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Our ref: 19/47

Shaun Williams  
Industry Assessments  
Department of Planning, Industry & Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

Dear Shaun

**RE: SHOALHAVEN STARCHES EXPANSION PROJECT MP 06\_0228  
MODIFICATION APPLICATION NO. 17 (MOD 17)**

## 1.0 INTRODUCTION

I refer to the above Modification Application (Mod 17) and in particular to a recent meeting between the Independent Planning Commission (IPC) and staff from Shoalhaven Starches in connection with this Modification Application.

It is understood that an issue arose from that meeting in connection with the proposed extension of the car park to be located on the northern side of Bolong Road on Lot 141 DP 1069758 that forms part of this Modification Application. It is understood that the IPC sought clarification as to the level of consideration and the question of permissibility about the siting of this car park extension on this land. This submission has been prepared to seek to clarify this aspect.

The land upon which approval is sought for the extension of the car park in question (Lot 141 DP 1069758) is included in Schedule 1 of Project Approval MP 06\_0228 for the Shoalhaven Starches Expansion Project as land associated with this Project Approval. The land is identified within the Site Area nominated as "Wastewater Treatment Plant and Environmental Farm".

Mod 16, approved by the IPC on the 18<sup>th</sup> June 2019, included the construction of a new Specialty Products Processing Facility and New Gluten Dryer and other associated works. These other associated works included the construction of a car park on the northern side of Bolong Road within the south-western corner of Lot 141 DP 1069758. Under the current Mod 17 it is proposed to extend this approved car park.

To accommodate the proposed extended car park under Mod 17 it will be necessary to relocate 13 of the car parking spaces under Mod 16. Attached to this submission is a revised drawing No. MN6927-008 which identifies the car park extension associated with Mod 17 in question and identifying:

- The relocation of the 13 spaces approved under Mod 16.

- The proposed relocation of the 48 spaces under Mod 17.
- The provision of 46 overflow and contractor parking spaces. In this regard the parking layout has been amended by reducing the overall number of overflow / contractor spaces to improve manoeuvring areas and driveways within the car park.

## 2.0 SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2014

Lot 141 DP 1069758 is zoned RU2 Rural Landscape under the provisions of the Shoalhaven Local Environmental Plan (SLEP) 2014. As with the siting of the original car park under Mod 16, it is our view that the extension of the existing car park proposed now under Mod 17, is a permissible use under the RU2 zone that applies to the land.

The objectives of the RU2 zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource*
- *To maintain the rural landscape character of the land*
- *To provide for a range of compatible land uses, including extensive agriculture.*

The proposal is consistent with these objectives as the proposal involves the provision of car parking within a small portion of the south-western corner of this site. The proposal will not unduly impact on the rural landscape character of the land given it involves an extension to an existing approved car park and adjoins the BOC Plant located on the adjoining Lot 241 DP 1130535. The proposal will not impact on the agricultural production of the overall land given the relatively small area associated with these works and it does not fragment this resource given it is located within the south-western corner of the land. Furthermore, given the nature of the use, it would be relatively simply to reverse the use of the land if need be and will therefore not sterilise the land for future agricultural use if it is ever required.

It is our view that the proposal is a permissible use within this zone as this car park area represent a modification necessary for the Shoalhaven Starches operations which comprise a "rural industry"(refer **Table 1**).

**Table 1**  
**Land Use Permissibility – RU2 Zone (Shoalhaven LEP 2014)**

<b>Permitted without consent</b>	Extensive agriculture; Forestry; Home occupations
<b>Permitted with consent</b>	Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Crematoria; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Flood mitigation works; Food and drink premises; Freight transport facilities; Funeral homes; Group homes; Hazardous industries; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Marinas; Markets; Mooring pens; Moorings; Offensive industries; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Roadside stalls; <b>Rural industries</b> ; Tourist and visitor accommodation; Veterinary hospitals; Water recreation



	structures; Water supply systems
<b>Prohibited</b>	Hotel or motel accommodation; Pubs; Serviced apartments; Any other development not specified in item 2 or 3

The Shoalhaven LEP defines a Rural Industry as

*“the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:*

- (a) **agricultural produce industries,**
- (b) *livestock processing industries,*
- (c) *composting facilities and works (including the production of mushroom substrate),*
- (d) *sawmill or log processing works,*
- (e) *stock and sale yards,*
- (f) *the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise”.*

Agricultural Produce Industries are defined as

*“a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry”*

The relocation of the proposed parking spaces arises as a direct result of the proposed increase in footprint of the proposed Gluten Dryer and Specialty Products Processing Buildings that were originally approved under Mod 16. The increase in the footprint of these buildings will result in the loss of existing parking spaces located within this part of the factory site. It is proposed to relocate these spaces to the subject site and provide overflow parking and parking for construction contractors employed in the construction of the works associated with these projects.

The Shoalhaven Starches operations are a ‘Rural Industry’ as they are an “Agricultural Produce Industry” which involves the handling, treatment and processing of flour (which is a produce from agriculture) into a range of products including gluten and starch. The works associated with the previous Mod 16 and the current Mod 17 concern production processes directly related to the production of gluten and starch.

The proposal is a permissible use within this zone as the relocation of these car parking spaces represents a necessary modification to allow the construction of plant and equipment used for the purposes of a rural enterprise/industry. The proposal is therefore permissible subject to consent as it represents a modification to an existing rural industry.

The SLEP 2014 also has a number of specific provisions that apply to the land. The implications that these provisions have in relation to the car park extension as part of Mod 17 are discussed in **Table 2** below:

**Table 2**  
**Shoalhaven LEP 2014 Provisions**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
4.3 Height of Buildings	<p>(1) The objectives of this clause are as follows:</p> <p>(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality,</p> <p>(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,</p> <p>(c) to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>(2A) If the Height of Buildings Map does not show a maximum height for any land, the height of a building on the land is not to exceed 11 metres.</p>	<p>The car park extension does not involve the construction of any buildings therefore this clause is not relevant to this aspect of the Modification Application.</p>
5.5 Development within the coastal zone	<p>(1) The objectives of this clause are as follows:</p> <p>(a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,</p> <p>(b) to implement the principles in the NSW Coastal Policy, and in particular to:</p> <p>(i) protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and</p> <p>(ii) protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast, and</p> <p>(iii) provide opportunities for pedestrian public access to and along the coastal foreshore, and</p> <p>(iv) recognise and accommodate coastal processes and climate change, and</p> <p>(v) protect amenity and scenic quality, and</p> <p>(vi) protect and preserve rock platforms, beach environments and beach amenity, and</p> <p>(vii) protect and preserve native coastal vegetation, and</p>	<p>The land upon which the extended car park is situated is located within the coastal zone.</p> <p>The proposal is not considered to adversely affect the coastal zone as:</p> <ul style="list-style-type: none"> <li>• The proposal does not affect or impinge on public access to or along the coastal foreshore.</li> <li>• The proposal involves an extension to an existing car park associated with an established industrial activity and is considered to be suitable development given its type, location and design. The development is also consistent with the zoning objectives for the land.</li> <li>• The development will not lead to overshadowing of foreshore areas.</li> <li>• The scenic qualities of the area will not diminish. The proposal involves</li> </ul>



**Table 2 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
5.5 continued	<p>(viii) protect and preserve the marine environment, and</p> <p>(ix) ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and</p> <p>(x) ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and</p> <p>(xi) protect Aboriginal cultural places, values and customs, and</p> <p>(xii) protect and preserve items of heritage, archaeological or historical significance</p> <p>(2) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:</p> <p>(a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:</p> <p>(i) maintaining existing public access and, where possible, improving that access, and</p> <p>(ii) identifying opportunities for new public access, and</p> <p>(b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:</p> <p>(i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and</p> <p>(ii) the location, and</p> <p>(iii) the bulk, scale, size and overall built form design of any building or work involved, and</p> <p>(c) the impact of the proposed development on the amenity of the coastal foreshore including:</p> <p>(i) any significant overshadowing of the coastal foreshore, and</p> <p>(ii) any loss of views from a public place to the coastal foreshore, and</p>	<p>and extension to an existing car park and is situated within the vicinity of the adjoining BOC Plant and opposite the existing Shoalhaven Starches factory site.</p> <ul style="list-style-type: none"> <li>The site is cleared of native vegetation comprising cleared pasture. The proposal will not lead to adverse impacts on threatened fauna and flora.</li> </ul>

**Table 2 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
5.5 continued	<p>(d) <i>how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and</i></p> <p>(e) <i>how biodiversity and ecosystems, including:</i></p> <p style="padding-left: 20px;">(i) <i>native coastal vegetation and existing wildlife corridors, and</i></p> <p style="padding-left: 20px;">(ii) <i>rock platforms, and</i></p> <p style="padding-left: 20px;">(iii) <i>water quality of coastal waterbodies, and</i></p> <p style="padding-left: 20px;">(iv) <i>native fauna and native flora, and their habitats, can be conserved, and</i></p> <p>(f) <i>the cumulative impacts of the proposed development and other development on the coastal catchment.</i></p> <p>(3) <i>Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:</i></p> <p style="padding-left: 20px;">(a) <i>the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and</i></p> <p style="padding-left: 20px;">(b) <i>if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and</i></p> <p style="padding-left: 20px;">(c) <i>the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and</i></p> <p style="padding-left: 20px;">(d) <i>the proposed development will not:</i></p> <p style="padding-left: 40px;">(i) <i>be significantly affected by coastal hazards, or</i></p> <p style="padding-left: 40px;">(ii) <i>have a significant impact on coastal hazards, or</i></p> <p style="padding-left: 20px;">(iii) <i>increase the risk of coastal hazards in relation to any other land.</i></p>	
5.10 Heritage Conservation	<p>(1) <i>The objectives of this clause are:</i></p> <p style="padding-left: 20px;">(a) <i>to conserve the environmental heritage of Shoalhaven; and</i></p> <p style="padding-left: 20px;">(b) <i>to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views; and</i></p>	There are no heritage items within the subject land, and the subject site is not located within a heritage conservation area.

**Table 2 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
5.10 continued	<p>(c) to conserve archaeological sites; and</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p> <p>(2) Development consent is required for any of the following:</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area;</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p>	
7.1 Acid sulphate soils	<p>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage.</p>	The subject site is mapped as Class 2, 3 and 4 by the Acid Sulphate Soil (ASS) Mapping that supports the



**Table 2 (continued)**

SLEP 2014 Clause	Provisions	Comments												
7.1 continued	<p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulphate Soils Map as being of the class specified for those works, except as provided by this clause.</p> <table><tr><th>Class of Land</th><th>Works</th></tr><tr><td>1</td><td>Any works.</td></tr><tr><td>2</td><td>Works below the natural ground surface. Works by which the water table is likely to be lowered.</td></tr><tr><td>3</td><td>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</td></tr><tr><td>4</td><td>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</td></tr><tr><td>5</td><td>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</td></tr></table> <p>(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulphate soils management plan has been prepared for the proposed works in accordance with the Acid Sulphate Soils Manual and has been provided to the consent authority.</p> <p>(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:</p> <p>(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulphate Soils Manual indicates that an acid sulphate soils management plan is not required for the works, and</p> <p>(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.</p>	Class of Land	Works	1	Any works.	2	Works below the natural ground surface. Works by which the water table is likely to be lowered.	3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.	4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.	5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	<p>LEP. The area of the site where the extended car park is to be located is mapped as Class 3 land.</p> <p>The proposal does not involve excavation below 1 metres of the ground surface. Rather the car park construction will involve the placement of road construction materials upon the ground surface. Under these circumstances it is not envisaged that works associated with the car park will disturb potential ASS.</p>
Class of Land	Works													
1	Any works.													
2	Works below the natural ground surface. Works by which the water table is likely to be lowered.													
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.													
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.													
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.													



**Table 2 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
7.1 continued	<p>(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):</p> <p>(a) emergency work, being the repair of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,</p> <p>(b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil).</p> <p>(c) minor work, being work that costs less than \$20,000 (other than drainage work).</p> <p>(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:</p> <p>(a) the works involve the disturbance of less than 1 tonne of soil, and</p> <p>(b) the works are not likely to lower the watertable.</p>	
7.3 Flood Planning	<p>(1) The objectives of this clause are as follows:</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid significant adverse impacts on flood behaviour and the environment.</p> <p>(2) This clause applies to:</p> <p>(a) land identified as "Flood Planning Area" on the Flood Planning Area Map, and</p> <p>(b) other land at or below the flood planning level.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <p>(a) is compatible with the flood hazard of the land, and</p>	<p>The location of the extension to the car park is identified by Council as flood prone land.</p> <p>Mod 16 was supported by a Flood Compliance Assessment prepared by WMA Water.</p> <p>In terms of the relocation of car parking spaces associated with Mod 16, WMA Water concluded that as this proposal would involve no buildings, minimal earth works, and all cars would be removed prior to overtopping of the river bank, the hydraulic impact of the extension to the car park would be nil.</p> <p>As the current proposal involves an extension to this previously approved car</p>

**Table 2 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
7.3 continued	<p>(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) incorporates appropriate measures to manage risk to life from flood, and</p> <p>(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</p> <p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and</p> <p>(f) will not affect the safe occupation or evacuation of the land.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.</p> <p>(5) In this clause: <b>flood planning level</b> means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.</p>	<p>park and again involves no buildings, minimal earth works, and cars would be able to be removed prior overtopping of the river bank, the hydraulic impact of the proposed extended car park is also expected to be nil.</p>
7.4 Coastal Risk Planning	<p>(1) The objectives of this clause are as follows:</p> <p>(a) to avoid significant adverse impacts from coastal hazards,</p> <p>(b) to ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards,</p> <p>(c) to enable the evacuation of land identified as coastal risk in an emergency,</p> <p>(d) to avoid development that increases the severity of coastal hazards.</p> <p>(2) This clause applies to the land identified as "Coastal Risk Planning Area" on the Coastal Risk Planning Map.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <p>(a) will avoid, minimise or mitigate exposure to coastal processes, and</p> <p>(b) is not likely to cause detrimental increases in coastal risks to other development or properties, and</p>	<p>The Coastal Risk Planning Map that accompanies the SLEP 2014 does <u>not</u> identify the subject land as a "Coastal Risk Planning Area".</p> <p>The provisions of this clause therefore do not apply to the subject site.</p>



**Table 2 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
7.4 continued	<p>(c) is not likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment, and</p> <p>(d) incorporates appropriate measures to manage risk to life from coastal risks, and</p> <p>(e) is likely to avoid or minimise adverse effects from the impact of coastal processes and the exposure to coastal hazards, and</p> <p>(f) provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes and coastal hazards, and</p> <p>(g) has regard to the impacts of sea level rise.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the NSW Coastal Planning Guideline: Adapting to Sea Level Rise (ISBN 978-1-74263-035-9) published by the NSW Government in August 2010, unless it is otherwise defined in this clause.</p> <p>(5) In this clause: <b>coastal hazard</b> has the same meaning as in the Coastal Protection Act 1979.</p>	
7.5 Terrestrial Biodiversity	<p>(1) The objective of this clause is to maintain terrestrial biodiversity, by:</p> <p>(a) protecting native flora and fauna,</p> <p>(b) protecting the ecological processes necessary for their continued existence, and</p> <p>(c) encouraging the recovery of native flora and fauna, and their habitats.</p> <p>(2) This clause applies to land:</p> <p>(a) identified as "Biodiversity—habitat corridor" or "Biodiversity—significant vegetation" on the Terrestrial Biodiversity Map, and</p> <p>(b) situated within 40m of the bank (measured horizontally from the top of the bank) of a natural waterbody.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:</p> <p>(a) whether the development is likely to have:</p> <p>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p>	<p>The Terrestrial Biodiversity Map that accompanies the SLEP 2014 does <u>not</u> identify the subject land as including areas of Biodiversity - habitat corridor and/or Biodiversity - significant vegetation.</p> <p>The site upon which the extended car park is to be located is cleared pasture. The land does not contain any native vegetation or habitat of significance. It is considered the proposed works will not have any adverse impacts on flora or fauna of their habitats.</p>

**Table 2 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
7.5 continued	<p>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p> <p>(5) For the purpose of this clause:</p> <p><b>bank</b> means the limit of the bed of a natural waterbody.</p> <p><b>bed</b>, of a natural waterbody, means the whole of the soil of the channel in which the waterbody flows, including the portion that is alternatively covered and left bare with an increase or diminution in the supply of water and that is adequate to contain the waterbody at its average or mean stage without reference to extraordinary freshets in the time of flood or to extreme droughts.</p>	
7.6 Riparian land and watercourses	<p>(1) The objective of this clause is to protect and maintain the following:</p> <p>(a) water quality within watercourses,</p> <p>(b) the stability of the bed and banks of watercourses,</p> <p>(c) aquatic and riparian habitats,</p> <p>(d) ecological processes within watercourses and riparian areas.</p> <p>(2) This clause applies to all of the following:</p> <p>(a) land identified as "Riparian Land" on the Riparian Lands and Watercourses Map,</p>	<p>The Riparian Lands and Watercourses Map that accompanies the SLEP 2014 identifies a Class 1 watercourse (Shoalhaven River) adjacent to the southern boundary of the Shoalhaven Starches factory site and a Category two watercourse, Abernethy's Creek.</p>



**Table 2 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
7.6 continued	<p>(b) land identified as "Watercourse Category 1", "Watercourse Category 2" or "Watercourse Category 3" on that map,</p> <p>(c) all land that is within 50 metres of the top of the bank of each watercourse on land identified as "Watercourse Category 1", "Watercourse Category 2" or "Watercourse Category 3" on that map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:</p> <p>(a) whether or not the development is likely to have any adverse impact on the following:</p> <p>(i) the water quality and flows within the watercourse,</p> <p>(ii) aquatic and riparian species, habitats and ecosystems of the watercourse,</p> <p>(iii) the stability of the bed and banks of the watercourse, (iv) the free passage of fish and other aquatic organisms within or along the watercourse,</p> <p>(v) any future rehabilitation of the watercourse and its riparian areas, and</p> <p>(b) whether or not the development is likely to increase water extraction from the watercourse, and</p> <p>(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p> <p>(5) For the purpose of this clause: <b>bank</b> means the limit of the bed of a watercourse.</p>	<p>The proposed car park extension will be sited approximately 65 metres to the east of the banks of Abernethy's Creek. Under these circumstances the provisions of this clause are not relevant to these works.</p>

**Table 2 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
7.6 continued	<i>bed, of a watercourse, means the whole of the soil of the channel in which the watercourse flows, including the portion that is alternatively covered and left bare with an increase or diminution in the supply of water and that is adequate to contain the watercourse at its average or mean stage without reference to extraordinary freshets in the time of flood or to extreme droughts.</i>	
7.7 Landslide risk and other land degradation	<p>(1) <i>The objective of this clause is to maintain soil resources and the diversity and stability of landscapes, including protecting land:</i></p> <p>(a) <i>comprising steep slopes, and</i></p> <p>(b) <i>susceptible to other forms of land degradation.</i></p> <p>(2) <i>This clause applies to the following land:</i></p> <p>(a) <i>land with a slope in excess of 20% (1:5), as measured from the contours of a 1:25,000 topographical map, and</i></p> <p>(b) <i>land identified as "Sensitive Area" on the Natural Resource Sensitivity—Land Map.</i></p> <p>(3) <i>Before determining a development application for development on land to which this clause applies, the consent authority must consider any potential adverse impact, either from, or as a result of, the development in relation to:</i></p> <p>(a) <i>the geotechnical stability of the site, and</i></p> <p>(b) <i>the probability of increased erosion or other land degradation processes.</i></p> <p>(4) <i>Before granting consent to development on land to which this clause applies, the consent authority must be satisfied that:</i></p> <p>(a) <i>the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i></p> <p>(b) <i>if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i></p> <p>(c) <i>if that impact cannot be minimised – the development will be managed to mitigate that impact.</i></p> <p>(5) <i>In this clause, topographical map means the most current edition of a topographical map, produced by Land and Property Information, a division of the Department of Finance and Services, that identifies the Council's local government area and boundary.</i></p>	The proposed works do not involve land with a slope in excess of 20% or areas identified as sensitive land. Under these circumstances the provisions of this clause will not apply to this proposal.



**Table 2 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
7.8 Scenic protection	<p>(1) <i>The objective of this clause is to protect the natural environmental and scenic amenity of land that is of high scenic value.</i></p> <p>(2) <i>This clause applies to land identified as "Scenic Protection" on the Scenic Protection Area Map.</i></p> <p>(3) <i>In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must:</i></p> <p>(a) <i>consider the visual impact of the development when viewed from a public place and be satisfied that the development will involve the taking of measures that will minimise any detrimental visual impact, and</i></p> <p>(b) <i>consider the number, type and location of existing trees and shrubs that are to be retained and the extent of landscaping to be carried out on the site, and</i></p> <p>(c) <i>consider the siting of the proposed buildings.</i></p>	<p>The subject land is <u>not</u> identified as being within a "Scenic Protection" area by Scenic Protection Area Mapping that accompanies the SLEP 2014.</p> <p>The provisions of this clause therefore do not apply to the subject site.</p>
7.15 Development in the vicinity of extractive industries and sewerage treatment plants	<p>(1) <i>The objective of this clause is to protect the operational environment of certain industries operating on the land to which this clause applies.</i></p> <p>(2) <i>This clause applies to land identified as "Extractive Industry" and "Sewage Treatment Plant" on the Buffers Map.</i></p> <p>(3) <i>Development consent must not be granted to the carrying out of development on land to which this clause applies unless the consent authority has:</i></p> <p>(a) <i>made an assessment of the impact of noise, odour and other emissions from any industry carried out on that land, and</i></p> <p>(b) <i>considered the potential impact of noise, odour and other emissions associated with that industry on any activities that will be associated with the development, and</i></p> <p>(c) <i>considered any opportunities to relocate the development outside that land, and</i></p> <p>(d) <i>has considered whether the development would adversely affect the operational environment of that industry.</i></p>	<p>The Buffers Map that accompanies the SLEP 2014 identifies the subject land is located within the vicinity of a sewerage treatment plant.</p> <p>The extension of an existing approved car park associated with the Shoalhaven Starches operations will have no impacts on the operations of the Bomaderry Sewerage Plant situated to the north-west of the subject land.</p>

### 3.0 STATE ENVIRONMENTAL PLANNING POLICIES

**Table 3** details State Environmental Planning Policies (SEPP) that apply to the land and whether they are applicable to the proposal.

**Table 3**  
**State Environmental Planning Policies**

<i>State Environmental Planning Policy</i>	<i>Applicable Yes/No</i>
State Environmental Planning Policy (Affordable Rental Housing) 2009 (pub. 2009-07-31)	No
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (pub. 2004-06-25)	No
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (pub. 2008-12-12)	No
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (pub. 2004-03-31)	No
State Environmental Planning Policy (Infrastructure) 2007 (pub. 2007-12-21)	Yes
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (pub. 2007-02-16)	No
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 (pub. 2007-09-28)	No
State Environmental Planning Policy No 1 - Development Standards (pub. 1980-10-17)	No
State Environmental Planning Policy No 21 - Caravan Parks (pub. 1992-04-24)	No
State Environmental Planning Policy No 30 - Intensive Agriculture (pub. 1989-12-08)	No
State Environmental Planning Policy No 33 - Hazardous and Offensive Development (pub. 1992-03-13)	No
State Environmental Planning Policy No 36 - Manufactured Home Estates (pub. 1993-07-16)	No
State Environmental Planning Policy No 50 - Canal Estate Development (pub. 1997-11-10)	No
State Environmental Planning Policy No 55 - Remediation of Land (pub. 1998-08-28)	No
State Environmental Planning Policy No 62 - Sustainable Aquaculture (pub. 2000-08-25)	No
State Environmental Planning Policy No 64 - Advertising and Signage (pub. 2001-03-16)	No
State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (pub. 2002-07-26)	No
State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes) (pub. 2002-05-01)	No



**Table 3 (continued)**

<b>State Environmental Planning Policy</b>	<b>Applicable Yes/No</b>
State Environmental Planning Policy (Primary Production and Rural Development) 2019	No
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017: Subject Land (pub. 2017-08-25)	No
State Environmental Planning Policy (Coastal Management) 2018	Yes

### **SEPP – Infrastructure**

This SEPP aims to facilitate the effective delivery of infrastructure across the state and that appropriate agencies are made aware of and are given an opportunity to make representations in respect of certain development, including traffic generating developments. Division 17 relates to Road and Traffic infrastructure while Schedule 3 of the SEPP outlines traffic generating development which requires referral to Roads and Maritime Services (RMS). The proposal does not trigger the criteria in this Schedule that would warrant the development application being referred to the RMS, and therefore the provisions of this SEPP would not apply to this proposal.

Schedule 3 includes the following criteria that may have relevance to this proposal:

<b>Development purpose</b>	<b>Column 1: Size or capacity – site with access to any road</b>	<b>Column 2 Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)</b>
Car parks	200 or more car parking spaces	50 or more car parking spaces
Industry	20,000m <sup>2</sup> in site area or (if the site area is less than the gross floor area) gross floor area	5000 m <sup>2</sup> in site area or (if the site area is less than the gross floor area) gross floor area
Any other purpose	200 or more motor vehicles per hour	50 or more motor vehicles per hour

The modification proposal involves 107 parking spaces, of which 61 spaces are being relocated either from the existing factory site or from the approved Mod 16 car park. As a result the proposal will involve the provision of an additional 46 car parking spaces. Under these circumstances the proposed additional parking spaces associated with this Modification Application would not trigger the need for referral under this SEPP.

### **State Environmental Planning Policy (Coastal Management) 2018**

*This SEPP seeks to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016 by:*

- a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*

- c) *mapping the 4 coastal management areas which comprise the NSW coastal zone, in accordance with the definitions in the Coastal Management Act 2016.*

This Policy applies to land within the coastal zone. Section 5 of the *Coastal Management Act 2016* provides that the **coastal zone** means the area of land comprised of the following coastal management areas:

- a) the coastal wetlands and littoral rainforests area,
- b) the coastal vulnerability area,
- c) the coastal environment area,
- d) the coastal use area.

Part 2 of the Coastal Management SEPP stipulates the Development Controls for Coastal Management Areas. Division 1 outlines the controls to be applied to development in the Coastal Wetlands and Littoral Rainforests Area.

#### ***Coastal Wetlands and Littoral Rainforests Area.***

Mapping supporting the SEPP outlines the subject land is not mapped as containing coastal wetlands or littoral rainforest.

#### ***Coastal Environment Area***

Division 3 of the SEPP stipulates the controls to be applied to development in the Coastal Environment Area.

The subject land is mapped under the NSW Coastal Management SEPP Mapping as being located within the Coastal Environment Area as seen below in **Figure 1**.



**Figure 1: NSW Coastal Management SEPP: Coastal Environment Area Map.**



Clause 13 of the SEPP specifies matters that must be considered in determining development applications on land within the Coastal Environment Area. Clause 13 reads:

- 1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
  - a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
  - b) *coastal environmental values and natural coastal processes,*
  - c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
  - d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
  - e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - f) *Aboriginal cultural heritage, practices and places,*
  - g) *the use of the surf zone.*
- 2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
  - a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
  - b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

- The car park extension is not located near a headland or rock platform and as such does not impact on public access to these areas.
- The car park extension will not adversely impact on the visual amenity and scenic qualities of the coast.
- The proposal involves works within cleared pasture land and is unlikely to impact on items of Aboriginal cultural heritage.
- The proposal involves works within cleared pasture land and will not impact upon the integrity or resilience of the biophysical or ecological environment.
- Erosion and sediment control measures to minimise impact on the water quality of local watercourses.

- The proposal will not involve any significant adverse impact on marine or native vegetation.
- The proposed development is not located within close proximity to the surf zone and will not impact on coastal environmental values or natural coastal processes.

### **Coastal Use Area**

Division 4 of the SEPP specifies the controls to be applied to development in the Coastal Use Area. The subject land is also within the Coastal use zone as seen below in **Figure 2**. As such the provisions which apply to this mapping are relevant to the proposed development.



**Figure 2: NSW Coastal Management SEPP: Coastal Use Area Map.**

Clause 14 of the SEPP specifies matters that must be considered in determining development applications on land within the Coastal Use Area. Clause 14 reads:

- (1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
  - (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
    - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
    - (ii) *overshadowing, wind funneling and the loss of views from public places to foreshores,*
    - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
    - (iv) *Aboriginal cultural heritage, practices and places,*
    - (v) *cultural and built environment heritage, and*



- (b) *is satisfied that:*
- (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
  - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment:

- The proposal will not impact on existing safe access to the foreshore. The proposal is not near a beach, headland or rock platform and as such does not impact on public access to these areas.
- The works associated with this modification proposal will not cause overshadowing of the foreshore area or wind funnelling. The development will not block views from public places. The proposal will not adversely impact on the visual amenity and scenic qualities of the coast.
- As detailed above, the proposal will not adversely impact on Aboriginal cultural heritage and places.
- The extension of the car park will not create an adverse visual impact in this locality.

Under these circumstances the proposal is considered to be consistent with the objectives and provisions of the Coastal Management SEPP.

## 4.0 CONCLUSION

This submission has been prepared to provide further information in relation to the proposed car park extension that forms part of Mod 17 following a meeting between the IPC and staff from Shoalhaven Starches.

The land upon which approval is sought for the extension of the car park in question (Lot 141 DP 1069758) is included in Schedule 1 of Project Approval MP 06\_0228 for the Shoalhaven Starches Expansion Project as land associated with this Project Approval.

Mod 16, approved by the IPC on the 18<sup>th</sup> June 2019, included the construction of a new Specialty Products Processing Facility and New Gluten Dryer and other associated works. These other associated works included the construction of a car park on the northern side of Bolong Road on Lot 141 DP 1069758. Under Mod 17 it is proposed to extend this approved car park.

The land upon which the extended car park is to be situated is zoned RU2 under the Shoalhaven LEP 2014. This submission demonstrates the proposed car park extension is a permissible within this zone as the existing and proposed extended car park is associated and ancillary to a 'rural industry' which is permissible within the RU2 zone. This view was accepted by the IPC when it approved the existing car park that is located upon the subject site as part of the Mod 16 approval. The proposal is therefore permissible subject to consent as it represents a modification to an existing rural industry.

The submission also demonstrates how the proposal is consistent with the other relevant provisions of the Shoalhaven LEP 2014.

The submission also addresses the provisions of relevant State Environmental Planning Policies.

Yours faithfully

A handwritten signature in black ink that reads "Stephen Richardson". The signature is written in a cursive, flowing style.

Stephen Richardson  
COWMAN STODDART PTY LTD



