

ASSESSMENT REPORT

Section 75W Modification

Boral St Peters Concrete Batching Plant and Materials Handling Facility (DA 14/96 MOD 10)

1. INTRODUCTION

This report assesses a modification request by Boral Resources (NSW) Pty Ltd (the Proponent) to apply a production limit to the concrete batching plant (CBP), a throughput limit to the materials handling facility and to rationalise and simplify the development consent for its facility at St Peters. The request has been lodged pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2. BACKGROUND

The Proponent operates a CBP and materials handling facility at 25 Burrows Road South, St Peters, approximately seven kilometres (km) south-west of the Sydney Central Business District (CBD), in the newly formed Inner West local government area (see **Figure 1**). The development has operated since 1997.



Figure 1 – Site location

The site has two existing uses, a CBP and a construction materials handling facility. Bulk construction materials (aggregate, sand and cement) are predominantly received by rail via the Botany Goods Line from Boral's Peppertree and Dunmore Quarries and the Berrima Cement Works. The materials are used to make concrete at the CBP, or are temporarily stored at the handling facility for later distribution to other CBPs and asphalt plants within the Sydney metropolitan area. The remaining bulk construction materials for the handling facility as well as cement, flyash and admixtures for the CBP are delivered to the site by road. All concrete and construction materials are despatched from the site by concrete agitators¹ and trucks, respectively. **Figure 2** provides a flow diagram of the current operations at the site.

¹ A concrete agitator is commonly known as a concrete mixer. It transports and mixes concrete from a batching plant to a construction site

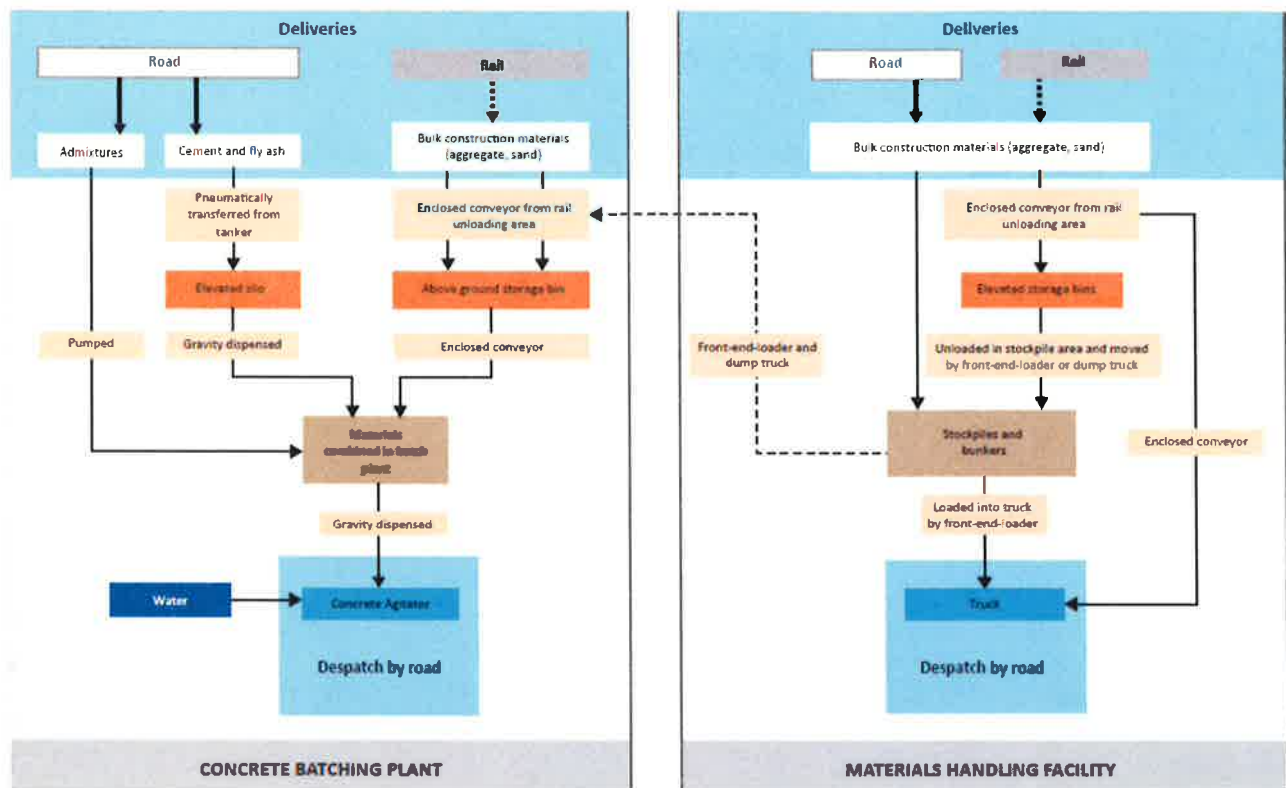


Figure 2 – Site Operations

The site is zoned IN1 General Industrial under the *Marrickville Local Environmental Plan 2011* (Marrickville LEP) and is primarily surrounded by industrial land uses also zoned IN1 General Industrial. The site is bordered by Burrows Road South to the north-east, Alexandra Canal along the south-east, the Botany Goods rail line to the south-west and industrial land uses to the north-west. The nearest residences are located in Tempe and Sydenham on the Princes Highway, approximately 600 metres (m) to the north-west of the site.

The CBP produces approximately 254,200 cubic metres (m³) of concrete per annum and is located in the south-western part of the site. The current bulk construction material throughput of aggregates and sand at the handling facility is approximately 760,000 tonnes per annum (tpa). The facility is located in the centre and north-eastern part of the site. An office and carpark are located in the north-eastern corner, adjacent to Burrows Road South, sited between the main entry and exit driveways.

A rail siding runs along the south—eastern side of the site adjacent to the canal. There are two train unloading areas, one for the CBP and one for the handling facility. The current site layout is illustrated in **Figure 3**.

Access to the site for both heavy and light vehicles is via a driveway off Burrows Road South with a second driveway for site egress. Internal roads allow for all vehicles to enter and exit the site in a forward direction. The majority of site traffic travels to and from the site via Canal Road and the Princes Highway. Key intersections include:

- Princes Highway and Canal Road; and
- Burrows Road South, Canal Road and Ricketty Street.

The road network surrounding the site is illustrated in **Figure 4**.



Figure 3 – Site layout

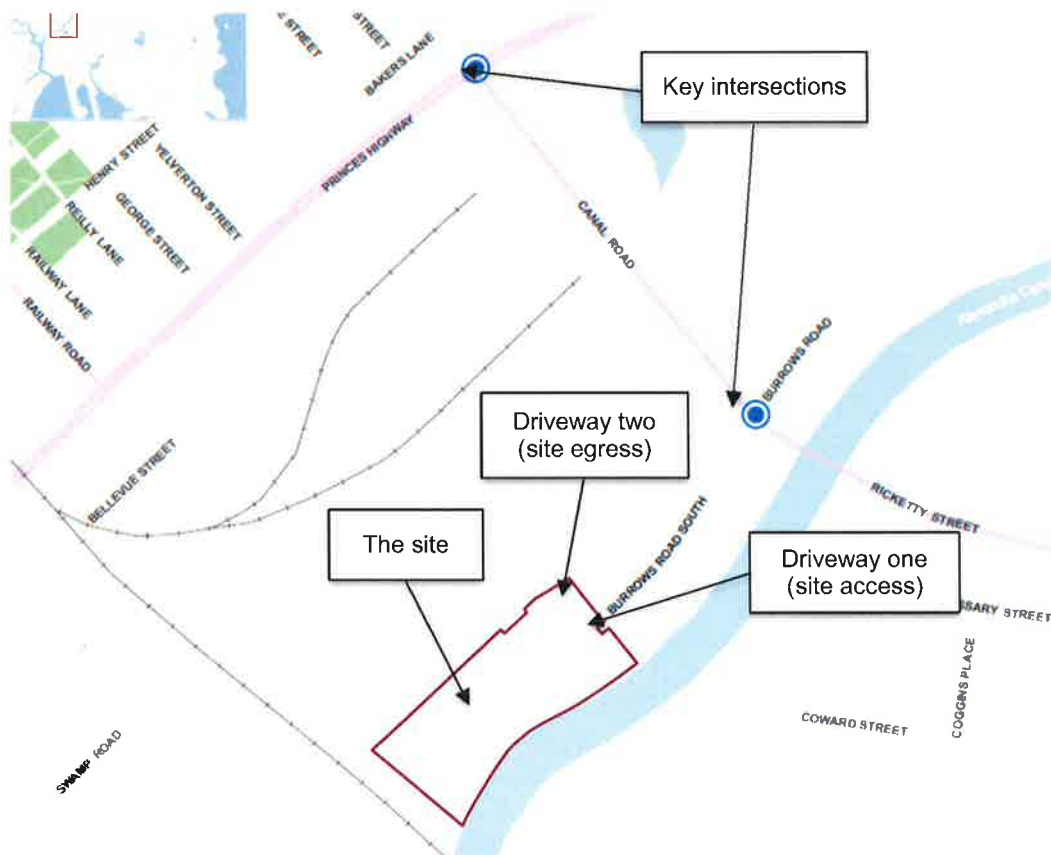


Figure 4 – Site access and surrounding road network

3. APPROVAL HISTORY

On 6 September 1996, the then Minister for Planning granted development consent for the construction and operation of the CBP, an asphalt plant and the handling facility (DA 14/96) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *State Environmental Planning Policy No.34 – Major Employment-Generating Industrial Development* (SEPP 34) (now repealed).

Since the development consent was granted in 1996, the consent has been modified nine times. The modifications primarily relate to site layout changes to improve operational efficiency. The most recent modification for a modified site layout and reconfiguration and increase in the capacity of the aggregate and sand storage bunkers was approved in July 2013. The asphalt plant was decommissioned and demolished in 2002.

4. PROPOSED MODIFICATION

On 25 July 2016, Boral Resources (NSW) Pty Ltd lodged a modification request under section 75W of the EP&A Act to modify the existing development consent (DA 14/96, as modified). The purpose of the modification is to simplify the development consent by removing redundant conditions, seek a production limit for the CBP and a throughput limit for the materials handling facility. The production limit sought for the CBP is a 10% increase in the existing annual volume of concrete currently approved under the consent, as modified. The modification is described in full in the Environmental Assessment (EA) included in **Appendix B**.

Modifications to Conditions

The Proponent proposes to delete and modify a number of conditions to simplify the development consent. The conditions that are proposed to be modified or deleted relate to the following aspects of the development:

- general administrative conditions;
- construction of the facility;
- decommissioning of the asphalt plant;
- activities and components of the site operations that have been completed; and
- a restriction on vehicle movements and a requirement to use rail wherever practicable for materials delivery.

CBP Production Volumes and Materials Handling Facility Throughput

The modification seeks to increase concrete production at the CBP by 10% from 254,200 m³ to 280,000 m³ per annum. The current production volume is based on combined production estimates in the original EIS in 1996 for concrete and asphalt production (the latter which is no longer produced), being 200,000 m³ and 54,200 m³, respectively. The increase in production would result in an additional 46 truck movements per day associated with the transport of cement/fly ash and admixtures to the site and the despatch of concrete from the CBP. This represents a 7% increase in traffic generated by the site operations. The increase would not necessitate any physical works to the existing CBP. No other changes are required to accommodate the additional production of concrete.

Currently the materials handling facility throughput is regulated by a condition of consent restricting total daily vehicle movements (light and heavy vehicles). The modification seeks to apply a throughput limit of 760,000 tpa to the materials handling facility, rather than a limit on vehicle movements. This is consistent with the way other similar facilities are regulated. The throughput limit proposed is based on the current volumes of bulk construction materials received at the handling facility by both road and rail transport. No increase is proposed to the existing throughput of the materials handling facility.

Proponent's Need and Justification for the Modification

Due to the number of modifications and the decommissioning of the asphalt plant, the Proponent considers the existing consent is complex and cumbersome and difficult to interpret. Many of the conditions are no longer relevant as they relate to the asphalt plant, construction of the CBP and handling facility and other activities that have already been completed at the site. The Proponent therefore considers the majority of these conditions should be deleted.

Production and throughput is currently limited by an original condition of consent (condition 18a) that restricts total daily vehicle movements (light and heavy vehicles) to no more than 636 vehicle movements per day. This limit was based on the vehicle movements associated with the CBP and the asphalt plant combined, but did not include those movements generated by the materials handling facility. As vehicle movements associated with the handling facility are much higher than those generated by the asphalt plant (which is no longer operational), the Proponent considers the limit on vehicle movements places an unreasonable restriction on the amount of concrete and construction materials that the site can despatch.

Existing and planned infrastructure projects in the vicinity of the site, such as the CBD and South East Light Rail and WestConnex, will require a significant amount of concrete and construction materials. The Proponent considers the facility is ideally located to supply construction materials to these projects and is therefore also seeking a minor increase in the production of concrete to meet this demand as part of this modification request.

5. STATUTORY CONTEXT

Approval Authority

The Minister was the consent authority for the original development application, and is consequently the approval authority for this request. Under the Minister's delegation of 16 February 2015, the Director, Industry Assessments, may determine the request under delegation as:

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

Section 75W

Under clause 8J(8)(b) of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), a development consent granted by the Minister for Planning under SEPP 34 is to be modified under section 75W of the EP&A Act.

Under Section 75W of the EP&A Act, the Minister is obliged to be satisfied that what is proposed is indeed a modification of the original proposal, rather than being a new project in its own right.

The Department notes:

- the primary function and purpose of the approved development would not change as a result of the proposed modification;
- the modification does not involve any physical alterations to existing infrastructure;
- the modification is of a scale that warrants the use of section 75W of the EP&A Act;
- the proposed increase in production volumes of concrete is considered minor (10%); and
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent.

Therefore, the proposed modification is within the scope of section 75W of the EP&A Act. Consequently, the Department considers the request should be assessed and determined under section 75W of the EP&A Act rather than requiring a new development application to be lodged.

6. CONSULTATION

Under section 75W of the EP&A Act, the Department is not required to notify or exhibit the request. Upon receipt, the request was placed on the Department's website and following a review of the request, the Department did not consider that further consultation was necessary. Notwithstanding, the Department sought comments from the Environment Protection Authority (EPA), Office of Environment and Heritage (OEH), Roads and Maritime Services (RMS), the Australian Rail Track Corporation (ARTC) and Inner West Council (Council).

7. SUBMISSIONS

During the notification period, a total of four submissions were received from public authorities. No public submissions were received.

The **EPA** raised concern regarding dust deposition impacts and recommended a review of existing dust monitoring. It also acknowledged that, while the current operations do not need an Environment Protection Licence (EPL), the EPA is the Appropriate Regulatory Authority for the site. The EPA also requested the Proponent ensure existing controls to manage noise, water quality, sedimentation and erosion, dangerous goods and waste are maintained.

Council raised concern regarding dust deposition impacts and increased traffic movements as a result of the modification. Council did not support the deletion of conditions relating to a cap on vehicle movements (Condition 18a) and a requirement to use rail freight for materials delivery (Condition 39) due to the potential impacts of increased traffic movements in the area. Council also raised concern regarding the deletion of the requirement to prepare a landscape management plan (Condition 19). Council requested that it remain the consent authority for any works below the required flood level (proposed modification to Condition 26).

The **RMS** raised no objection to the modification request and noted the site is within the broad area currently under investigation in relation to the proposed F6 Project and the M5 WestConnex and partially within the broader WestConnex – Airport Gateway Project area.

The **OEH** did not raise any concerns.

The **ARTC** did not make a submission.

8. CONSIDERATION

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

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

The Department considers the modification would have only minor impacts, with air quality and administrative modifications the key issues. The Department's assessment of other minor issues is provided in **Table 3** in **Section 8.3**.

8.1 Air Quality

The proposed increase in production of the CBP has the potential to generate nuisance air quality impacts in the vicinity of the site, particularly in relation to airborne particulates generated by site operations. To assess the impacts of the proposed modification, the Proponent prepared an air quality impact assessment in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (the 'Approved Methods') (EPA, 2005).

As the site is located in an existing industrial estate, the surrounding area consists primarily of commercial and industrial receptors (R3 to R11). The closest residential sensitive receptors (R1 and R2) are located approximately 600 m to the north-west of the site adjacent to the Princes Highway (see **Figure 5**).



Figure 5 – Location of sensitive receptors

Particulate matter is generated by a number of fugitive sources across the site, including delivery, transfer and handling of cement, aggregate and sand, loading of concrete to agitator trucks, wheel generated dust, wind erosion and diesel combustion by trucks, mobile plant and trains. The Proponent advised it currently employs a number of particulate emission controls at the site to mitigate dust from operational activities, such as underground unloading of material from trains fitted with water sprays, enclosed aggregate and sand storage silos, dust filters and dust extraction systems in the CBP, covered conveyors and storage bins, water sprays for stockpiles at the materials handling facility and the use of a water cart and street sweeper on paved surfaces.

The Proponent noted annual average total dust deposition levels reported at three perimeter dust deposition gauges at the site boundary during 2014 and 2015 were significantly above the maximum total dust deposition EPA Approved Methods criterion of 4 g/m²/month specified in the EPA's Approved Methods (levels reported were as high as 13 g/m²/month along Burrows Road South). These dust deposition levels are influenced by emissions generated by activities at the site and the neighbouring materials recycling facilities. Therefore, the assessment focused on the incremental contribution to dust deposition levels from site-only emissions, assessed against the NSW EPA incremental criterion of 2 g/m²/month, expressed as an annual average.

The Proponent's analysis estimated both the incremental and cumulative (including modelled predictions for neighbouring emission sources and recorded particulate matter concentrations) emission concentrations for Total Suspended Particles (TSP), PM₁₀² and PM_{2.5}³. As background dust deposition levels are already high, the Proponent's analysis only considered the incremental dust deposition levels for the proposed operations.

With the exception of the predicted maximum incremental increase in dust deposition levels, the Proponent's assessment predicted only minor increases in the annual average and maximum 24-hour incremental concentrations of TSP, PM₁₀ and PM_{2.5}. The Proponent's assessment also concluded the proposed modification is unlikely to exceed the relevant EPA ground level assessment criteria for the cumulative annual average and maximum 24-hour concentrations of TSP and PM₁₀ and the National Environment Protection Measure (NEPM) standard for PM_{2.5}. The highest cumulative concentrations were predicted at the commercial sensitive receptor R4 immediately to the north-east of the site (shaded blue) (refer to **Table 1**).

Table 1: Predicted Concentrations of Particulate Matter (Proposed Operations)

	TSP	PM₁₀	PM₁₀	PM_{2.5}	PM_{2.5}	Deposition
	Annual average	Maximum 24-hour	Annual average	Maximum 24-hour	Annual average	Annual average
Concentration	µg/m ³	µg/m ³	µg/m ³	µg/m ³	µg/m ³	g/m ² /month
Criteria	90	50	30	25	8	2 **
Receptor ID						
R1*	38.8	43.5	18.6	20.0	6.8	0.1
R2*	38.9	43.6	18.6	20.0	6.8	0.1
R3	45.5	47.5	20.2	21.2	7.3	3.7
R4	47.0	48.2	20.4	21.3	7.3	4.4
R5	40.4	44.6	19.0	20.3	6.9	0.9
R6	41.8	45.6	19.4	20.7	7.1	1.6
R7	42.0	45.8	19.5	20.8	7.2	1.6
R8	40.6	44.3	19.0	20.2	6.9	0.3
R9	39.2	43.7	18.7	20.0	6.8	0.2
R10	43.2	46.2	19.7	20.8	7.2	2.3
R11	42.6	45.8	19.5	20.7	7.1	2.1

* R1 and R2 are the only residential receptors.

** NSW EPA incremental dust deposition criteria as specified in the Approved Methods.

The Proponent's assessment of the proposed operations at the CBP predicted the NSW EPA incremental dust deposition criterion of 2 g/m²/month would be exceeded at commercial/industrial receptors R3, R4, R10 and R11 (shaded red in **Table 1**). The Proponent's analysis indicates the key contributing source is emissions from truck movements along paved roads and other hard surfaces at the materials handling facility. The maximum increase criterion for dust deposition is not predicted to be exceeded at any residential receiver (R1 and R2), with incremental levels only 0.1 g/m²/month at these locations.

With the exception of dust deposition, the Proponent's assessment concludes the incremental and cumulative increase in air quality impacts as a result of the modification is minor relative to existing air quality and the

² Particulate matter with an aerodynamic diameter of less than 10 µm.

³ Particulate matter with an aerodynamic diameter of less than 2.5 µm.

relevant EPA impact assessment criteria and NEPM standards. However, the Proponent acknowledges there is predicted to be an increase in dust deposition levels at surrounding commercial and industrial receivers and as such there is a need to increase dust control measures to reduce these impacts.

The Department considers the Proponent's assessment of air quality impacts associated with the proposed increase in production at the CBP provides a reasonable estimation of the predicted impacts of the proposed site operations. The Department is satisfied the predicted concentrations of TSP, PM₁₀ and PM_{2.5} are low at all surrounding receptors, suggesting the current controls for these pollutants is effective. It is also acknowledged that existing total maximum dust deposition levels are high due to the cumulative impacts of surrounding industrial land uses. However, there is the potential for the proposed operations to exacerbate this existing problem.

The EPA noted the potential for both current and future operations to be above the EPA's assessment criteria for dust and recommended the Proponent implement effective mitigation and control measures and review existing air quality (dust) monitoring.

Although paved surfaces at the site are currently controlled through regular sweeping and water flushing, the Proponent confirmed in the RTS that it proposes to undertake a review of existing dust controls associated with the reduction of silt loading on paved surfaces and make improvements where possible, including more regular sweeping and the application of water sprays. The Proponent also proposes to review the location of its existing dust deposition monitors and establish an additional monitor off-site in the vicinity of receptors R3 and R4. The EPA advised it is satisfied with the Proponent's proposed mitigation and control measures and raises no objection to the proposed modification.

In order to minimise impacts associated with dust deposition at nearby sensitive receptors, the Department has recommended modified conditions of consent to require the Proponent to review and improve the current dust control measures at the site, maintain the premises in a condition which minimises the emission of silt loading on paved surfaces, implement all reasonable and feasible best practice measures to minimise dust generated during operations, review the location of existing dust monitors and establish an additional dust monitor in the vicinity of receptors R3 and R4. These actions must be undertaken prior to any increase in production at the CBP. The Proponent has agreed to these conditions. Council and the EPA also support the imposition of these conditions.

The Department is satisfied the Proponent's assessment has demonstrated the predicted increase in ground level concentrations for particulates is minor relative to emissions from existing operations. With the exception of dust deposition, the predicted ground level concentrations are unlikely to exceed the relevant EPA and NEPM assessment criteria. Additional conditions require a review and improvement of dust control measures to ensure incremental dust deposition levels on and off site are minimised and residual impacts are managed appropriately. Additional dust deposition monitors will inform the EPA and the Department whether the additional mitigation measures are effective in reducing dust deposition off site following the increase in production at the CBP.

The Department has also recommended a modified condition of consent that requires the existing Environmental Management and Monitoring Plan (EMMP) to be updated and approved by the Secretary prior to any increase in production at the CBP. This includes a requirement for a contingency plan to manage any unpredicted impacts and their consequences, such as an increase in dust deposition levels. As there is currently no requirement for an annual audit or environmental management report, the Department has recommended a new condition of consent that requires the Proponent to prepare and submit an Annual Review within 12 months of the approval of this modification, and on each subsequent year. The Annual Review requires a review of the environmental performance of the facility, including a summary of complaints, monitoring results, any non-compliances, any discrepancies between predicted and actual impacts of the development, and a description of actions being undertaken to improve environmental performance. This new requirement is consistent with the reporting requirements for other similar facilities (the Boral CBP and Hymix CBP in Chinderah).

The Department is satisfied the Annual Review will enable a formal mechanism to ensure off-site dust deposition impacts are being appropriately managed and the overall environmental performance of the development is monitored. Council has advised it supports the imposition of this condition and the Proponent has accepted the additional reporting requirement.

The Department is satisfied the Proponent has proposed a number of suitable mitigation actions to address residual impacts associated with dust deposition which have been required through the recommended

modified conditions of consent. The additional monitoring requirements will be incorporated into an updated EMMP and reported through a new requirement for an Annual Review to monitor environmental performance. The Department's assessment concludes that the impacts of the proposed modification are minor, manageable and acceptable.

8.2 Administrative Modifications

The Proponent proposes to delete and modify a number of conditions to simplify the development consent. This has the potential to impact on the environmental performance of the development. The conditions that are proposed to be modified or deleted relate to construction, the asphalt plant, completed activities and the existing cap on vehicle movements.

Having regard to the potential environmental impacts and environmental performance of the development, the Department agrees to some of the proposed deletions or modifications to the existing conditions. However, there are a number of conditions to which the Department is opposed. The Department's position on each proposed change is outlined in the sub-sections below.

Conditions Agreed to be Deleted or Modified

The Department agrees with the proposed deletion of conditions relating to construction activities (Conditions 6, 18, 28, 28a, 28b and 47) and the operation of the asphalt plant (Conditions 42, 43 and 44), which has been demolished. No construction is proposed as part of this modification and any new construction activities would be the subject of a new modification request. New (more contemporary) construction conditions would be applied to any modified consent, as necessary.

The Department agrees to the deletion and modification of some of the conditions that relate to requirements on the development consent that have been completed and/or are no longer relevant to the current site operations, as follows:

- delete Conditions 5, 8, 10, 18, 19, 21, 23, 24, 25, 27, 34, 35, 37 and 38; and
- modify Conditions 7, 9, 12, 22, 31, 33 and 36.

The Department is satisfied the deletion and modification of these conditions will not impact on the environmental performance of the development. The Proponent has provided sufficient evidence to demonstrate these requirements have been completed as part of the documentation submitted to Council with the original Building Application for the site in 1997, or are activities that have been completed as part of the site's original construction and site development.

Conditions Not Agreed to be Deleted or Modified

The Department's consideration of the proposed modifications to conditions the Department does not agree to is set out in **Table 2** below.

Table 2: Proposed Amendments to Conditions of Consent

Conditions		Proponent's Comment	Department's Position
General	Condition 2	The reference to all previous modification applications be deleted and be replaced with reference to the EA prepared for this modification.	The Department does not agree to the deletion of this condition. The previous modification applications remain relevant to current site operations.
	Condition 4	This condition relates to a requirement for contractors to be served a copy of the consent prior to commencement of work on the site. This condition should be deleted.	The Department does not agree to the deletion of this condition. It remains relevant to contractors that may be engaged for site operational activities. The condition has been modified to require the Proponent to ensure employees, contractors and sub-contractors are aware of and comply with the conditions of consent relative to their respective activities.
Completed activities / components	Condition 11	This condition requires the Proponent to meet the full cost of any works to be carried out by government authorities for works that may be required as a result of the development.	The Department does not agree to the deletion of this condition. It remains relevant to current site operations.

Conditions	Proponent's Comment	Department's Position
	Condition 20 This condition requires the Proponent to complete the landscaping prior to operation and maintain the landscaping in accordance with the approved landscape plan submitted as part of the original Building Application. This condition should be modified to remove reference to the need to complete the landscaping and for it to be maintained at all times in accordance with the approved landscape plan. The landscaping has been completed and the Proponent is unable to locate a copy of the approved landscape plan.	Council objected to the modification of this condition as it considered the landscaping should be maintained in accordance with the approved landscape plan. The Department does not agree to the proposed modification of this condition. As the approved landscape plan was unable to be located, the Department recommends the condition be modified to require the Proponent to maintain the landscaping to the satisfaction of Council, including landscaped strips adjacent to Burrows Road South and the Alexandra Canal.
	Condition 26 This condition requires infrastructure to be set 500 mm above the 1% annual exceedance probability flood event for Alexandra Canal, with any variation approved by Council. This condition should be modified to make the Secretary responsible for approving any variations.	Council objected to the modification of this condition and requested they remain the responsible authority. The Department agrees with Council and does not agree to the modification.
	Condition 29 This condition sets out the management requirements for garbage and trade waste. This condition should be deleted as the site does not generate any trade waste.	The Department does not agree to the deletion of this condition as the development still generates general waste and sewage. Modified wording has been recommended to remove reference to trade waste.
	Condition 30 This condition requires vehicles to be cleaned in a 'wash down area' prior to leaving the site. This condition is impractical and impossible to comply with due to the volume of trucks exiting the site. This condition should be deleted.	The Department does not agree to the deletion of this condition as cement and quarry materials may be trucked onto the external road network without any 'wash down'. Modified wording has been recommended to require all vehicles exiting the site to pass through a wheel wash or vibration grid.
	Condition 32 This condition requires the refuelling area to be covered, bunded and drained to the sewer with Sydney Water approval. This condition should be deleted as refuelling no longer occurs on the site.	Council requested that if this condition is deleted that a new condition be placed on the consent that prohibits this activity on the site. The Department agreed with Council and recommended a new condition that states refuelling of vehicles is not permitted on the site. The Proponent subsequently advised that refuelling of mobile plant (forklifts, loaders, water cart and dump truck) does occur on site via a mobile tanker. This occurs on a hardstand area and strict refuelling procedures are followed to prevent spills. The Proponent advised that no spills have occurred to date. The Proponent therefore requested that a new condition be placed on the consent that requires evidence of appropriate best practice refuelling procedures for the mobile plant to be submitted to the Secretary for approval. The Department has agreed to a modified condition that requires this evidence to be submitted prior to any

Conditions	Proponent's Comment	Department's Position
		increase in production volume at the CBP (approved under this request) to ensure appropriate containment and management of spills.
	Condition 45	This condition requires updates to a range of management plans to reflect alterations to the site layout. This condition should be modified to delete reference to the landscape plan, emergency procedures, safety management system and fire safety study. The Department agrees in part to the modification of this condition. However, rather than referring to a specific list of plans that should be updated, the Department has recommended a modified condition that requires the Proponent to revise, if necessary, all strategies, plans and programs required under the consent to the satisfaction of the Secretary. This must be done within three months of the approval of a modification, an annual review, an audit of rail use or the submission of an incident report.
Road and rail traffic	Condition 18a, 39, 40 and 41	These conditions restrict traffic generated by the development to 636 vehicle movements per day, require the Proponent to use rail freight for deliveries wherever reasonably practicable, provide reports to Council on the use of rail and undertake an independent audit on the use of rail (if requested by Council). These conditions should be deleted and replaced with a condition that limits the annual production of the CBP and the annual throughput of the materials handling facility. The use of rail is maximised despite the condition as this is the most economical form of transport for the delivery of materials to the facility and is therefore the Proponent's preferred mode of transport. The Proponent would like to rail more construction materials into the site but is constrained by the capacity of the overall rail network. Should the requirement for an audit be retained, the Department should be given the authority to request the audit, not Council. Council originally objected to the deletion of Conditions 18a and 39 as there would be no limit on vehicle movements, no requirement to use rail wherever reasonable practical or for the Proponent to submit reports to Council on the use of rail. Council subsequently agreed to the deletion of these conditions as it acknowledges that the mode split between road and rail can vary from year to year. However, this was on the proviso that a new condition is placed on the consent that requires the Proponent to maximise the use of rail for the transportation of construction material to the site. The Department considers Conditions 18a, 39, and 41 should be deleted and replaced with a new condition that requires the Proponent to maximise the use of rail wherever reasonably practicable. This will allow for the daily fluctuations of production while maintaining an overall annual cap on production and throughput. The Department agrees with the Proponent's proposed condition that places limits on production and throughput as this is consistent with the way other industrial sites of this nature are limited (e.g. Boral's CBP in Chinderah and the Hymix CBP in Chinderah). The requirement for an audit of rail use under Condition 40 is recommended to be retained. However, rather than Council being given the authority to request the audit, the Department agrees with the Proponent that the condition be modified to make the Department the responsible authority. This will allow the Department to check, if considered necessary, if the Proponent is relying on the use of rail in preference to road transport. This is important as the Proponent's traffic assessment has been

Conditions	Proponent's Comment	Department's Position
		based on an average mode split of 15:85 of road to rail for the delivery of aggregates and sand to the facility. Additional environmental impacts (traffic, noise and dust) may occur if the reliance on road transport is significantly increased.

The Proponent, Council and EPA have been given the opportunity to review the modified conditions of consent and agree with the Department's final recommendations as outlined in **Section 8.2** and **Table 2** above. The Department's assessment concludes the proposed deletion of conditions relating to construction activities, the operation of the asphalt plant and requirements on the development consent that have been completed and/or are no longer relevant to the current site operations is acceptable. The Department considers the deletion of these conditions will not result in any additional environmental impacts at the site and therefore recommends the deletion of these conditions as specified in the attached Instrument of Approval. The recommended modifications to conditions outlined in **Table 2** will ensure impacts from site operations are managed appropriately and the environmental impacts both on and off the site are minimal and acceptable. Residual impacts will be managed appropriately through the existing and the recommended modified conditions of approval.

8.3 Other Issues

Table 3: Assessment of other issues

Issue	Assessment	Recommendation
Noise	- The increase in production at the CBP has the potential to generate additional noise impacts at nearby sensitive receptors. - The Proponent prepared a noise impact assessment (NIA) in accordance with the <i>NSW Industrial Noise Policy</i> (INP) (EPA, 2000). - The NIA shows that any changes as a result of the modification will be less than 1 dB under calm conditions at any nearby commercial or industrial sensitive receiver. No change is predicted at residential receptors R1 and R2. - The Department is satisfied a 1dB increase in noise levels is deemed 'typically indiscernible' to the human ear, and the proposed modification will not significantly increase the existing noise emissions, consistent with the INP requirements. - The EPA and Council did not raise any concerns regarding noise impacts. - The Department is satisfied the proposed changes would not increase noise beyond that predicted in the original EIS and therefore accepts there will be no perceptible change to the noise catchment. The noise impacts as a result of the modification are unlikely to cause adverse impacts at any off-site location. - The Department's assessment concludes the predicted noise impacts of the modification, being a worst case 1 dB increase at some commercial and industrial sensitive receptors and below the noticeable threshold, are minor and acceptable. - No additional conditions are required to manage residual noise impacts as a result of the modification.	No additional conditions are required.
Traffic	- The proposed increase in production at the CBP will increase the number of heavy vehicle movements. - The Proponent prepared a traffic impact assessment (TIA) in accordance with the <i>RMS Guide to Traffic Generating Developments</i> (RTA, 2002). - There will be no change to the number of light vehicle traffic movements (approximately 150 daily vehicle movements) as a result of the modification. - The Proponent's assessment concluded the increase in production of the CBP would result in an increase from 432 to 478 truck movements per day. This equates to an additional 46 truck movements per day (a 7% increase). - The increase in truck movements is associated with the additional transport of cement/fly ash and admixtures to the site and the despatch of concrete from the CBP.	Require the Proponent to: use rail wherever reasonably practical.

Issue	Assessment	Recommendation
	• Average daily traffic movements are predicted to increase on Burrows Road South by 1.4% on a maximum production day. The broader impacts on the surrounding road network are predicted to be less than 0.1%. • The SIDRA intersection traffic analysis demonstrated there are no expected impacts on the level of service at any key intersections. • There would be no increase in rail traffic movements as additional aggregates and sand for the CBP are proposed to be transferred from the handling facility to the CBP. • Council and RMS did not raise any concerns regarding the minor increase in traffic. However, as the cap on traffic movements is proposed to be deleted (as discussed in Section 8.2), Council requested that a new condition be placed on the consent that requires the Proponent to use rail wherever reasonably practical. • The Department is satisfied the Proponent's TIA represents a reasonable estimation of the potential traffic impacts of the modification. The increase in traffic will have minimal effect on existing traffic volumes. • While the increase in traffic is minor, the Department agrees with Council's request for a new condition that requires the use of rail wherever practical. This has been recommended as a condition of consent. • The Department's assessment concludes the traffic impacts of the modification would be acceptable.	

9. CONCLUSION

The Department has assessed the modification request in accordance with the relevant requirements of the EP&A Act. The Department has consulted with the EPA and Council to ensure site operations are managed appropriately through conditions on the modified consent to minimise and manage any residual risks to the environment.

The Department's assessment concludes the proposed modification is appropriate on the basis that the proposed amendments will not change the use or operation of the facility and will improve its functionality and efficiency with minimal environmental impacts. The Department also concludes the potential environmental impacts can be appropriately managed through existing and modified conditions of consent. Overall, the key environmental impacts relating to air quality and the administrative modifications and other minor issues associated with the modification are considered acceptable.

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act and concludes the modification would:

- result in minimal environmental impacts beyond the approved facility;
- enable the Proponent to meet the predicted increase in demand for construction materials for a number of State significant road infrastructure projects; and
- ensure that air quality impacts are maintained at acceptable levels.

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

10. RECOMMENDATION

It is **RECOMMENDED** that the Director, Industry Assessments:

- approve the proposed modification under section 75W of the EP&A Act; and
- sign the attached Instrument of Modification (in **Appendix A**).

AM 27/10/16
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Industry Assessments

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APPENDIX A – MODIFICATION OF MINISTER'S APPROVAL

See separate file at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7853

APPENDIX B – ENVIRONMENTAL ASSESSMENT

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7853

APPENDIX C – SUBMISSIONS

See separate files at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7853

APPENDIX D – RESPONSE TO SUBMISSIONS

See separate file at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7853

APPENDIX E – CONSOLIDATED APPROVAL

See separate file at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7853