



ASSESSMENT REPORT

Section 96(1A) Modification CSR Concrete Tile Manufacturing Plant Tile Coatings Process and Administrative Amendments

1. BACKGROUND

On 15 August 2000, the then Minister for Planning approved a development application (DA 102-04-00) from CSR Monier Wunderlich (CSR) for the construction and operation of a concrete tile manufacturing plant at 10 Grand Avenue, Rosehill in the Parramatta LGA (see Figure 1).



Figure 1 – Approved CSR Concrete Tile Manufacturing Plant

The works approved included the demolition of some structures, construction of a concrete tile manufacturing plant (5,400m²), construction of a storage and dispatch complex and production of around 45 million concrete tiles per year.

As part of the approved facility, CSR proposed to use a water-based tile coating in the manufacturing process rather than the traditional solvent-based coating. At the time, the proposed water-based coating was new technology and had not been used in other CSR facilities at Seven Hills and Villawood. Tiles are coated in order to assist with producing a gloss finish on the finished products and to assist with maintaining the colouring within the tiles.

However, not long after development consent was granted, CSR sought to modify the consent to convert the water-based tile coating process to a solvent-based process. CSR stated that despite significant testing, it was determined that the water-based process was not allowing the Company to produce a commercially acceptable product. Therefore on 5 March 2002, the then Minister approved a section 96(2) modification application (MOD 1) converting the tile coating process to a solvent-based process.

The approved modification included the installation and use of a 30,000-litre solvent storage tank and a solvent emission extraction system with a 25-metre stack to extract odour and Volatile Organic Compounds (VOCs) produced as a result of the modified manufacturing process for emission to atmosphere. Consequently, specific conditions were included in the consent requiring CSR to comply with specific odour and VOCs emission limits, and to undertake quarterly post-commissioning monitoring.

Whilst the tile coatings process had been modified, CSR committed to reverting to a water-based coatings process once a viable solution was established.

As part of the consent and Environmental Protection Licence (EPL) for the project, stringent air quality goals, monitoring and reporting requirements for odour and VOC emissions were required. DECC has advised that while the requirements were initially quite rigorous, quarterly reporting has demonstrated that the site complied with all air quality provisions. As such, DECC has reduced the monitoring frequency to annually.

For some time, CSR and DECC have been working together to reduce the amount of solvent used in the coatings process and to gradually convert the coatings process to water-based. This has led to DECC imposing a Pollution Reduction Program on the EPL with the aim of reducing the amount of solvent used in the process, and as such, the amount of VOCs emitted to atmosphere. As such, the DECC licence requires CSR to progressively move towards reducing the level of solvent within the coatings process to 10% by 2011.

To address this issue, CSR installed a 12,000 and 24,000-litre tank for use in the water-based coating process, and since mid 2008, started to progressively switch from solvent-based coating. As CSR has been working with DECC to achieve pollution reduction, the installed tanks now need to be regularised by the consent process.

2. PROPOSED MODIFICATION

On 26 February 2009, CSR lodged an application under section 96(1A) of the *Environmental Planning and Assessment Act 1979* to progressively convert the coatings process to water-based, regularise the water tanks on site and make some administrative changes so that the consent is consistent with the EPL.

The modification application involves:

1. progressive conversion to a water based coatings process. This would involve demolition or reuse of redundant infrastructure from the solvents process, including a 30,000 litre solvent storage tank and a 25 metre stack;
2. regularisation of two water tanks built to address the PRP imposed on the EPL; and
3. amendment of the consent to ensure consistency with the EPL in relation to:
 - removal of the project specific odour limit and monitoring requirement;

- modifying the VOCs monitoring frequency from quarterly to yearly; and
- updating the VOCs test method.

3. STATUTORY CONTEXT

Consent Authority

The Minister was the consent authority for the original development application of the CSR Concrete Tile Plant, and is consequently the consent authority for this application. However, the Director Major Development Assessment may determine the application under the Minister's delegation of 4 March 2009.

Section 96

Under Section 96(1A) of the EP&A Act, a consent authority may modify a development consent if it is satisfied that:

- the proposed modification is of minimal environmental impact, and*
- the development to which the consent as modified relates is substantially the same development for which consent was originally granted and before that consent as originally granted was modified (if at all).*

The Department has assessed the application, and is satisfied that the proposed modification is substantially the same development. The volume and type of tiles produced on site will remain unchanged as a result of this modification and the application will reduce odour and VOC emissions from the facility. The modification would revert to the previously approved water-based coatings process. As such, the Department is satisfied that the consent as modified would not only be substantially the same as the development for which consent was originally granted but would also have minimal environmental impact.

4. CONSULTATION

The Department is not required to notify the application, however DECC were consulted given that the DECC's previous general terms of approval would be modified.

The DECC has confirmed that the EPL was modified on 24 June 2008 and it therefore supports the proposed modification to ensure consistency between the consent and the EPL. Additionally, DECC advised that VOC emission limits and monitoring requirements would remain in force until CSR reaches a 90% water-based coating process, after which VOCs would not be emitted in the amount that would require limiting or monitoring by the EPL.

5. CONSIDERATION

The Department has assessed the application on its merits, and summarised the results of this assessment in the table below.

Issue	Impact	Recommendation
Air	• The project specific odour and VOCs limits and monitoring requirements were imposed due to the use of a solvent-based tile coating process. • CSR is proposing to progressively switch back to the originally approved water-based manufacturing process. • As a result, current odour and VOCs emissions would substantially reduce. • The Department therefore believes that air quality impacts would be improved provided existing conditions are met.	• The Department is satisfied that any residual odour and VOCs impacts can be mitigated provided CSR complies with the existing conditions of consent requiring CSR to: - not cause offensive odours in accordance with section 129 of the <i>Protection of the Environmental Operations Act 1997</i>, - comply with the project specific VOCs limits; and - undertake yearly VOCs post-commissioning emissions monitoring.

Issue	Impact	Recommendation
Unauthorised Buildings	- Some structures have been built on site which don't appear to have obtained necessary approvals. - The structures have been built as part of CSR addressing DECC licence requirements, and include two water tanks. - The Department is satisfied that the unauthorised building works are relatively minor and related to compliance with DECC licence requirements. - Consequently, the Department is satisfied that regularisation of the building works is appropriate.	The Department has imposed a condition requiring CSR to obtain Building Certificates for any structures on site that have not obtained appropriate approvals under the Building Code of Australia.
Demolition	- The gradual move towards a water-based coatings process will reduce the amount of VOC's. - As a result, the solvent emission extraction system and associated 25-metre stack may become redundant. - At this stage, CSR has not decided whether the stack will be removed once it is not required. - The Department considers that should CSR decide to demolish these structures, it would not cause any significant environmental impacts, provided it is done so in accordance with the Australian Standard AS 2601-2001: <i>The Demolition of Structures</i>.	The Department has recommended a condition requiring any demolition works on site to be undertaken in accordance with <i>Australian Standard AS 2601-2001: The Demolition of Structures</i>.
Other Issues	The Department is satisfied that the proposal would not have any adverse impact on other environmental aspects, such as noise, traffic, soil and water.	The Department is satisfied that the existing conditions adequately regulate these issues.

In summary, the Department considers that the proposal represents a minor modification to the operation of the facility, having minimal impacts and resulting in an environmental benefit.

6. CONCLUSION

The Department has assessed the application in accordance with the requirements in section 79C of the EP&A Act, and is satisfied that:

- the development as modified would remain consistent with the aims, objectives and requirements of the relevant environmental planning instruments;
- the proposal would have minimal environmental impacts;
- the site is suitable for the development; and
- the proposal is generally in the public interest.

Consequently, the Department is satisfied that the proposed modification should be approved.

7. RECOMMENDATION

It is RECOMMENDED that the Director, Major Development Assessment:

- approve the application; and
- sign the attached instrument of modification (tagged A).



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Manager – Industry

25/6/09



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Director, Major Development Assessment

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STATUTORY CONSIDERATION - SECTION 96 1A OF EP&A ACT

Under section 96(1A) of the EP&A Act, a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

Provision	Comment
a) it is satisfied that the proposed modification is of minimal environmental impact.	Complies (refer Section 5 above).
b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).	Complies (refer Section 5 above).
c) it has notified the application in accordance with: i) the regulations, if the regulations so require, or ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent	No requirements in regulations or a DCP to notify. However, the application was referred to the DECC.
d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	Complies (refer to Section 4 above).

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application:

Provision	Comment
a) the provisions of: i) any environmental planning instrument, and ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and iii) any development control plan, and iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and iv) the regulations (to the extent that the prescribe matters for the purpose of this paragraph: • in the case of a development application for the carrying out of development in a local government area referred to in section 92 of the EP&A Regulation and on land to which the Government Coastal Policy applies, the provisions of that Policy, • in the case of a development application for the demolition of a building, the provisions of AS 2601.	The following environmental planning instruments (EPIs) apply to the proposed modification: • <i>State Environmental Planning Policy No. 59 – Central Western Sydney Economic and Employment Area;</i> • <i>Draft State Environmental Planning Policy (Western Sydney Employment Hub) 2008;</i> • <i>Regional Environmental Plan No. 28 – Parramatta</i> • <i>Parramatta Local Environmental Plan 2001.</i> The proposed modification is not inconsistent with these EPIs.
b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Refer to Section 5 above.
c) the suitability of the site for the development	The site remains suitable for the proposed development.
d) any submissions made in accordance with this Act or the regulations	The modification was not exhibited, however it was referred to the DECC. The DECC supports the modification.
e) the public interest	The proposed modification is generally in the public interest as it would facilitate the ongoing efficient operations of the tile manufacturing plant without changing the environmental impacts of the approved development.

