide (C), under a future community title subdivision, which would convey stormwater flows to the public stormwater network in Gardiner Street via the new subdivision's stormwater management system. The majority of stormwater flow will be direct to the detention tank located under the carparking area at the front of the development (i.e. the eastern end of the site). The pipe flows from the detention tank will be directed to the inter-allotment pit in the north-east corner of the site.

3.7 Wastewater Management

The proposal is serviced by an above-ground wastewater unit at the rear of the development. Wastewater equipment includes a filtration plant for gross pollutants, dosing plant, dissolved air flotation (DAF) plant and a bio-reactor. As documented in the Wastewater Management Plan (**Appendix AA**), wastewater will be managed as follows:

- Solids and sludge: Picked up by a licenced waste contractor.
- Wastewater: Discharged as trade wastewater to Hunter Water Sewer system under a trade wastewater agreement.

3.8 Hours of Operation

The proposed hours of operation are 24 hours a day, 7 days a week. Deliveries to and from the site, and garbage collection, are also proposed to be 24 hours a day, 7 days a week. Night shift workers will arrive to the site in the afternoon as required by demand.

3.9 Signage

This DA seeks approval for three (3) business identification signs. Details of the individual signs are summarised in **Table 5**.

Table 5 Proposed signs

Type	Location	Content	Dimensions	Illumination
Business identification sign	East elevation	'Symrise' and logo	A: 12.71m ² 7.18m (l) x 1.77m (h)	Yes (backlit illumination)
Business identification sign	East elevation, atop entry	Logo (embossed)	A: 15.21m ² 3.9m (l) x 3.9m (h)	Yes (internal edge circle to be illuminated with LED strip)
Business identification sign	Pylon sign adjacent front boundary	'Symrise Rutherford Facility' and logo	A: 8m ² 2m (l) x 4m (h)	Yes (backlit illumination)

Provision of three (3) wayfinding signage is also proposed to assist vehicle and truck drivers of the appropriate entry/exit points.

3.10 Infrastructure and Services

Essential infrastructure for the proposed development is available, or adequate arrangements will be made, to ensure the development is appropriately serviced. Electricity, sewer and water will be extended from Gardiner Street to the site via the proposed private road under a future industrial subdivision DA to be lodged by Hunter Land Corporation.

4.0 Consultation

In accordance with the SEARs issued for this project, consultation was undertaken with relevant public authorities, the community and Council. A summary of the consultation undertaken to-date with Council, the community and relevant agencies is provided below. Several consultants have undertaken additional consultation with relevant parties during the preparation of their reports.

Table 6 Summary of Issues Raised and Response

Consultation Required by SEARs	Summary of Consultation	Response
Department of Planning and Environment – Environment, Energy and Science Group (DPE EESG)	Correspondence was issued to the DPE EESG on 10 March 2022.	No further response was received.
Department of Planning and Environment – Water Group	Correspondence was issued to the DPE Water Group on 10 March 2022.	No further response was received.
Department of Primary Industries (DPI)	DPI provided input as part of the SEARs process. DPI indicated the need for a licence for an Animal Food Processing Plant subject to the Food Act 2003 (NSW) and Food Regulation 2015. The Proponent was in contact with DPI on 15 February 2022 seeking advice on a licence or transfer of licence for the proposed facility. A response provided by Licensing and Accreditation Services, on 17 February 2022, confirmed that a LIC003 be completed 10 days prior to the commencement of operations in the new facility. This will be completed at the relevant time. Further correspondence was issued to DPI on 9 March 2022.	DPI provided a response on 21 March 2022 who advised the Compliance Unit will be in touch if any further information is required.
Environmental Protection Authority	EPA provided input as part of the SEARs process. The Proponent understood the EPA's requirements and are preparing relevant technical assessment to ensure that potential environmental impacts are minimised and appropriately managed. Further correspondence was issued to the EPA on 9 March 2022.	The EPA provided a response on 14 March 2022. The EPA did not have any comments at this stage.
Heritage NSW	Correspondence was issued to Heritage NSW on 9 March 2022.	Heritage NSW provided a response on 30 March 2022. As the site is not listed on the State Heritage Register (SHR), nor is it in the immediate vicinity of other SHR items, Heritage NSW did not have a comment on the proposal. Further, the site does not contain any known historical archaeological relics. Subsequent stages of this project do not require a referral to Heritage NSW.
Transport for NSW	TfNSW provided input as part of the SEARs process. In response to the Secretary's request on 16/12/21, TfNSW identified the safety and efficiency of the transport network as key areas of interest and required the commissioning of a Traffic Impact Assessment (TIA). Further correspondence was issued to TfNSW on 9 March 2022.	A TIA has been included in this EIS. No further response was received.
NSW Rural Fire Service	The NSW RFS provided a response following issue of the SEARs requiring that a bushfire assessment report be prepared. Further correspondence was issued to the NSW RFS on 9 March 2022.	Bushfire assessment report has been included in this EIS. No further response was received.
Mindaribba Local Aboriginal Land Council	A representative from Heritage Now (the Proponent's heritage consultant) met with Les Draper, a representative from the Mindaribba LALC met at the site on 7 February 2022.	These discussions have been addressed in the Aboriginal

Consultation Required by SEARs	Summary of Consultation	Response
	<p>Further correspondence was issued to the Mindaribba LALC on 9 March 2022.</p> <p>Additional community consultation with the ACHAR, as recommended by the Aboriginal Heritage Due Diligence Report (Appendix N), will be undertaken a provided to Council under separate cover.</p>	<p>Heritage Due Diligence Assessment Appendix N.</p>
Maitland City Council	<p>The Project Team met with representatives of Maitland City Council on 13 January 2022.</p>	<p>Minutes from the meeting are provided as Appendix B. Issues raised within the meeting are addressed within Section 1.31.3 of this EIS.</p>
Surrounding Land Owners and Occupiers	<p>Letters were sent to adjoining landowners on 18 February 2022 (Figure 11).</p>	<p>No response was received.</p>

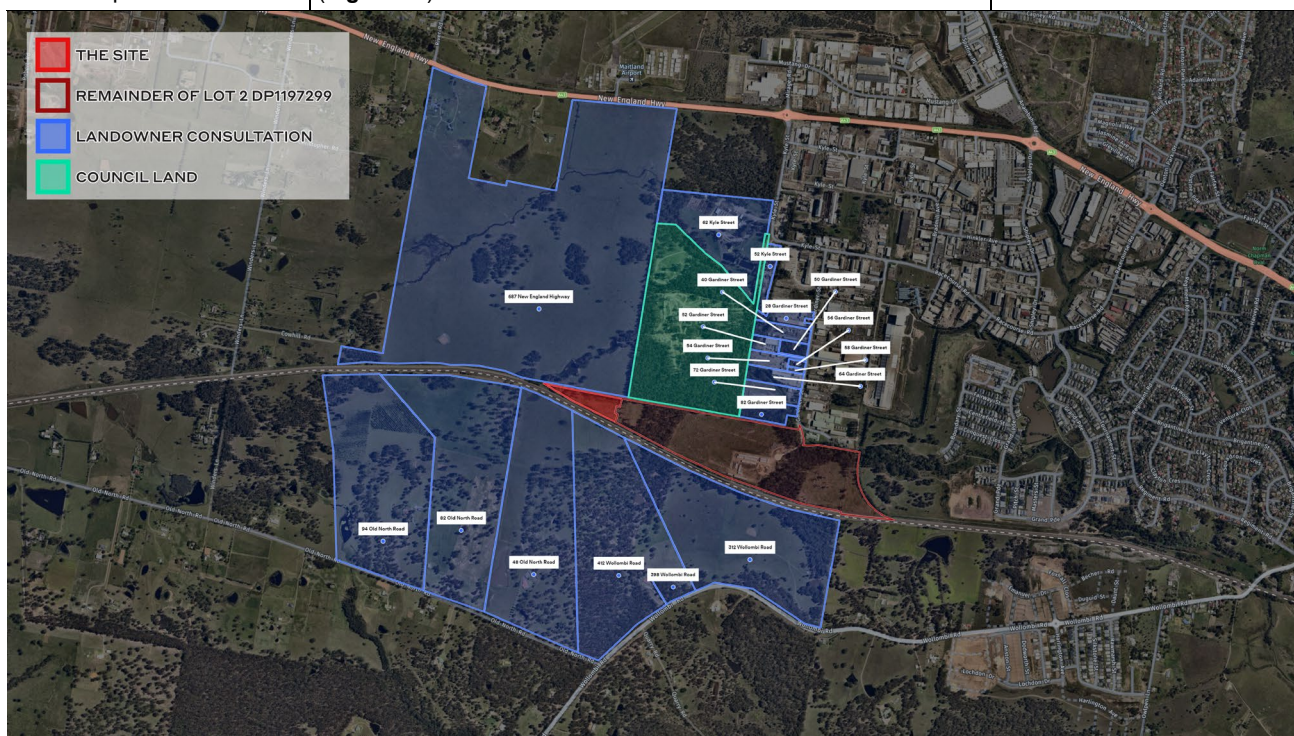


Figure 11 Landowner consultation

Source: Nearmap/Ethos Urban

The proposed development will be placed on public exhibition for 30 days in accordance with clause 83 of the EP&A Regulation. During the public exhibition period Council, State agencies and the public will have an opportunity to make submissions on the project.

5.0 Environmental Assessment

This section of the report assesses and responds to the environmental impacts of the proposed DA. It addresses the matters for consideration set out in the SEARs (see **Section 1.6**). The Mitigation Measures at **Section 6.0** complement the findings of this section.

5.1 Relevant EPIs, Policies and Guidelines

The relevant strategies, environmental planning instruments (EPIs), policies and guidelines as set out in the SEARs are addressed in **Table 7**.

Table 7 Summary of consistency with relevant Strategies, EPIs, Policies and Guidelines

Instrument/Strategy	Comments
Strategic Plans	
Hunter Regional Plan 2036	The Hunter Regional Plan 2036 is a 20-year strategic land use vision for the broader Hunter area publishing by DPE. It identifies the Hunter as the largest and fastest growing regional population and employment corridor in Australia. This proposal is consistent with <i>Direction 24: Protect the economic functions of employment land</i> , with industrial zoned land forming a key component of the identified economic functions. Further, Rutherford is identified as a significant employment land cluster, which will be strengthened by the proposed development.
Draft Hunter Region Plan 2041	The Draft Hunter Regional Plan 2041 is an update and restructure of the Hunter's strategic plan, and was on public exhibition from 1 December 2021 to 4 March 2022. One of the new focuses is a on a greater diversification of employment away from mining and energy, which is delivered by this proposal. Further, the proposal is consistent with <i>Objective 8: Build an inter-connected and globally focused Hunter</i> with the Proponent having a multi-national reach and producing pet food for domestic and international use.
Maitland Local Strategic Planning Statement (LSPS)	<p>Notable priorities and aspects of the Maitland LSPS are summarised below:</p> <ul style="list-style-type: none"> The Rutherford Employment Land is a regionally significant industrial and bulky goods business cluster will continue to evolve and adapt to support new economies and create jobs for a growing community. The site is directly adjacent to the proposed Rutherford Park Freight and Business Centre (see Figure 10). <p>The proposed development will strengthen the role of Rutherford as an employment cluster. The proposal will create 9 new jobs for a growing community (net increase from the 31 existing jobs at the Beresfield facility).</p>
State Legislation	
EP&A Act	<p>The proposed development is consistent with the objects of the EP&A Act for the following reasons:</p> <ul style="list-style-type: none"> It will facilitate the promotion and co-ordination of industrial development in Rutherford. It will ensure the proper management, development and conservation of natural and artificial resources with numerous environmental controls to ensure the mitigation of environmental impacts. <p>The proposed development is consistent with Division 4.10 of the EP&A Act, particularly for the following reasons:</p> <ul style="list-style-type: none"> the development has been declared to be Designated Development and is accompanied by an EIS; the development is Integrated Development; the development is not prohibited by an Environmental Planning Instrument; and the development has been evaluated and assessed against the relevant heads of consideration under section 4.15(1).
EP&A Regulation	<p>The EIS has addressed the specification criteria within clause 6 and clause 7 of Schedule 2 of the EP&A Regulation. Similarly, the EIS has addressed the principles of ecologically sustainable development through the precautionary principle (and other considerations), which assesses the threats of any serious or irreversible environmental damage (see Section 5.5).</p> <p>An Environmental Protection Licence will be required from the EPA in order to permit the proposed activity to occur.</p>

Instrument/Strategy		Comments	
Protection of the Environment Operations Act 1997		By virtue of Clause 23 of Schedule 1 of the POEO Act, the Proponent, requires an environment protection licence (EPL) from the EPA, should approval be granted. The Proponent will apply separately to the EPA for an EPL.	
State Environmental Planning Policies			
Consolidated SEPP	Repealed SEPP	Note: As of 1 March 2022, 45 SEPPs have been consolidated into 11 larger thematic SEPPs. No policy changes have been made and the SEPP consolidation is administrative. Existing provisions in each SEPP have been transferred into the new consolidated SEPPs as chapters. Both consolidated and repealed SEPPs are reported for clarity.	
State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 4 (Biodiversity SEPP)	SEPP (Koala Habitat Protection) 2021	<p>Chapter 4 of the Biodiversity SEPP aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas. It is applicable to the IN1 General Industrial Zone in the Maitland LGA.</p> <p>Clause 4.9, Chapter 4 of the Biodiversity SEPP applies as the site has an area of more than 1ha, and does not have an approved koala plan of management applying to the land. The site contains Hunter Lowland Red Gum Forest including the Forest Red Gum which is identified as a koala use tree species under Schedule 3 of the Biodiversity SEPP.</p> <p>The Preliminary BDAR (Appendix J) did not record the presence of koala habitat. As such, the development is likely to have low or no impact on koala habitat.</p>	
State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2	SEPP (Vegetation in Non-Rural Areas) 2017	Chapter 2 of the Biodiversity SEPP regulates clearing of vegetation across NSW on non-rural land, however only applies when planning approval is not required under the EP&A Act. Since the proposed development requires development consent under Part 4 of the EP&A Act, Chapter 2 of the Biodiversity and Conservation SEPP does not apply.	
State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 3	SEPP No 33 – Hazardous and Offensive Development	<p>The site will have the capacity to store over 135 tonnes of ADG class 8 corrosive substances. This quantity exceeds the Hazards SEPP screening thresholds and therefore, a Preliminary Hazard Analysis (PHA) has been prepared (see Appendix BB). The PHA concludes the site and its operations would meet all the safety requirements, subject to measures to mitigate risk and not a hazardous industry. The outcomes of the PHA are further discussed in Section 5.3.</p> <p>The Department of Planning and Environment's Applying SEPP 33 guideline provides guidance as to what should be considered 'potentially offensive industry'. It recommends that the consent authority consider the proposal 'potentially offensive' if it requires a licence under from the EPA under the POEO Act. The pet food ingredient manufacturing facility does require an Environment Protection Licence from the EPA. This EIS includes assessments of hazards and risk, air (odour) discharges and noise, and the potential impacts arising from these discharges. The assessments in all cases conclude that there is not likely to be any discharge that would cause a significant level of offence. In this regard, if the EPA determines to issue an Environment Protection Licence, then the proposal would not be characterised as 'offensive industry'. Due to the predicated emission complying with all relevant EPA requirements, it is anticipated that an Environment Protection Licence will be obtained in due course.</p> <p>The proposed development is therefore not expected to characterised as offensive or hazardous development.</p>	
State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4	State Environmental Planning Policy No 55 – Remediation of Land	A preliminary site investigation (PSI) has been prepared for the site (see Appendix R). The PSI reported there was no indication of gross contamination, and that the site is suitable for the proposed development in its current state.	
State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 2	SEPP (Infrastructure) 2007	Section 2.97 Development adjacent to rail corridors (1) This clause applies to development on land that is in or adjacent to a rail corridor, if the development— (a) is likely to have an adverse effect on rail safety,	The proposed development is adjacent to the Main North Line. The proposal is wholly contained within the property boundaries and will not have any impact or effect on rail safety or operations.

Instrument/Strategy		Comments
		Section 2.98 Excavation in, above, below or adjacent to rail corridors (1) This clause applies to development ... that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land— (b) within 25m (measured horizontally) of a rail corridor
		The proposal seeks approval for 2.2m of excavation adjacent to a rail corridor. Contiguous pile wall details are provided (Appendix Z) to stabilise cut adjacent the southern boundary. This ensures the proposed excavation does not compromise the safety or structural integrity, nor impact the safe and effective operation, of the existing rail infrastructure facilities within the rail corridor.
State Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3	SEPP No 64 – Advertising & Signage	See Section 5.1.1
Local Environmental Plans		
Maitland Local Environmental Plan (LEP) 2011		See Section 5.1.2
Development Control Plans		
Maitland Development Control Plan (DCP) 2011		An assessment against the Maitland DCP 2011 is provided at Appendix CC .

5.1.1 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) applies to all signage that, under an environmental planning instrument, can be displayed with or without development consent and is visible from any public place or public reserve. The proposed signs are considered 'business identification signs', and therefore the controls under Part 3.3 of the Industry and Employment SEPP do not apply. Accordingly, the policy's objectives and the criteria listed under Schedule 5 are subsequently required for primary consideration.

Table 8 demonstrates the consistency of the proposed signage with the Industry and Employment SEPP Schedule 5 assessment criteria.

Table 8 Assessment criteria under Schedule 5 of the Industry and Employment SEPP

Assessment Criteria	Comments	Compliance
1. Character of the Area		
<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	The proposed signage is of an appropriate location, size and scale being consistent with other business identification signage within the Rutherford employment area. The signage serves the purpose of informing road users on the location and business. The nature and design of the signage is consistent with the desired future character of the site and its locality.	Yes
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	The proposed signage designs will likely be consistent with other signage associated with future industrial-type land uses in the locality.	Yes
2. Special Areas		
<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	The proposed signage is of an appropriate size and scale which will not detract from the visual quality of the area, as all signs are appropriately located. The proposal will not have any adverse impact on the amenity or visual quality of the surrounding area. The proposed signs are oriented away from the adjacent heritage item and accordingly, will not have an impact upon its significance.	Yes
3. Views and Vistas		

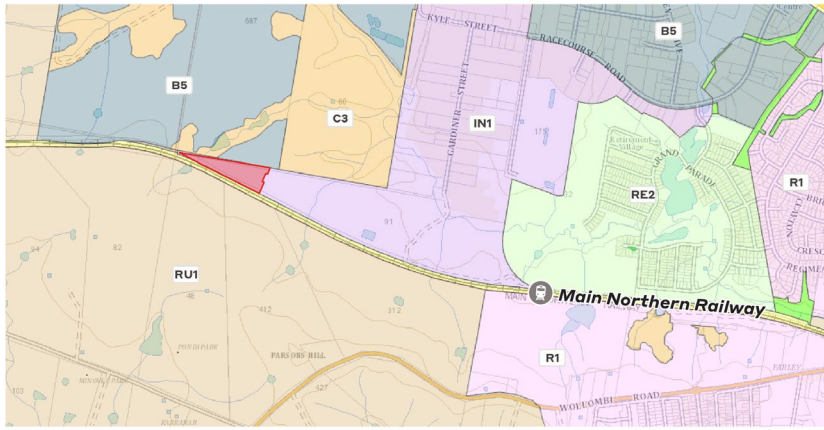
Assessment Criteria	Comments	Compliance
<i>Does the proposal obscure or compromise important views?</i>	The proposal will not have any adverse impact on the amenity or visual quality of the surrounding area as they are all visually contained within the proposed building envelope and pylon sign when viewed from its surrounds. The signage is not of a size which will dominate the skyline or otherwise compromise views.	Yes
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>		
<i>Does the proposal respect the viewing rights of other advertisers?</i>	No existing advertising structures are located near the vicinity of the proposed signage and thus the viewing rights of advertisers is respected.	Yes
4. Streetscape, Setting or Landscape		
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	The scale, proportion and form of the proposed signage is appropriate as it is complementary with the bulk and scale of the proposed built form. The signage will not protrude beyond the height or width of these structures, ensuring it is also of an appropriate scale, proportion and form.	Yes
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	The colour of the proposed signage is consistent with other red articulation elements on the east elevation (eg the entry and vertical blade screens). This contributes to the visual interest from the streetscape.	Yes
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	Not applicable. The signage proposed is not for the purposes of advertising and does not relate to existing advertising on or near the site.	Yes
<i>Does the proposal screen unsightliness?</i>	Not applicable to the proposal. The signage does not screen unsightliness but acts as an opportunity to provide signage which is compatible in scale, materiality and finish to the proposed building.	N/A
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	The proposed signage will not protrude above buildings, structures or tree canopies in the area or locality as it will be affixed and fully contained within the envelope of the proposed building.	Yes
<i>Does the proposal require ongoing vegetation management?</i>	The proposal does not require vegetation management.	N/A
5. Site and Building		
<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i>	The scale and proportion of the signage is consistent and complementary to the proposed building to which they will be affixed.	Yes
<i>Does the proposal respect important features of the site or building, or both?</i>	The proposal will be of a simple design that effectively identifies the building and promotes the business operating on the site.	Yes
<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	The signs are appropriately integrated with other features of the proposed building including entry features and vertical blade screens.	Yes
6. Associated Devices and Logos with Advertisements and Advertising Structures		
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i>	The proposed signage will be fixed securely on the building and pylon sign.	Yes
7. Illumination		
<i>Would illumination result in unacceptable glare?</i>	The signage consists of illumination. Glare will be managed to ensure illumination impacts are acceptable.	Yes
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	The proposed illuminated signage is of a height, scale and location where it is well separated from the public domain and is not at aircraft flight heights associated with Maitland Airport. The proposed illumination of the sign will not adversely affect safety for pedestrians or vehicles.	Yes

Assessment Criteria	Comments	Compliance
Would illumination detract from the amenity of any residence or other form of accommodation?	Glare from the signage will be controlled to ensure that illumination does not adversely detract from the amenity of nearby residences.	Yes
Can the intensity of the illumination be adjusted, if necessary?	The signage may be adjusted to turn on and off or dimmed if required.	Yes
Is the illumination subject to a curfew?	It is intended that the signage will not be subject to a curfew.	Yes
8. Safety		
Would the proposal reduce the safety for any public road?	Due to the design, location and scale of the signage, the proposal will not have any impact on safety for any public road. The proposed signage is of a design which will not be mistaken for road traffic control devices.	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage is securely fixed, will not be mistaken for traffic control devices and will not reduce the safety for pedestrians or cyclists.	Yes
Would the proposal reduce the safety for pedestrians, by obscuring sightlines from public areas?	The proposed signage is attached to the proposed building. As the site is located at the head of the future cul-de-sac, the proposed pylon sign does not obscure sightlines from public areas.	Yes

5.1.2 Maitland Local Environmental Plan 2011

The principal planning instrument that applies to the site is the *Maitland Local Environmental Plan (LEP) 2011*. An assessment of the DA's consistency and compliance with the Maitland LEP 2011 is provided at **Table 9**.

Table 9 Consistency with Maitland Local Environmental Plan 2011

Clause	Comment	Compliance
Part 2 Permitted or Prohibited Development		
2.1 Land use zone	<p>The subject site is zoned IN1 General Industrial. As defined under the Maitland LEP 2011, 'livestock processing facilities' are permissible with development consent in the IN1 General Industrial zone. The proposed development is consistent with the zone objectives for the following reasons:</p> <ul style="list-style-type: none"> • Contributes to the wide range of industrial uses in the region; • Encourages and enables employment opportunities in Rutherford; • Minimises adverse impact on sensitive land uses; and • Activates and supports industrial zoned land for industrial uses.  <p>Figure 12 Zoning map Source: NSW Planning Portal and Ethos Urban</p>	Yes
Part 4 Principal Development Standards		
4.1 Minimum subdivision lot size	The site is not subject to a minimum subdivision lot size control.	N/A

Clause	Comment	Compliance
4.3 Height of buildings	The site is not subject to a maximum building height control. Notwithstanding, a building height of 15.25m is proposed (top of parapet: 45 AHD; NGL: 29.75 AHD).	N/A
4.4 Floor space ratio	The site is not subject to a maximum floor space ratio control.	N/A
Part 5 Miscellaneous Controls		
5.10 Heritage conservation	<p>The site is in the vicinity of the Main North Rail line, identified as 'the local heritage item 'Government Railway' (no. 1119) under Schedule 5 of the Maitland LEP 2011. The site is not a heritage item nor is it within a heritage conservation area.</p> <p>A Heritage Impact Statement (HIS) has been prepared at Appendix M. The HIS states the components of the rail line visible from the site include embankments and railway track (no heritage buildings are visible). The HIS concluded that the proposal (including built form and retaining walls) will have a negligible impact on the heritage significance of the Government Railway.</p>	Yes
5.21 Flood planning	The proposal is not identified as a flood planning area under the Maitland LEP 2011.	N/A
Part 6 Urban Release Areas		
	The subject site is not identified on the Urban Release Areas map under the Maitland LEP 2011, therefore this Part of the LEP does not apply.	N/A
Part 7 Additional Local Provisions		
7.1 Acid sulfate soils	The subject site is identified as Class 5 Acid Sulfate Soil. The proposal does not include excavation below 5 metres AHD nor is it within 500 metres of Class 1, 2 or 3 land.	Yes
7.2 Earthworks	<p>The proposed ancillary earthworks will not have a detrimental impact on environmental functions and processes. A balanced approach to cut and fill has been employed by the design. A response to the sub-clauses under 7.2(3) is provided below:</p> <ul style="list-style-type: none"> The earthworks will not have a detrimental impact on drainage patterns. Stormwater flows will be directed to an inter-allotment drainage pit in the north-east corner of the site. All earthworks are stabilised through retaining walls to ensure there is not a detrimental impact upon soil stability in the locality. Earthworks are not proposed within the riparian area adjacent the stream. The proposed earthworks do not effect the likely future use of redevelopment of the site. The earthworks are necessary to facilitate the proposed pet food ingredient facility. The embankment of the adjoining heritage item is approximately 2-3m above the site's ground surface. The proposed cut adjacent to the heritage item will reduce the extent of bulk when viewed from the Government Railway. The proposed fill and associated retaining walls will also have a negligible impact upon adjoining properties. The adjoining property is intended to deliver the Concept Rail and Business Park. Figure 10 illustrates that the site is directly adjacent to the Stage 2 Rail Park which will also facilitate industrial-type uses. As indicated in the Waste Management Plan (Appendix T), excavation (>2,500 tonnes) will be reused on site for cut and fill purposes. The HIS (Appendix M) confirmed a review of information and a site inspection detected no relics protected under the Heritage Act. Sufficient spatial separation (>50m) is facilitated between any earthworks and the existing watercourse on the site. 	Yes
7.4 Riparian land and watercourses	<p>The site has no watercourses or riparian land identified under the Maitland LEP 2011. Further, all works are proposed in excess of 40m from the top of the bank identified as watercourse. As such, this clause is not applicable.</p> <p>Despite this, a watercourse (creek/creek bed) not identified on the map runs through the western corner of the site. In line with the Maitland DCP 2011, consideration has been made to minimise impacts on the riparian zone.</p>	Yes

5.2 Contamination

A Preliminary Site Investigation (PSI) has been prepared for the site by Hunterlab Civil (see **Appendix R**). The PSI reviews historic uses upon the site, a preliminary conceptual site model and recommendations for further investigation.

5.2.1 Assessment

The detailed desktop review of available information, as well as thorough site inspection, including shallow soil investigation, has enabled the development of a preliminary conceptual site model. The model allowed assessment of potential health and environmental issues relating to the site.

Soil sampling consisted of collection of six (6) primary samples, as well as additional samples for quality assurance and quality control purposes. The samples were analysed for a wide range of possible contaminants including:

- Heavy Metals (Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel & Zinc);
- Total Recoverable Hydrocarbons (TRH);
- Benzene, Toluene, Xylene and Ethylbenzene (BTEX);
- Polyaromatic Hydrocarbons (PAH);
- Organophosphorus Pesticides (OPP) and Organochlorine Pesticides (OCP);
- Polychlorinated Biphenyls (PCBs); and
- Asbestos.

Assessment criteria relevant to the proposed land use have generally been adopted from the National Environment Protection (Assessment of Site Contamination) Measure 1999 and the relevant guidelines issued by the Cooperative Research Centre for Contamination Assessment and Remediation of the Environment. The results of the analysis of the soil samples indicate that all heavy metals results were below the relevant screening criteria, and for all remaining contaminants the samples were below the Limit of Reporting.

With consideration of the above results, the preliminary site model indicates that there is an incomplete source-pathway-receptor linkage, and as such, concludes that the potential exposure risk is considered unlikely.

Key findings were:

- Potential contamination sources at the site are limited based on historical land use;
- Visible signs of gross contamination were not observed during the site inspection and intrusive works; and
- Contamination in shallow soils was not identified at any of the sampling locations.

Based on the above, there was no indication of gross contamination which would constrain the development of the site for the proposed use. The PSI reported that the proposed development is suitable for the site without the need for a detailed site investigation.

5.2.2 Mitigation Measures

Given that the site has been found to be suitable for the proposed development in its current state, no mitigation measures are required or proposed.

5.3 Hazards

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 3 establishes a protocol for planning for development that can be categorised as Hazardous or Offensive Development. The Department of Planning's *SEPP 33 Guidelines (2011)* establish screening thresholds for Dangerous Goods stored on site, above which, a Preliminary Hazard Analysis (PHA) must be carried out to accompany a DA.

5.3.1 Assessment

Hazards SEPP screening thresholds

As shown in **Table 10**, the proposed dangerous goods quantities exceed the Resilience and Hazards SEPP screening thresholds and therefore, a PHA is required.

Table 10 Comparison of screening threshold quantities by the Resilience and Hazards SEPP

Source: Benbow Enviro

Class	Screening threshold	Description	Site-specific description	Quantity to be stored based on separation distances	Triggers Hazards SEPP – Chapter 3
Class 8 PGII	25 tonne	Corrosive substance	Caustic soda – liquid Cleaning Chemical various	52 tonnes	Yes
Class 8 PGIII	50 tonne	Corrosive substance	Phosphoric acid, >=25% Lactic acid	90 tonnes	Yes

Transport Assessment

An assessment against the Transportation Screening Thresholds from the *Hazardous and Offensive Development Application Guidelines: Applying SEPP 33* was undertaken. The number of Class 8 dangerous goods deliveries per week is typically 4-5. Therefore, the vehicle movements are well below that which triggers Chapter 3 of the Resilience and Hazards SEPP.

Preliminary Hazard Analysis

Because the proposed development exceeds the thresholds set out in the Applying SEPP 33 Guideline, PHA has been prepared by Benbow Enviro and is provided at **Appendix BB**. The PHA has been prepared in accordance with the Department of Planning and Environment's Hazardous Industry Planning Advisory Paper No 4 (HIPAP No. 6) – Guidelines for Hazard Analysis and HIPAP No. 8 – HAZOP Studies, and includes a detailed discussion of the risk assessment criteria has been provided in the PHA, including identification of potential risks to off-site receptors in relation to possible incidents at the facility. In particular, the PHA identifies the nearest sensitive existing receptors (9) and future receptors (3) that have the potential to be affected by the proposal, and analyses the consequences for each possible hazardous event and the possible frequencies of each initiating failure. The PHA considers both injury risk as well as risk of property damage, and risk to the biophysical environment. These receptors including residential, commercial and industrial land uses.

The PHA concludes that there are no credible events that would generate any offsite risks to the residents or neighbouring existing or future occupants, subject to the implementation of appropriate mitigation measures outlined below.

5.3.2 Mitigation Measures

The PHA examined the potential hazardous scenarios that would occur on site. Following this assessment, the following recommendations were considered fundamental in aiding the control of risks presented by the proposed development:

- Dangerous good storage areas are to comply with the following standards:
 - AS3780-2008 – The storage and handling of corrosive substance
 - AS/NZS 3833:2007 – The storage and handling of mixed classes of dangerous goods, in packages and intermediate bulk containers
 Access control in chemical tanker unloading area. Dual locks for compatible/incompatible coupling adaptors for acid and bases (one at the connection point and one at the adapter storage location).
- Overpressure vents to be installed on all tanks. Ensure tanks required to be vented to odour control system have an additional emergency overpressure release vent.
- Site management to routinely review and maintain operational procedures to minimise the number of hazardous incidents and accidents on site and to mitigate the consequences of incidents regarding the handling of dangerous goods and chemicals.
- Site employees and truck drivers shall be trained in the Spill Management Plan prepared for the site.
- Preparation of a manifest and site manifest plan and notification is required.
- An Emergency Plan is to be prepared and implemented.

5.4 Air Quality and Odour

An Air Quality Impact Assessment (AQIA) Report has been prepared by Benbow Environmental made available at **Appendix G**. A summary of the assessment and proposed mitigation measures are provided below.

5.4.1 Existing Conditions and Assessment Criteria

The AQIA identifies the nearest sensitive existing receptors (9) and future receptors (3) that have the potential to be affected by the proposal (**Figure 13**). These receptors including residential, commercial and industrial land uses.



Figure 13 Odour receptor locations

Source: Benbow Enviro

Air quality criteria are established under the Protection of the Environment Operations (Clean Air) Regulation 2021, as well as the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW. Relevant air quality assessment criteria are as follows:

- Particular matter less than 10 microns (PM₁₀):
 - 24-hour average 50 µg/m³.
 - Annual average 25 µg/m³.
- Particular matter less than 2.5 microns (PM_{2.5}):
 - 24-hour average 25 µg/m³.
 - Annual average 8 µg/m³.
- Total Suspended Particulates (TSP) – 90 µg/m³.
- Nitrogen dioxide (NO₂):
 - 24-hour average 246 µg/m³.
 - Annual average 62 µg/m³.

In NSW the odour impact assessment criteria is determined using a statistical approach based on population size. The criteria is applicable at the nearest existing or likely future off-site sensitive receptor. Due to dispersed nature of the surrounding residential properties a criteria of 7.0 OU/m³ has been adopted. This is also the generally accepted criteria for industrial/commercial areas.

5.4.2 Assessment

The AQIA identifies significant emission sources and quantitatively assesses the air quality impacts from the proposed development. An air dispersion model was used for the prediction of off-site impacts associated with the air emissions from the site's operations, taking into account meteorological conditions, terrain and building wake affects.

The AQIA reports the sources of odour include the internal production process (including raw materials), external filling onto tanker trucks, and the wastewater treatment plant (WWTP).

The odour modelling results conclude that the predictions comply with the approved methods criteria at all existing and future receptors. For residential receptors, the predicted odour levels are well below the 7 odour units (OU) assessment criteria, and in all cases are less than 1OU. Surrounding commercial and industrial properties may experience higher levels of odour, but in all cases the odour levels would remain below the 7 OU criteria.

Future receptor R12 is predicted to be subject to 6.9 OU, which is the receptor which is predicted to experience the highest odour level from the proposed development. It is noted the point of this receptor is measured 40m away from the site, and is overlaid with the Stage 2 Rail Park under the future Rutherford Park Freight and Business Centre. The more intensively used areas of the Freight and Business Centre (including administrative buildings) are located must greater than 40m from the site. Therefore, it is expected these occupied areas of the adjoining site would be significantly less impacted by odour, when compared to odour level predicted for receptor R12.

In relation to dust (and particulates), it is highlighted that most of the materials used in the process are not dusty, and all potentially dusty activities would be undertaken within the building and would involve negligible quantities. As such, no dust impacts are expected.

The boiler heats water using natural gas. The combustion emissions from burning of natural gas generates some particulates, however the boiler is a relatively small, and natural gas is a low dust emission fuel, meaning that it is not expected to cause significant particulate emissions.

Combustion emissions also include nitrogen dioxide. Modelling of the boiler combustion emissions indicate that the highest predicted incremental increase in nitrogen dioxide at a residential receptor is a 24-hour average of 33 µg/m³, which is well below the assessment criteria of 246 µg/m³. Taking into account background concentrations of nitrogen dioxide, the highest cumulative level of nitrogen dioxide at a residential receptor is a 24-hour average of 105 µg/m³, which is still well below the assessment criteria of 246 µg/m³. Concentrations of nitrogen dioxide are also well below the annual average assessment criteria for all residential receptors, and well below all assessment criteria for commercial and industrial receptors.

5.4.3 Mitigation Measures

Odour control measures used on site include:

- Majority of odour generating process rooms are wholly contained within the building such that there is no frequently used doorways that could allow for diffuse emission to be released from the building.
- Automatic closing doors for the processing facility and WWTP.
- Air quality control extraction ventilation system will be installed in the processing building and the wastewater treatment/waste bin storage room building.
- All odours sources that can be directly vented to the air quality control extraction ventilation system will be. These include the mixing tanks, processing tanks, storage tanks, WWTP dosing tank, WWTP storage tanks, WWTP DAF, and WWTP Bioreactor.
- The majority of diffuse emission sources in the process building occur in rooms that connect to the receivals hall including bins, thawing, grinder, and raw materials handling. The receival hall will have doorways which are regularly opened for the receipt of raw materials and for the transfer of waste bins to

the waste bin storage area. Therefore, this room will have extraction registers which are located on the eastern side of this area which will draw air in from the surrounding rooms and from the outside preventing diffuse emission release from the building. This process building ventilation system is expected to extract approximately 2.7 m³/s. The majority of this extraction will occur in the receivals hall. Extraction registers will also be located close to the following diffuse sources (not serviced by the receival hall extraction system) including:

- The sifting machine and collection bin and,
- The IBC/Drum filling station.
- The stack mouth for the processing building will be located 3 m above the apex of the processing building roofline.
- The diffuse emission sources from the bin storage area and the WWTP gross pollutant filter will be serviced by extraction registers. This WWTP/bin storage ventilation system is expected to extract approximately 0.14 m³/s.
- The stack mouth for the WWTP will be located 3m above the apex of the WWTP building roofline.

5.5 Wastewater Management

The Wastewater Management Plan (WWMP) (**Appendix BB**) has been prepared by Benbow Enviro.

5.5.1 Assessment

The WWMP explains the wastewater operations and proposed wastewater management. Wastewater is generated from washdown of equipment and processing areas, cleaning, and condensation from tempering rooms. Processing areas that require washdown and tempering rooms have sealed floors and are piped directly to underground holding tanks at the WWTP.

The WWTP separates sludge and solids from wastewater. Once treated, an average of 30,000L of wastewater will be discharged to sewer each day. A trade wastewater agreement will be made with Hunter Water. Sludge and solids will be collected by a licenced waste contractor.

Details of the proposed wastewater management, type and quantities are provided in **Table 11**.

Table 11 Wastewater Management

Source: Benbow Enviro

Waste type	Estimated maximum quantity	EPA waste classification	Management
WWTP DAF Sludge	1,500 tpa	Liquid waste	Picked up by licenced waste contractor. The licensed waste contractor would test and classify the waste for the purposes of reuse and take the waste to a resource recovery facility licenced to accept the waste where the waste would be reused, likely composting.
WWTP Bioreactor Sludge	6 tpa	Liquid waste	Picked up by licenced waste contractor. The licensed waste contractor would test and classify the waste for the purposes of reuse and take the waste to a resource recovery facility licenced to accept the waste where the waste would be reused, likely composting.
WWTP Wastewater	11,000 tpa	Liquid waste	Discharged as trade wastewater to Hunter Water sewer system under a trade wastewater agreement.
WWTP Solids	11 tpa	General soil waste (putrescible)	Picked up by licenced waste contractor. The licensed waste contractor would test and classify the waste for the purposes of reuse and take the waste to a resource recovery facility licenced to accept the waste where the waste would be reused, likely composting.

5.5.2 Mitigation Measures

The WWMP prescribes wastewater management requirements as they relate to the trade wastewater agreement, waste management, odour control, spill control and equipment management. These requirements will ensure the proposal does not have an adverse impact on Hunter Water infrastructure nor adjoining properties.

Wastewater will require ongoing monitoring in accordance with the trade wastewater agreement.

5.6 Noise and Vibration

Pulse White Noise Acoustics has prepared the Noise Impact Assessment at (**Appendix I**). The assessment considers acoustic and vibration impacts during construction and operation, including an assessment of noise emissions to external receivers. The operational noise assessment was assessed against the *Noise Policy for Industry*.

5.6.1 Existing Conditions and Assessment Criteria

A total of 16 residential receivers were assessed (see **Figure 14**). Receivers have not been placed in the industrial lots to the north-east of the site, as the noise intrusion from the site at these locations was predicted to be well within compliance of the industrial noise criteria.

The background noise level has been monitored at the logger location shown in **Figure 13**. The background noise was measured as being 40 dBA during the daytime (7am-6pm) and evening (6pm-10pm) periods, and 38 dBA during the night time period (10pm-7am).

With consideration of these background levels, the following project-specific noise level criteria have been established for the closest residential receptors near the proposed development:

- Daytime period criterion of 45 dBA measured as a 15-minute average ($L_{Aeq, 15-min}$).
- Evening criterion of 45 dBA $L_{Aeq, 15-min}$.
- Night time criterion of 38 dBA $L_{Aeq, 15-min}$.

For industrial receptors, the noise criteria established is 68 dBA $L_{Aeq, 15-min}$.

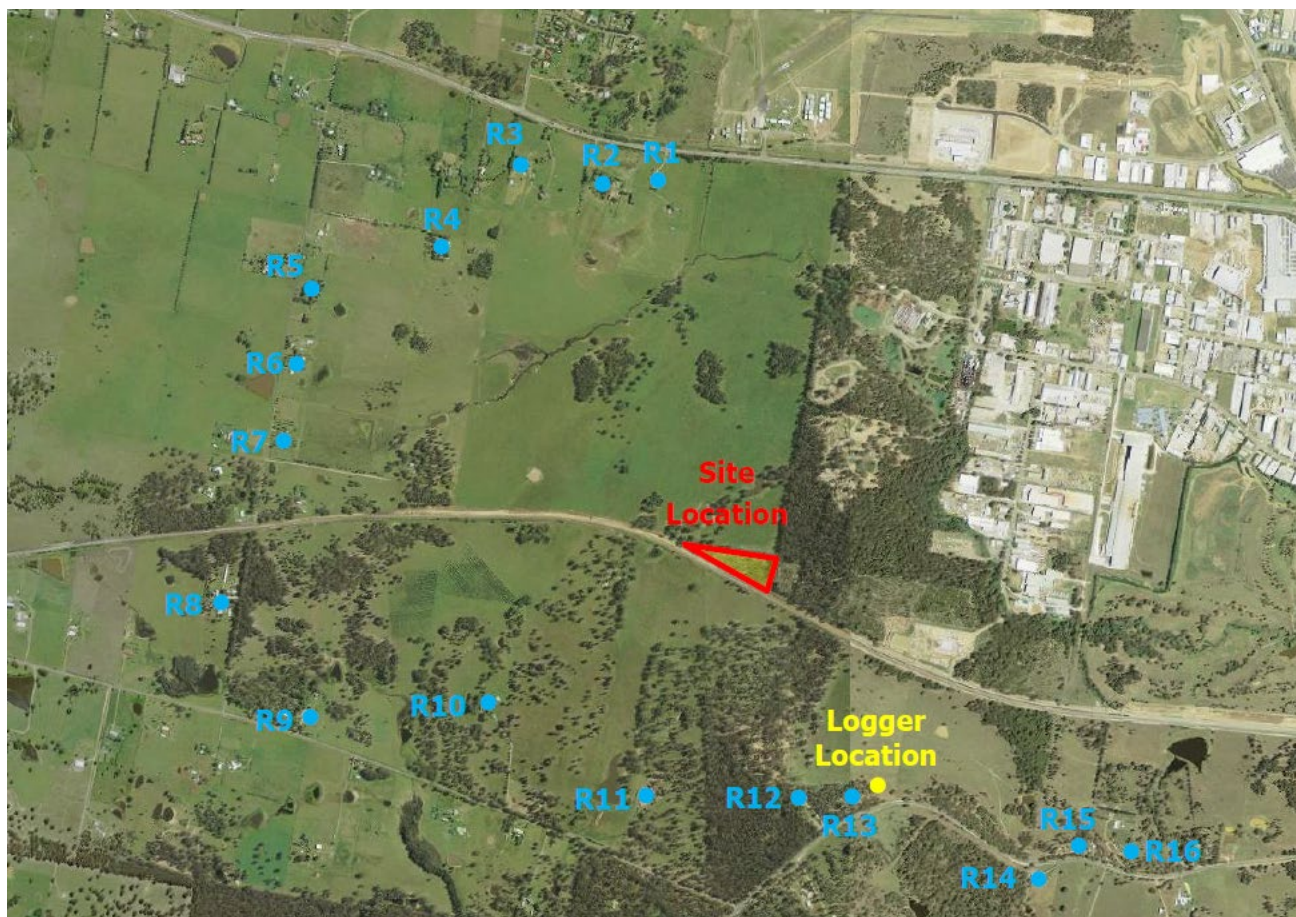


Figure 14 Location of considered receivers

Source: Pulse White Noise Acoustics

A sleep disturbance criterion has been established, which takes into consideration the maximum noise level or $LA_{1, 1-min}$. The sleep disturbance criteria is based on the night time background noise level plus 15 dBA, which in this case would be a criterion of 53 dBA $LA_{1, 1-min}$.

Road traffic noise assessment criteria are established under the Road Noise Policy, which establishes that incremental increases in road traffic noise on any road should not increase by more than 2 dBA.

Construction noise is assessed under the Interim Construction Noise Guideline, which establishes noise management level as background noise + 10 dBA (which in this case would be 50 dBA) during standard day time construction hours, as well as a 'highly affected' noise level of 75 dBA.

5.6.2 Assessment

Primary noise generating sources from the site are expected to include heavy vehicle movements, car movements, mechanical equipment and plant items. Importantly, the proposed hours of operation (24 hours per day) were factored into the operational noise assessment. The noise levels during the 'day scenario' 'evening scenario' and 'night scenario' were predicted to comply with the criteria at these 16 residential receivers. In most cases the noise from the proposed development would be negligible (i.e. less than 20 dBA), with the highest impact being 32 dBA in the daytime, and 26 dBA in the evening and night time periods. In all cases these noise levels are well below the project-specific noise criteria.

Gardiner Street was selected for the road noise assessment as it will have the highest proportion of additional vehicle movements. Due to the small increase in total vehicle numbers, the noise assessment predicted that road traffic noise levels would be negligible, and will not increase by 2 dB. The proposed road movements are thus predicted to comply with the *Road Noise Policy* and no further noise mitigation measures were recommended.

With regard to construction vibration, there is considered to be substantial spatial separation between the site and nearest surrounding receivers. Vibration impacts are predicted to be well below the criteria for cosmetic damage and human comfort at the neighbouring receivers. Construction noise levels were also predicted to comply with the specific noise management levels.

5.6.3 Mitigation Measures

No specific noise mitigation measures were recommended in the Noise Impact Assessment.

5.7 Traffic Impact

A Traffic and Parking Assessment has been prepared by Positive Traffic and is included at **Appendix H**. A summary of the assessment and proposed mitigation measures are provided below.

5.7.1 Assessment

The study has assessed existing and future traffic conditions, parking demands, access arrangements, service vehicle provision and design compliance.

Traffic Generation

To inform the proposed traffic generation, a traffic study of the existing Beresfield facility was undertaken. The forecast traffic generation of the proposed development was reported to be:

- **Staff vehicle trips:** With a doubling of production compared to the Beresfield site, it is estimated on average the site would generate the following during road network peak periods:
 - 20 staff inbound trips in the AM peak
 - 20 staff outbound trips in the PM peak
- **Service vehicle generation:** the site is forecast to generate 8 rigid trucks and 10 semi trailers each weekday. The majority of these service vehicles would travel to / from the site avoiding road network peak periods.

The assessment concluded the potential traffic generation of the proposed development during road network peak periods would be minimal and would not impact on the function of the surrounding road system.

Future Intersection Operating Conditions

A conservative estimate of future intersection operating conditions was documented, which considered the cumulative traffic generation of service vehicles and staff vehicle trips.

The potential peak hour traffic generation would have minimal impact on the future intersection operating conditions, namely the intersection of the New England Highway / Kyle Street / Mirage Drive. Considering a 2% growth p.a. on all movements to the year 2032, this intersection would continue to operate at a satisfactory level of service with spare capacity. Overall, the potential traffic impacts of the proposal were considered satisfactory.

Parking and Access Arrangements

Provision is made for 45 car spaces on-site. The proposed car parking spaces complies with the Maitland DCP 2011 and is broken down in **Table 12**. Bicycle parking for six (6) spaces is provided. Provision of six (6) loading docks is accommodated to the west of the proposed building. All elements of the proposed parking and aisle widths comply with the relevant Australian Standards and is considered satisfactory.

Table 12 Car parking provision in accordance with the Maitland DCP 2011

Maitland DCP 2011 Control	Proposed
Warehouse 1 space per 300m ² GFA	5,091m ² /300m ² = 16.9 spaces
Industry 1 space per 75m ² GFA or 1 space per 2 employees (whichever is greater)*	1,316m ² /75m ² = 17.5 spaces With a peak demand of 35-40 staff, applying the staff parking rate would equate to a parking provision of 18-20 spaces.

Maitland DCP 2011 Control	Proposed
*This requirement may increase if the office space component is in excess of 20% of the floor area.	The proposed office component constitutes 10.7% of the GFA, therefore does not require an increase in car parking provision.
TOTAL REQUIRED	35 car parking spaces
TOTAL PROVIDED	45 car parking spaces

It is expected that heavy rigid vehicles (HRV) or 19.0m semi trailers will service the development. On occasion (less than once per day), access to / from the site may occur via a B-Double vehicle. Swept paths confirm the proposed access, loading dock arrangements and manoeuvring areas would adequately cater for the largest expected operational vehicle.

5.7.2 Mitigation Measures

No mitigation measures were recommended in the Traffic and Parking Assessment Report.

5.8 Lighting

The Lighting Impact Assessment (LIA) Report is prepared by LCI Consulting and available at **Appendix V**.

5.8.1 Assessment

The LIA addresses the impact of light generated from the proposed development on nearby residential properties. The design of all lighting will be done in accordance with Australian Standards AS1158:2020 Lighting for the roads and public spaces and AS4282.2019 – Control of the obtrusive effects of outdoor lighting. There is sufficient distance between the site and adjacent residential properties to ensure light impacts are contained, subject to implementation of the below mitigation measures.

5.8.2 Mitigation Measures

The mitigation of any adverse effects will be managed through the use of:

- Selection of luminaires with tight beam control.
- Where applicable luminaires are to be mounted on adjustable brackets.
- Luminaires that are dimmable.
- Where applicable glare shields such as back shields or louvres.
- The use of timers to automatically turn off or dim lighting system as required.

5.9 Biodiversity

The Preliminary BDAR is prepared by Firebird Consultants and available at **Appendix J**. The Preliminary BDAR draws on the BDAR prepared as part of the industrial community title subdivision that will create the site.

5.9.1 Assessment

Existing biodiversity constraint considerations identified no threatened flora species during the field assessment. Three Plant Community Types were identified in the study area including:

- 1600 Spotted Gum – Narrow leaved Ironbark -Red Ironbark Shrub – grass open forest of the Central and Lower Hunter
- Exotic Vegetation
- Derived Grassland

PCT 1600 is associated with a Threatened Ecological Community (TEC). Field assessments indicate that 0.67ha of PCT 1600 and 1.4ha of derived grassland will be required to be removed, with the retention of 1,941m² of PCT 1600. As native vegetation being removed exceeds the BAM threshold trigger, a Biodiversity Development Assessment Report (BDAR) is being prepared as part of the industrial community title subdivision.

The biodiversity assessments undertaken within the study area to date have identified 11 biodiversity credits are required for the removal of PCT 1600 within the site. Hunter Land Corporation will be responsible for retiring all biodiversity credits as it relates to proposed future Lot 206. The Preliminary BDAR also identifies the Candidate species that have been surveyed and Candidate species that need to be surveyed in the appropriate season in order to assess potential impacts on threatened fauna species. The BDAR completion will therefore be delayed until September/October 2022 to allow for an extensive assessment of fauna species impacts associated with proposed removal of native vegetation. It is noted that Grey-headed flying fox are identified as a Candidate species, as they were observed foraging in the canopy trees, within the vegetation to be retained.



Figure 15 Vegetation Map

Source: Firebird Consultants

5.10 Bushfire Protection

The site is identified as bushfire prone land, as illustrated in **Figure 16**.

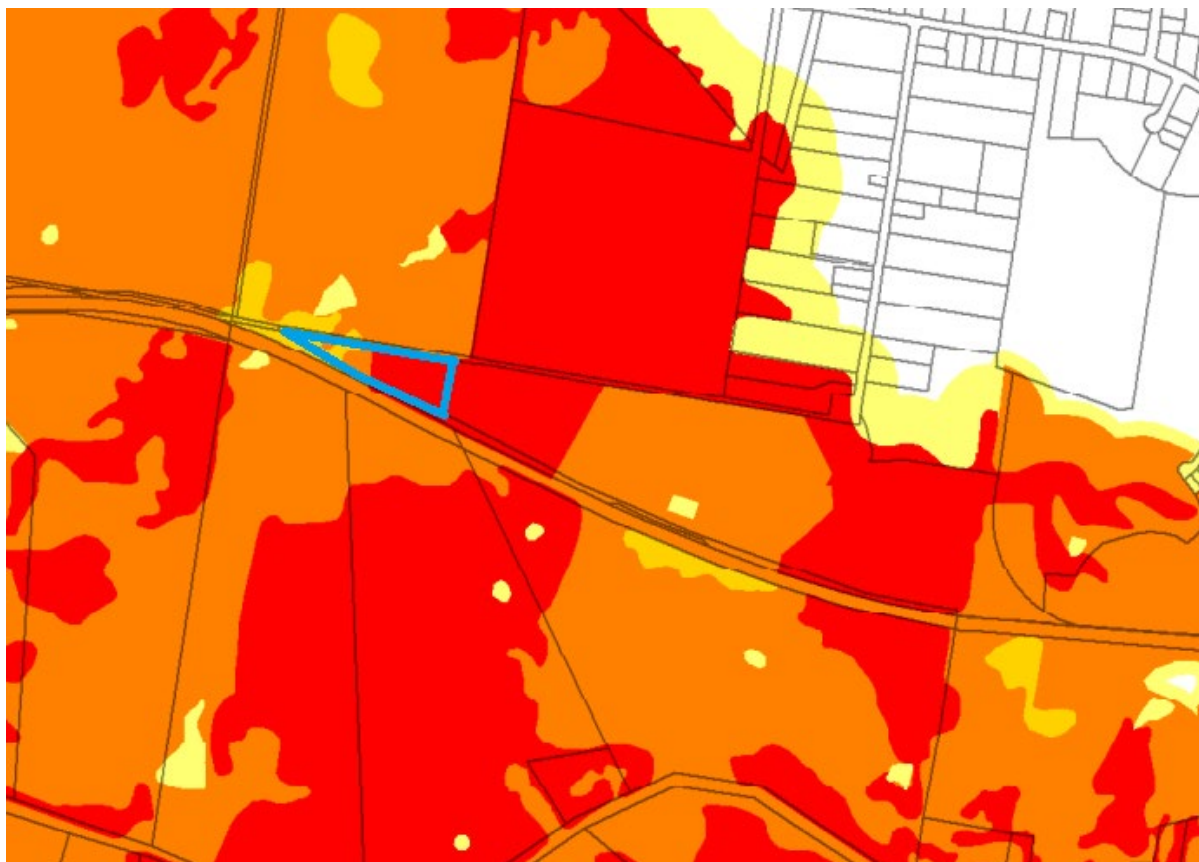


Figure 16 Draft Maitland Bush Fire Prone Land Map

Source: Maitland City Council

5.10.1 Assessment

Hazardous vegetation formations within 140m of the proposed buildings were assessed in the bushfire report at **Appendix U**. The primary bushland vegetation with the potential to affect the proposed building attracts a vegetation classification of 'grassland' to the north, east and south, 'woodland' to the northwest, and 'forest' to the northeast, in accordance with the Planning for Bushfire Protection (PBP) guideline.

An assessment against the bushfire protection measures is provided at **Appendix U**, and is summarised below:

- Asset protection zone (APZ) and defensible space;
 - The entire site shall be managed as an Inner Protection Area (IPA) APZ, in perpetuity, with the exception of the western portion nominated on the plans as 'existing landscape'.
- Bushfire attacked level (BAL):
 - The building (non-habitable structure) is separated from the hazard by 10.8m to north, which affords the building and its occupants protection from exposure to a bushfire.
 - New construction of the weighbridge only is to be subject to BAL Flame Zone construction standards.
- Water supply;
 - A 20,000L static water supply is to be available for bush fire fighting purposes.
- Hydrants;
 - Hydrants are to be provided in accordance with the relevant clauses of AS 2419.1:2005.
- Storage of hazardous materials;
 - Wherever possible, the storage of hazardous materials will be sited away from the hazard.
- Emergency and evacuation planning;
 - Formulating an emergency evacuation plan is suggested.

5.11 Aboriginal Heritage

Heritage Now prepared an Aboriginal Heritage Due Diligence Assessment Report (**Appendix N**). The intent of the Due Diligence Assessment was to assess the likelihood of Aboriginal objects being harmed by the proposed development, whether further investigation is warranted, and whether the activity requires an Aboriginal Heritage Impact Permit (AHIP) application. Historic records indicate the site is within the boundaries of Wonnarua Country. A site inspection was conducted with a representative from the Mindaribba LALC on 7 February 2022.

5.11.1 Assessment

Following a site inspection, Potential Archaeological Deposit (PAD) 37-6-1938 will be updated on the AHIMS to include the creek line which extends 100m into the Project Area. A portion of the site is therefore considered a PAD and has associated archaeological sensitivity. The development footprint does not overlap the PAD, however, it does encroach into the area of potential archaeological sensitivity surrounding the PAD. As such, based on the current design, further archaeological test excavation is proposed to be undertaken prior to the commencement of any construction works. The test pitting program would sample areas of the areas of archaeological sensitivity where development is being proposed. This process would need to be undertaken with Aboriginal community consultation and an Aboriginal Cultural Heritage Assessment Report (ACHAR) will be prepared. Consultation with the Aboriginal community and an ACHAR while the DA is under assessment will be undertaken, and the ACHAR will be submitted to Council as soon as possible.

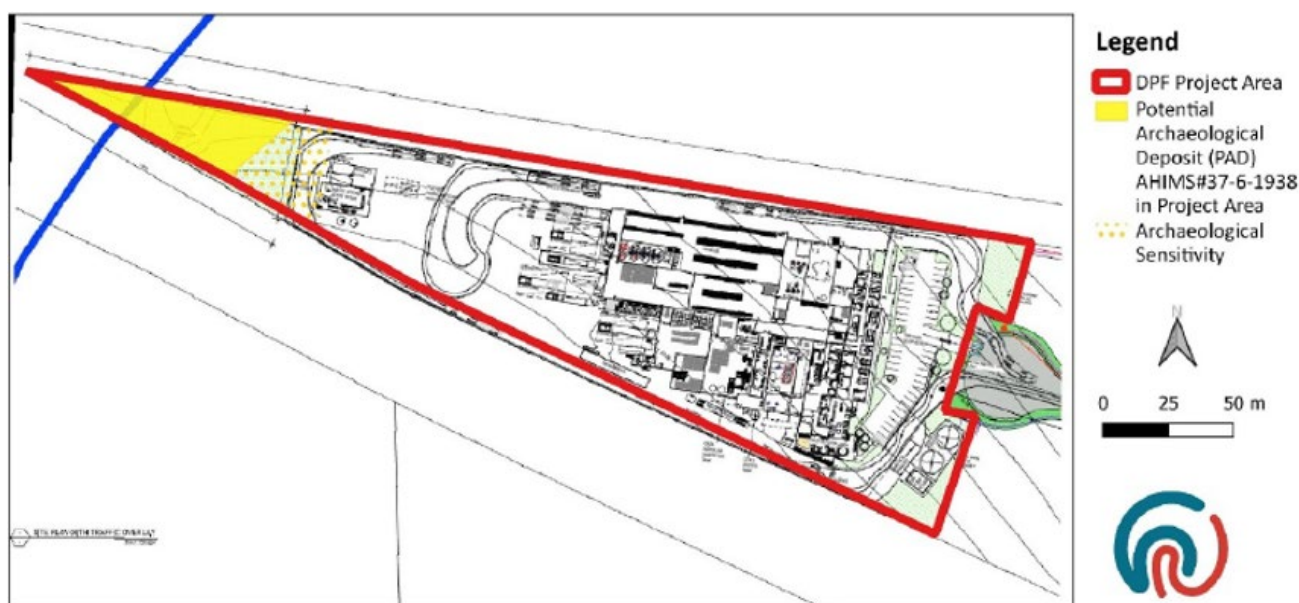


Figure 17 Overlap of archaeological sensitive area

Source: Heritage Now

5.11.2 Mitigation Measures

In addition to archaeological test excavation and associated Aboriginal community consultation/preparation of an ACHAR, the Due Diligence Assessment provides several general mitigation measures which include protocols for the unexpected discovery of Aboriginal objects or archaeological material.

5.12 European Heritage

The Statement of Heritage Impact (**Appendix M**) assesses the proposed impacts upon European heritage items within the site's vicinity.

5.12.1 Assessment

The proposed development is adjacent the locally listed heritage item (Government Railway (1119)) pursuant to the Maitland LEP 2011. A review of background information and a site inspection detected no archaeological deposits

or relics protected under the Heritage Act. Investigation confirmed that the location of the Government Railway was outside the site, on the other side of a fence and there will be very minor visual impacts.

The portion of the heritage item adjacent to the site comprises rail embankment and rail line. More significant buildings associated with the heritage item, including the stations and ancillary buildings at Central Maitland and East Maitland, are not visible from the site.

The proposed earthworks and associated retaining wall adjacent the site's boundary were also considered. It was concluded that these works will not directly impact upon the heritage item, nor the embankment in Lot 1409 in DP 1141534.

The Statement concludes the proposal will have a negligible impact on the heritage significance of the adjacent heritage item.

5.12.2 Mitigation Measures

The Statement lists recommendations that relate to heritage inductions for on-site personnel and protocols for the unexpected discovery archaeological material during works.

5.13 Stormwater Management

The Civil Engineering Report (**Appendix Q**) provides an overview of the proposed stormwater management strategy including conveyance, quantity and quality.

5.13.1 Assessment

Stormwater Conveyance

The proposed stormwater conveyance is as follows:

- **Minor stormwater conveyance** will be via a traditional pit and pipe system.
- **Major stormwater conveyance:** Majority of the flows from the development will be direct to the detention tank located under the car park. The pipe flows from the detention tank will be directed to the inter-allotment pit in the northeast corner of the site. The overland flows from the site will be directed to the north as per existing and into the proposed cul-de-sac access.

Stormwater Quantity

DRAINS modelling was undertaken to determine the predeveloped and developed peak flows at the western and eastern boundaries for 1-year, 10% and 1% Annual Exceedance Probability (AEP) storm events. Based on the modelling reported in **Table 13**, the following conclusions are drawn:

- The detention tank proposed under the car park would reduce the post development peak flows below the predevelopment peak flows for the 10% and 1% AEP storm events.
- The post developed peak flows have not been reduced below the predeveloped peak flows for the 1-year AEP storm events, but these flows will be reduced with the proposed installation of the underground rainwater tank capturing runoff from the southern roof area which is to be utilised for water harvesting on site. Therefore, the peak flows from the 1-year AEP storm events should not have an impact on the downstream stormwater drainage infrastructure.

Table 13 Peak discharge predevelopment vs post development (with detention)

Stormwater event AEP	Peak discharge m ³ /s: AEP		
	Pre-development	Post-development	Difference %
1-year	0.206	0.297	44%
10%	0.598	0.467	-22%
1%	0.989	0.584	-41%

The installation of a detention tank also ensures there will be no impact on the existing stormwater infrastructure.

Stormwater Quality

Regarding stormwater quality, a number of measures will be implemented to ensure the site meets and exceeds the relevant targets. The results of the MUSIC modelling show that the reductions in the pollutants exceed the requirements of Maitland City Council.

Table 14 MUSIC modelling of proposed stormwater quality outcomes for the proposal

	Source load	Residual load	% Achieved reduction	% Required reduction
TSS (kg/yr)	3290	560	83	80
TP (kg/yr)	6.2	1.44	76.7	45
TN (kg/yr)	5.6	23.7	57.6	45
Gross pollutants (kg/yr)	582	25	95.7	70

5.13.2 Mitigation Measures

A detailed water quality maintenance plan for the water quality infrastructure in the development will be provided as part of the detailed engineering design. This will involve implementation of a regular inspection and maintenance schedule. As a minimum, the inspection and maintenance program are to follow the manufacturer's recommended time frame plus after any significant rain event.

Maintenance – GPT

Maintenance activities and frequencies will be in accordance with manufacturer's recommendations and Council's experience.

Maintenance – Bioretention

Regular maintenance of the bioretention swales and basins will require removal of sediment build up, maintenance of vegetation and flushing of the underdrain to maintain performance. Eventually the biofiltration material may need replacement when it has reached the end of its lifecycle. This will be determined by testing of the soil properties after 5-10 years of use.

Stormwater quality – Construction

Mitigation measures throughout construction to protect stormwater quality include:

- **General:** An Erosion and Sediment Control Program will be implemented to minimise water quality impacts.
- **Pre-construction:** Sediment fences, vehicle shakedown device to mitigate transportation of dust and dirt, diversion banks.
- **During construction:** Confinement of construction areas, sediment fences, installation of roof downpipes, regular inspection and maintenance of slit fences, sediment basins and other erosion control measures.
- **Post construction:** Distribution of the Erosion and Sediment Control Program to relevant personnel, maintenance of erosion and sediment control devices.

5.14 Earthworks and Retaining Walls

The Civil Plans (**Appendix AA**) provide details on the proposed earthworks and elevations of the retaining walls.

5.14.1 Assessment

As previously discussed in this EIS, the site has a slope of approximately 4.68m, falling from the south-western boundary to the north-eastern extremity of the site. Up to 2.2m of cut and 2.2m of fill is proposed as a part of this DA. The Civil Engineering Report (**Appendix Q**) states that proposed finished floor level of the building at RL 30.90 has been adopted to:

- minimise the impacts on existing topography at the perimeter of the property whilst considering the balance of cut/fill earthworks,
- restrictions imposed on the surface grading as dictated by Australian Standards,
- and the requirement of the loading dock ground level to be 1.2m below the proposed finished floor level.

The height of proposed retaining walls varies as it correlates to the proposed earthworks. The face of perimeter retaining walls have been offset 600mm from the property boundary to ensure all construction works are within the property boundaries. The design and location of retaining walls have been heavily influenced by the loading dock location, existing topography, stormwater management requirements and heavy vehicle access and turning requirements.

Due consideration was given to Council's request in the pre-DA minutes to set back the retaining walls from property boundaries. The retaining walls are proposed to be located adjacent the southern and northern boundaries to facilitate the 8m wide road, which ultimately services the loading dock at the rear of the development. This is considered to be an improved outcome compared to the pre-DA plans, as it ensures the loading dock is sited at the rear of the development, and away from public view. Importantly, the retaining walls that are visible from the public domain are limited to 0-1.5m in height and considerably set back from the front boundary. This is not considered to cause a detrimental impact, nor exacerbate the bulk and scale of the development.

The proposed earthworks and associated retaining wall adjacent the site's boundary were also considered in the Heritage Impact Statement (**Appendix M**). It was concluded that these works will not directly impact upon the heritage item nor the embankment in Lot 1409 in DP 1141534.

5.15 Waste Management

The Waste Management Plan prepared by Benbow Enviro at **Appendix T**, describes the procedures for managing waste the facility, and how the facility will adhere to relevant waste legislation. Waste will be generated that will require appropriate disposal during the construction and the operation stages of the proposed development. The following section provides details on the waste produced during these stages and the management measures that will be implemented to appropriately dispose of waste generated by the project.

5.15.1 Assessment

Demolition Waste

Given that the site is currently cleared, there will be no demolition, and consequently no demolition waste generated.

Construction Waste

Construction works would involve establishment of a concrete hardstand area, car park, internal roadways, construction of a large building and associated infrastructure. The majority of waste generation relates to excavation (>2,500 tonnes), which will be reused on site for cut and fill purposes. Other materials (including greenwaste, concrete, metals etc), will be transported to an authorised recycling facility.

Operational Waste

The operational waste streams associated with the proposed development will be managed through waste disposal procedures that focus on the waste hierarchy of avoid, reuse, recycle then finally disposal. This model is reflected in the proposed waste management measures which relate to reuse, disposal at a composting or recycling facility, or sent to landfill as the final resort. The expected type, quantity, onsite management, and offsite destination of wastes generated by the proposed facility are estimated in **Table 15**.

Table 15 Operational waste generation

Waste Type	Estimated Maximum Quantity (tonnes per annum)	EPA Waste Classification	Management
Sifting Solids	460 tpa	General soil waste (putrescible)	Picked up by licensed waste contractor (Veolia) and transported to a composting facility.
Pallets	30 tpa	General soil waste (non-putrescible)	Typically picked up to be reused by raw material supplier. Otherwise picked up by pallet reuse company.
WWTP DAF Sludge	1,500 tpa	Liquid waste	Picked up by licenced waste contractor. The licensed waste contractor would test and classify the waste for the purposes of reuse and take the waste to a resource recovery facility licenced to accept the waste where the waste would be reused, likely composting.
WWTP Bioreactor Sludge	6 tpa	Liquid waste	Picked up by licenced waste contractor. The licensed waste contractor would test and classify the waste for the purposes of reuse and take the waste to a resource recovery facility licenced to accept the waste where the waste would be reused, likely composting.
WWTP Wastewater	11,000 tpa	Liquid waste	Discharged as trade wastewater to Hunter Water Sewer system under a trade waste agreement.
WWTP Solids	11 tpa	General soil waste (putrescible)	Picked up by licenced waste contractor. The licensed waste contractor would test and classify the waste for the purposes of reuse and take the waste to a resource recovery facility licenced to accept the waste where the waste would be reused, likely composting.
Blood soaked bin liners	60 tpa	General soil waste (non-putrescible)	Picked up by a licenced waste contractor and sent to landfill.
Non-recyclable offices/admin waste	10 tpa	General soil waste (non-putrescible)	Picked up by a licenced waste contractor and sent to landfill.
Non-recyclable packaging waste	100 tpa	General soil waste (non-putrescible)	Picked up by a licenced waste contractor and sent to landfill.
Cardboard packaging	30 tpa	General soil waste (non-putrescible)	Picked up by a licenced waste contractor and sent to a paper/cardboard recycling facility.
Recycling office/admin waste (food and drink packaging)	1 tpa	General soil waste (non-putrescible)	Picked up by a licenced waste contractor and sent to a recycling facility.
Old IBCs/Containers	2 tpa	General soil waste (non-putrescible)	Reused on site. Otherwise picked up by licenced waste contractor for recycling.

5.15.2 Mitigation Measures

Odorous Waste

Odour is managed at the facility with a dedicated odour control ventilation system for the processing facility and WWTP/waste storage room. The following waste management controls will be implemented:

- All waste bins to be closed (lidded) when not in use.
- No storage of waste outside.

- Odour control ventilation system where solid or liquid waste is collected, processed or stored is to be in proper working order.

General

In order to reduce the waste impact of the proposal:

- Separate containers of sufficient size will be provided to accommodate the storage of waste and recycling likely to be generated on the premises between collections.
- Separate containers will be provided for the separation of recyclable materials from general waste.
- The type and volume of containers used to hold waste and recyclable materials will be compatible with the collection practices of the nominated waste contractor.

5.16 Land Use Conflict Risk Assessment

The SEARs have requested a Land Use Conflict Risk Assessment (LUCRA) in accordance with the Department of Primary Industries guidelines. LUCRA is a system to identify and assess the potential for land use conflict to occur between neighbouring land uses.

5.16.1 Assessment

Key aspects of the proposed development and the context of the site are provided below.

The proposed development involves the construction of a pet food ingredient manufacturing facility, being characterised as a livestock processing industry which is characterised as a 'rural industry' land use.

- The site is currently vacant grassed areas, interspersed with trees.
- The locality is dominated by existing or proposed industrial and commercial land uses to the north and east. Including a new industrial subdivision planned on land immediately to the east of the site.

It is highlighted that some adjacent rural residential properties contain a land use that is inconsistent with the adjacent B5 Business Development zone. This land is planned to deliver the Rutherford Park Freight and Business Centre, which aligns with the B5 Zone objectives. Notwithstanding this, management of land use conflict is required in the short term, whilst the desired future character evolves, and current land uses relocate.

The Land Use Conflict Risk Assessment Guide requires an assessment using the following key steps:

- Record each activity on surrounding agricultural properties and the potential for conflict.
- Evaluate the risk level of each activity using the prescribed Risk Ranking Matrix which takes into account the probability of an impact occurring and the consequence of that impact (a risk ranking of 11 or above is considered a 'high risk' and 25 is the highest risk ranking available).
- Identify risk reduction management strategies.
- Re-evaluate the risk.

With consideration of the above described land uses, the activities that occur on properties in the locality surrounding the site are:

- Commercial and industrial land uses;
- Motorcross track;
- Maitland airport;
- Rural land; and
- Occupation of residential dwellings associated with rural residential properties.

The risk assessment is provided below and in accordance with the LUCRA Guide. As can be seen in **Table 16** the initial risk rating is predicted to be very low, and in all cases below the risk rating score of 10 that might warrant further investigation. The reason for the low risk ratings is due to the very low potential off-site impacts that have been predicted to occur as a result of the proposed development – in part due to the relatively small scale of the facility and its separation from sensitive land uses, and in part due to the application of appropriate engineering designs aimed at ensuring off-site impacts will not occur. In particular, noise, odour, air emissions and traffic and all predicted to be negligible in terms of potential for off-site impacts, and where relevant to be well below the specified

criteria. As such, the mitigation measures set out in Section 6 below are considered suitable, and no further analysis of mitigation or management measures is proposed to manage land use conflicts.

Table 16 Land Use Conflict Risk Assessment

Activity	Potential Conflict Identification	Initial Risk Ranking
Commercial and industrial land uses;	Noise impacts Odour Impacts	3
Motorcross track	Noise impacts Odour Impacts	5
Maitland airport	Visual (reflection)	3
Rural land	Noise Odour	5
Occupation of residential dwellings associated with rural residential properties	Noise Odour Lighting	6

6.0 Mitigation Measures

The collective measures required to mitigate the impacts associated with the proposed works are detailed in this section. These measures have been derived from the previous assessment in **Section 5.0** and those detailed in appended consultants' reports.

Table 17 Mitigation measures

Mitigation Measures
<p>Contamination</p> <p>Given that the site has been found to be suitable in its current form, no mitigation measures are required.</p>
<p>Hazards and Risk</p> <p>Following an examination on the potential hazardous scenarios, the following recommendations were considered fundamental in aiding the control of risks presented by the proposed development:</p> <ul style="list-style-type: none"> • Dangerous good storage areas are to comply with the following standards: <ul style="list-style-type: none"> ○ AS3780-2008 – The storage and handling of corrosive substance ○ AS/NZS 3833:2007 – The storage and handling of mixed classes of dangerous goods, in packages and intermediate bulk containers <p>Access control in chemical tanker unloading area. Dual locks for compatible/incompatible coupling adaptors for acid and bases (one at the connection point and one at the adapter storage location).</p> <ul style="list-style-type: none"> • Overpressure vents to be installed on all tanks. Ensure tanks required to be vented to odour control system have an additional emergency overpressure release vent. • Site management to routinely review and maintain operational procedures to minimise the number of hazardous incidents and accidents on site and to mitigate the consequences of incidents regarding the handling of dangerous goods and chemicals. • Site employees and truck drivers shall be trained in the Spill Management Plan prepared for the site. • Preparation of a manifest and site manifest plan and notification is required. • An Emergency Plan is to be prepared and implemented.
<p>Air Quality and Odour</p> <ul style="list-style-type: none"> • Majority of odour generating process rooms are wholly contained within the building such that there is no frequently used doorways that could allow for diffuse emission to be released from the building. • Automatic closing doors for the processing facility and WWTP. • Air quality control extraction ventilation system will be installed in the processing building and the wastewater treatment/waste bin storage room building. • All odours sources that can be directly vented to the air quality control extraction ventilation system will be. These include the mixing tanks, processing tanks, storage tanks, WWTP dosing tank, WWTP storage tanks, WWTP DAF, and WWTP Bioreactor. • The majority of diffuse emission sources in the process building occur in rooms that connect to the receivals hall including bins, thawing, grinder, and raw materials handling. The receival hall will have doorways which are regularly opened for the receipt of raw materials and for the transfer of waste bins to the waste bin storage area. Therefore, this room will have extraction registers which are located on the eastern side of this area which will draw air in from the surrounding rooms and from the outside preventing diffuse emission release from the building. This process building ventilation system is expected to extract approximately 2.7 m³/s. The majority of this extraction will occur in the receivals hall. Extraction registers will also be located close to the following diffuse sources (not serviced by the receival hall extraction system) including: <ul style="list-style-type: none"> ○ The sifting machine and collection bin and, ○ The IBC/Drum filling station. • The stack mouth for the processing building will be located 3 m above the apex of the processing building roofline. • The diffuse emission sources from the bin storage area and the WWTP gross pollutant filter will be serviced by extraction registers. This WWTP/bin storage ventilation system is expected to extract approximately 0.14 m³/s. • The stack mouth for the WWTP will be located 3m above the apex of the WWTP building roofline.
<p>Wastewater</p> <p>Waste Management</p> <ul style="list-style-type: none"> • WWTP DAF sludge, WWTP bioreactor sludge, WWTP solids, are to be picked up by a licenced waste contractor. This would be tested and classify the waste for purpose of reuse and take the waste to a resource recovery facility. • WWTP wastewater is to be discharged under a trade wastewater agreement.
<p>Odour control</p> <ul style="list-style-type: none"> • WWTP enclosed with automatic closing roller doors. • The diffuse emission sources from the bin storage area and the WWTP gross pollutant filtration plant will be serviced by extraction registers. • All enclosed vessels will be vented to the WWTP/bin storage ventilation system.

Mitigation Measures

- Sample ports in the exhaust stack are to be installed in accordance with AS4323.1 with accessible platform should compliance monitoring be required.

Spill control

- All aboveground storage is required to be bunded. Bunding will contain a minimum capacity of 110% of the largest storage vessel.

Equipment maintenance

- All equipment must be maintained in accordance with manufacturers specification.

Noise and Vibration

No specific noise measures were recommended.

Traffic Impact

No specific traffic management measures were recommended.

Lighting

- The design of all lighting will be done in accordance with Australian Standards AS1158:2020 Lighting for the roads and public spaces and AS4282.2019 – Control of the obtrusive effects of outdoor lighting.
- Selection of luminaires with tight beam control.
- Where applicable luminaires are to be mounted on adjustable brackets.
- Luminaires that are dimmable.
- Where applicable glare shields such as back shields or louvres.
- The use of timers to automatically turn off or dim lighting system as required.

Biodiversity

- The biodiversity assessment undertaken within the study area to date have identified 11 biodiversity credits are required for the removal of PCT 1600 within the site.
- The Preliminary BDAR identifies the Candidate species that have been surveyed and Candidate species that need to be surveyed in the appropriate season. The BDAR completion will therefore be delayed until September/October 2022 to allow for an extensive assessment.

Bushfire Protection

- The entire site shall be managed as an APZ (IPA) in perpetuity, with the exception of the western-most vegetation.
- New construction of the weighbridge only is to be subject to BAL Flame Zone construction standards.
- A 20,000L static water supply is to be available for bush fire fighting purposes.
- Wherever possible, the storage of hazardous materials will be sited away from the hazard.
- Formulating an emergency evacuation plan is suggested.

Aboriginal Heritage

- An Aboriginal Cultural Heritage Assessment Repeat will be prepared in accordance with relevant guidelines, incorporating archaeological test excavation and associated Aboriginal community consultation.
- All relevant project personnel (including on-site personnel) are to be made aware of their obligations under the National Parks and Wildlife Act 1974. This includes the protection of Aboriginal sites and the reporting of any new or suspected Aboriginal heritage sites. This may be done through an on-site induction or other suitable format.
- In the unlikely event that human remains, or suspected human remains, are uncovered during the development, works in that area are to stop and the area is to be cordoned off. The project manager is to contact the NSW Police to establish whether the area is a crime scene. If it is not a crime scene, Heritage NSW is to be notified via the Environment Line on 131 555 and management measures are to be devised in consultation with the local Aboriginal community. Works are not to recommence in the area until the management measures have been implemented.

European Heritage

- A heritage induction is to be provided to all on-site personnel undertaking construction works.
- In the unlikely event archaeological, or suspected archaeological material is uncovered during works, then works in that area are to cease and the area cordoned off. The material is to be inspected by a heritage consultant and works in that area are only to recommence once heritage clearance has been gained and/or mitigation and management measures implemented.

Stormwater Management

Mitigation Measures

- A detailed water quality maintenance plan for the water quality infrastructure in the development will be provided
- Maintenance activities and frequencies will be in accordance with manufacturer's recommendations and Council's experience.
- Regular maintenance of the bioretention swales and basins will require removal of sediment build up, maintenance of vegetation and flushing of the underdrain to maintain performance.

Stormwater quality – Construction

- **General:** An Erosion and Sediment Control Program will be implemented to minimise water quality impacts.
- **Pre-construction:** Sediment fences, vehicle shakedown device to mitigate transportation of dust and dirt, diversion banks.
- **During construction:** Confinement of construction areas, sediment fences, installation of roof downpipes, regular inspection and maintenance of slit fences, sediment basins and other erosion control measures.
- **Post construction:** Distribution of the Erosion and Sediment Control Program to relevant personnel, maintenance of erosion and sediment control devices.

Waste Management

Odour

- All waste bins to be closed (lidded) when not in use.
- No storage of waste outside.
- Odour control ventilation system where solid or liquid waste is collected, processed or stored is to be in proper working order.

General

- Separate containers of sufficient size will be provided to accommodate the storage of waste and recycling likely to be generated on the premises between collections.
- Separate containers will be provided for the separation of recyclable materials from general waste.
- The type and volume of containers used to hold waste and recyclable materials will be compatible with the collection practices of the nominated waste contractor.

7.0 Justification of the Proposal

In general, investment in major projects can only be justified if the benefits of doing so exceed the costs. Such an assessment must consider all costs and benefits, and not simply those that can be easily quantified. As a result, the EP&A Act specifies that such a justification must be made having regard to biophysical, economic and social considerations and the principles of ecologically sustainable development.

This means that the decision on whether a project can proceed or not needs to be made in the full knowledge of its effects, both positive and negative, whether those impacts can be quantified or not.

The proposed development involves the construction and operation of a pet food facility in the Rutherford industrial area. The assessment must therefore focus on the identification and appraisal of the effects of the proposed change over the site's existing condition.

Various components of the biophysical, social and economic environments have been examined in this EIS and are summarised below.

7.1 Social and Economic

If approved, the development will build on existing industrial uses and activate a currently vacant site. In addition, the proposed facility will employ 40 employees therefore creating a net increase of 9 local job opportunities, in consideration of the existing 31 jobs at the Beresfield facility.

The proposed development responds to market demands and the growing nature of Diana Pet Food. The proposal offers an expansion and substantial upgrade over existing facilities. The site is strategically well placed to capitalise on the growth of Rutherford as an employment and industrial hub for the Maitland LGA.

The proposal is considered to be socially and economically justified as it would allow an existing and viable local business operation to locate to a new and environmentally sensitive facility within appropriately zoned land.

7.2 Biophysical

Section 5.0 of this EIS contains a thorough assessment of the likely biophysical impacts of the proposed development. This analysis demonstrates that the proposed development will not result in any significant environmental impacts that cannot be appropriately addressed through standard conditions of consent or the current mitigation measures included at **Section 6.0**.

The environmental impact assessment of the proposed development has demonstrated that:

- All environmental impacts associated with the construction phase of the development can be appropriately managed and mitigated including any odour and air quality impacts, operational traffic impacts, parking management, construction and operational noise impacts;
- Water management measures will be implemented to ensure that there are no adverse water, drainage, stormwater or groundwater impacts; and
- The site is appropriate for the proposed use given its current zoning and land use activities that immediately surround the site.

7.3 Ecologically Sustainable Development

The EP&A Regulation lists 4 principles of ecologically sustainable development to be considered in assessing a project. They are:

- The precautionary principle;
- Intergenerational equity;
- Conservation of biological diversity and ecological integrity; and
- Improved valuation and pricing of environmental resources.

An analysis of these principles follows.

Precautionary principle

The precautionary principle is utilised when uncertainty exists about potential environmental impacts. It provides that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. The precautionary principle requires careful evaluation of potential environmental impacts in order to avoid, wherever practicable, serious or irreversible damage to the environment.

This EIS has not identified any serious threat of irreversible damage to the environment and therefore the precautionary principle is not relevant to the proposal.

Inter-generational equity

Inter-generational equity is concerned with ensuring that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations. Approval for the facility at this location would support the local economy and further establish Rutherford as an employment cluster in the Maitland LGA, which is beneficial for both current and future generations. The proposal has integrated short and long-term social, financial and environmental considerations so that any foreseeable impacts are not left to be addressed by future generations. Issues with potential long term implications such as waste disposal would be avoided and/or minimised through construction planning and the application of safeguards and management measures described in this EIS and the appended technical reports.

Conservation of biological diversity and ecological integrity

The principle of biological diversity upholds that the conservation of biological diversity and ecological integrity should be a fundamental consideration. The potential impacts associated with development identified by the expert

consultant reports (see **Section 5.0**), particularly those associated with construction impacts, have been incorporated into the mitigation measures at **Section 6.0** of this EIS.

Improved valuation, pricing and incentive mechanisms

The principles of improved valuation and pricing of environmental resources requires consideration of all environmental resources which may be affected by a proposal, including air, water, land and living things. Mitigation measures for avoiding, reusing, recycling and managing waste during construction and operation would be implemented to ensure resources are used responsibly in the first instance.

Additional measures will be implemented to ensure no environmental resources in the locality are adversely impacted during the construction or operational phases.

8.0 Conclusion

The Environmental Impact Statement (EIS) has been prepared to consider the environmental, social and economic impacts of the proposed livestock processing facility (pet food ingredient manufacturing facility). The proposed development has been specifically designed to mitigate and ameliorate potential impacts that may be associated with developments of this type, including odour and air quality impacts, traffic impacts, and noise impacts.

The EIS has addressed the issues outlined in the SEARs (**Appendix A**) and accords with Clause 22 of Schedule 3 of the EP&A Regulation. Having regard to biophysical, economic and social considerations, including the principles of ecologically sustainable development, the carrying out of the project is justified for the following reasons:

- The proposed development is consistent with the industrial nature of the locality and will activate an under-utilised industrial zoned site;
- No significant adverse environmental impacts are predicted;
- The industrial nature of the site is in keeping with the existing and future surrounding land uses; and
- The proposal would employ up to 40 people and reinforce Rutherford as a strategic employment centre.

Given the merits described above it is requested that the application be approved.