# Central Sydney Industrial Estate and Downer Sustainable Road Resource Centre

State Significant Development Assessment SSD-10459

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Title: Central Sydney Industrial Estate and Downer Sustainable Road Resource Centre

Subtitle: State Significant Development Assessment

*Cover image: Overview of the proposed development (Source: Element Environmental Pty Limited)*

# Glossary

| Abbreviation | Definition |
|---|---|
| **Applicant** | VE Property Pty Ltd |
| **CIV** | Capital Investment Value |
| **Council** | City of Parramatta Council |
| **DA** | Development Application |
| **Department** | Department of Planning, Industry and Environment |
| **Development** | The development as described in the EIS and RTS for the Central Sydney Industrial Estate and Downer Sustainable Road Resource Centre |
| **EIS** | Environmental Impact Statement titled *Central Sydney Industrial Estate incorporating the Sustainable Road Resource Centre – State Significant Development Application* prepared by Element Environmental, Revision 1, dated 18 September 2020 |
| **EP&A Act** | *Environmental Planning and Assessment Act 1979* |
| **EP&A Regulation** | *Environmental Planning and Assessment Regulation 2000* |
| **EPI** | Environmental Planning Instrument |
| **EPL** | Environment Protection Licence |
| **ESD** | Ecologically Sustainable Development |
| **Minister** | Minister for Planning and Public Spaces |
| **Planning Secretary** | Secretary of the Department of Planning, Industry and Environment |
| **RTS** | Response to Submissions titled *Central Sydney Industrial Estate incorporating the Sustainable Road Resource Centre – State Significant Development Application* – Response to Submissions prepared by Element Environmental, Revision 1, dated 30 November 2020 |
| **SEARs** | Planning Secretary's Environmental Assessment Requirements |
| **SEPP** | State Environmental Planning Policy |
| **SRD SEPP** | State Environmental Planning Policy (State and Regional Development) 2011 |
| **SSD** | State Significant Development |

# Executive Summary

*Introduction*

VE Property Pty Ltd (the Applicant) proposes an industrial subdivision to create the Central Sydney Industrial Estate at 9 Devon Street, Rosehill in the Parramatta local government area (LGA). The proposal involves subdividing the former Clyde Oil Refinery site to create 14 new lots for future industrial and employment uses.

The proposal also includes construction and operation of the first stage of the subdivision for the Downer Sustainable Road Resource Centre to be operated by Downer EDI Works Pty Ltd (Downer). The Downer Sustainable Road Resource Centre (DSRRC) would consolidate Downer's two existing asphalt production facilities in the Rosehill area, one of which was recently acquired for construction of the Sydney Metro West project.

The proposed development is located on the site of the former Clyde Oil Refinery, which operated for over 80 years and was decommissioned in 2012. Viva Energy Australia Pty Ltd (Viva) consolidated its petroleum operations onto the eastern part of the site, converting to a finished fuel storage and distribution facility (known as the Clyde Terminal).

The redundant refinery infrastructure in the western area was demolished and is no longer required by Viva. This western area is now being remediated by Viva in accordance with a State Significant Development application approved in May 2020 (SSD 9302), to remove contamination from the former refinery. Once the remediation is complete, the land would be re-developed for industrial uses, consistent with the existing IN3 Heavy Industrial zoning of the site.

The site covers 35 hectares and is located 16 kilometres (km) west of the Sydney central business district and 3 km east of the Parramatta central business district.

*Proposed Development*

The proposed development (the development) includes two components:

1. Creation of a 35 ha Central Sydney Industrial Estate by subdividing the land to create 14 new lots and 1 residual lot for Viva's Clyde Terminal
2. Construction and operation of the DSRRC including:
    - an asphalt plant producing 550,000 tonnes per annum (tpa)
    - a reclaimed asphalt pavement facility processing 250,000 tpa
    - a bitumen products plant producing 15,000 tpa
    - a Reconomy facility that recycles street sweepings and other waste products for asphalt production, processing 40,000 tpa.

Downer has an existing asphalt plant and Reconomy facility in Rosehill that was recently acquired by the NSW Government for construction of the Sydney Metro West project. Downer produces asphalt for road construction projects across Sydney and the State and provides an important recycling service through its Reconomy facility and its reclaimed asphalt plant, which is located on another site in Rosehill. The consolidation of Downer's asphalt facilities onto a single site would ensure continuity of asphalt supply, on-going recycling of waste products and the retention of 38 operational jobs.

The development has a capital investment value of $77.6 million and will generate 120 construction jobs, 10 new operational jobs and retain 38 existing jobs.

### *Statutory Context*

The development is classified as State significant development under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves the construction and operation of an asphalt plant and waste and resource recovery facility that meets the criteria of clauses 9(c) and 23(3), respectively of Schedule 1 in State Environmental Planning Policy (State and Regional Development) 2011.

Consequently, the Minister for Planning and Public Spaces is the consent authority for the development under section 4.5(1) of the EP&A Act. However, the application may be determined under the Minister's delegation of 9 March 2020 by the Executive Director, Energy, Industry and Compliance.

### *Engagement*

The Department of Planning, Industry and Environment (the Department) exhibited the application and accompanying Environmental Impact Statement (EIS) for the development from Thursday 24 September 2020 until Friday 23 October 2020.

One public submission was received objecting to the development, however the submission referred to a different development application. The City of Parramatta Council objected to the application but later withdrew the objection as the matters of concern were resolved through the Applicant's Response to Submissions. Advice was also received from 15 government agencies and utility providers. Key issues raised related to water quality, air quality, odour, noise and biodiversity.

The Applicant submitted a Response to Submissions (RTS) on 1 December 2020 to address and clarify matters raised in the submissions. The Applicant also provided supplementary information to respond to residual questions arising from the Department and agency's consideration of the RTS.

The Department visited the site and met with the Applicant and the Environment Protection Authority (EPA) during its assessment of the application.

### *Assessment*

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has identified the key issues for assessment are operational noise, air quality and odour, water quality and impacts on the riparian zone.

During the assessment of the application, the Department was able to negotiate a number of improvements to the DSRRC which included the provision of a roofed structure over the entire Reconomy facility, asphalt sealing of all trafficable areas and the reclaimed asphalt pavement (RAP) stockpile area, widening of the riparian corridor to an average 40 metre width and improved air quality and surface water management outcomes.

<u>Operational Noise</u>

Operational noise from the development, which relates primarily to operation of the DSRRC, is predicted to comply with all relevant EPA noise criteria, including sleep disturbance criteria, with the implementation of specific mitigation measures. The development would operate 24 hours, 7 days and

is located within an industrial area, over 600 metres from the nearest residences. Proposed noise mitigation measures include engineering controls such as insulation, sound protection housing and semi-enclosure of certain plant. The Department has recommended the Applicant verify the effectiveness of these measures and compliance with the recommended noise limits through a noise verification report once the development is operational.

With these conditions in place, the Department's assessment has concluded that operational noise impacts from the development can be suitably managed and mitigated to an acceptable level.

Air Quality and Odour

The development is predicted to comply with all relevant EPA air quality and odour criteria at the nearest receivers with the implementation of specific mitigation measures. The Department worked with the Applicant and the EPA throughout the assessment process to ensure the development incorporates best practice mitigation measures.

From this process, the Applicant made amendments to incorporate additional management and mitigation measures including the partial enclosure of the Reconomy facility and changes to the management of the reclaimed asphalt pavement processing, including conveyor enclosures and dust suppression. The Applicant has also committed to clad the loadout area of the asphalt plant, install a bitumen vapour evacuation system, seal access roads and stockpile areas, and fit a sprinkler system for the stockpiles.

The Department's assessment also identified the Applicant had designed the layout of the development to ensure the primary odour generating sources (Reconomy facility and asphalt production and loadout) are located on the eastern site boundary which adjoins the buffer zone of the Clyde Terminal.

The Department has recommended a number of conditions to ensure the development operates in such a manner to minimise air quality and odour impacts, including the requirement for the Applicant to develop and implement an Air Quality Management Plan and to ensure the development is not a source of offensive odour.

The Department has also recommended the preparation of an Air Quality Verification Report to confirm the development, once constructed, complies with the prescribed concentration limits contained in the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

With these conditions in place, the Department and the EPA consider the air quality and odour impacts generated by the development can be suitably managed and mitigated to an acceptable level.

Water Quality

The Applicant prepared a Civil Engineering Report and Water Cycle Management Plan to establish the water quality impacts from the development as all surface water across the site discharges to the Duck River, and subsequently the Parramatta River and Sydney Harbour.

The EPA requested additional information regarding surface water management and treatment prior to discharge, which the Applicant addressed in the Response to Submissions. The Department notes the Applicant has sought to capture clean water (roof water) for re-use within the site, and to divert and treat 'dirty' surface water through an extensive stormwater treatment process which includes screens, gross pollutant traps and a bio-retention basin prior to discharge. The Department notes the Applicant has also provided detailed information in relation to stormwater management during construction, with

standard erosion and sediment control measures combined with site grading to ensure all stormwater drains to sediment basins which are provided for each allotment.

The Department has recommended several conditions to ensure the development minimises water quality impacts on the Duck River, including the requirement for the Applicant to design the stormwater management system in accordance with relevant guidelines and to prepare a Surface Water Management Plan. The Department has also recommended the preparation of a Surface Water Verification Report to confirm the stormwater management systems operate as modelled.

With these conditions in place, the Department's assessment has concluded that water quality impacts generated by the development can be suitably managed and mitigated to an acceptable level.

Riparian Zone

The Applicant provided a Biodiversity Assessment, Vegetation Management Plan and Landscape Management Plan to establish potential impacts of the development on the riparian zone along Duck River, and to establish a program to widen and improve the environmental conditions of the zone.

The City of Parramatta Council and the Department of Primary Industries – Fisheries both requested additional information regarding the establishment of a wider riparian zone and the extent of re-vegetation and ongoing management to improve the riparian zone.

The Applicant addressed this request in the Response to Submissions and submitted amended Vegetation Management and Landscape Management Plans, which included additional widening of the riparian corridor in accordance with the averaging rules of the Natural Resource Access Regulator's Guidelines for controlled activities on waterfront land.

The Department notes that a Biodiversity waiver was granted under the *Biodiversity Conservation Act 2016* by the Energy, Environment and Science Group and the Department on 27 August 2020.

The Department has recommended conditions to ensure the riparian zone is managed and upgraded in accordance with the information provided by the Applicant, including the development and implementation of a Landscape Management Plan.

With these conditions in place, the Department's assessment has concluded that impacts to the riparian zone as a result of the development can be suitably managed and mitigated to an acceptable level.

The Department's consideration of other issues, including traffic, noise, visual, flooding and remediation concluded the development can be managed and mitigated to an acceptable level.

### Summary

The Department acknowledges the site is currently subject to significant remediation and rehabilitation works approved by the Department under SSD 9302, and is satisfied that, subject to the provision of the relevant Site Audit Statements and Site Audit Reports, the site will be remediated to an appropriate standard to permit the future development and occupation of the site for industrial uses.

Importantly, the development will facilitate the re-location and consolidation of Downer's operations to ensure continuity of its operations, including the supply of asphalt material to the construction industry and recycling of road related waste material. It will also generate significant economic benefits by injecting additional capital investment into the region, creating construction jobs and securing employment for the existing workforce.

The Department's assessment concluded that these benefits can be delivered without any significant amenity or environmental impacts, with the residual impacts able to be mitigated and/or managed to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent.

Based on its detailed assessment, the Department considers the development is in the public interest and should be approved, subject to conditions.

# Contents

# 1 Introduction

This report details the Department of Planning, Industry and Environment's (Department) assessment of a State significant development application (SSD 10459) for the Central Sydney Industrial Estate (CSIE) and Downer Sustainable Road Resource Centre (DSRRC) (the proposed development).

VE Property Pty Ltd (the Applicant) is seeking development consent to:

- construct the CSIE - a 35 hectare (ha) industrial subdivision, involving the creation of 14 new lots and 1 residual lot (60 ha)
- construct and operate the DSRRC - a combined asphalt plant, reclaimed asphalt pavement (RAP) facility, bitumen products plant and a Reconomy facility (reprocessing of street sweepings and other wastes for reuse in asphalt production).

The proposed development (the development) would be located at 9 Devon Street, Rosehill in the Parramatta local government area (LGA), see **Figure 1**. The development has a capital investment value of $77.6 million and would generate 120 construction jobs and 48 operational jobs.


**Figure 1 |** Regional Context Map

The Department's assessment has considered all documentation submitted by the Applicant, including the Environmental Impact Statement (EIS), Response to Submissions (RTS) and supplementary information, submissions received from government agencies, stakeholders and the public. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

Minor amendments to the development were made as part of the Applicant's RTS and this report considers only the development as amended and not as originally submitted and described in the EIS. The amendments were minor and did not warrant re-exhibition of the development application.

This report describes the development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation.

## 1.1 Site Description

The development would be located at 9 Devon Street, Rosehill on land legally described as Lot 100 DP 1168951 in the Parramatta LGA (the site). The site is located approximately 16 kilometres (km) west of the Sydney central business district (CBD) and is approximately 3 km east of the Parramatta CBD (see **Figure 1**). The site comprises approximately 95 ha (35 ha for the CSIE, including Downer's operations with 60 ha for the residual Clyde Terminal site) of IN3 Heavy Industrial zoned land under the *Parramatta Local Environmental Plan 2011* (PLEP), see **Figure 2**.

The former Clyde Oil Refinery was located on the site and operated from 1928 until its closure in 2012. In 2015, the Clyde Terminal Conversion Project (SSD 5147) was approved and allowed for conversion of the operations into a fuel storage and distribution facility on the eastern part of the refinery site and demolition of the redundant infrastructure in the western part of the refinery site, referred to as the Western Area.

In June 2016, the Environment Protection Authority (EPA) declared the former Clyde Oil Refinery site as significantly contaminated land. The remediation of this land was subsequently declared State significant development by an Order made by the then Minister for Planning on 20 April 2018 under section 4.36(3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (Gazette No. 77).

The Western Area Remediation Project (SSD 9302) was approved on 7 May 2020, involving remediation of contaminated soils and management of contaminated groundwater in targeted locations across the Western Area (which includes the site and a small portion of additional land), to enable future commercial and industrial land uses.

The site is generally flat due to historic filling and construction activities. The south of the site is bordered by Duck Creek, a saltwater tidal tributary which runs in a south-west / north-east direction and feeds into the Parramatta River. The road network surrounding the site which would be utilised by the development is shown on **Figure 2**.

The development is the first development application (DA) proposed within the Western Area remediation area.

## 1.2 Surrounding Land Uses

The locality surrounding the site (shown in **Figure 2**) predominately consists of:

**North:** immediately to the north of the site are a number of heavy industrial land uses and then the Parramatta River. Further afield are additional industrial land uses and the low-density residential areas of Rydalmere and Ermington which are located over 1 km from the site.

**South:** immediately to the south of the site is the Duck River which is a tidal saltwater tributary which flows into the Parramatta River. Further south is predominately commercial and industrial land uses with some residential housing located within this area on Asquith Street which are less than 500 metres (m) from the site. Beyond this area are the low-density residential areas of Silverwater and Auburn which are over 500 m from the site.

**East:** immediately to the east of the site is the Clyde Terminal and Duck Creek. Further east are commercial and industrial land uses and the Silverwater Correctional facility. The low-density residential area of Newington and significant areas of public open space are located over 1.5 km from the site

**West:** immediately to the west of the site are a number of heavy industrial land uses and Rosehill Gardens Racecourse. Further west is the low and medium density residential area of Rosehill which is located over 1 km from the site.

## 1.3 Other Development Approvals

### SSD 5147 – Clyde Refinery Conversion

In 2015, development consent was granted to enable conversion of the Clyde Oil Refinery into a finished fuel storage and distribution facility, known as the Clyde Terminal. The consent allowed for consolidation of terminal operations onto the eastern part of the site and demolition of redundant refinery infrastructure in the western part of the site. The demolition works are now complete, and the Clyde Terminal continues to operate in accordance with the SSD 5147 development consent.

### SSD 9302 - Western Area Remediation Project

In 2020, consent was granted for remediation of the Western Area, which is contaminated with petroleum hydrocarbons and heavy metals from former refining operations. The remediation works are being completed in stages, with the first stage involving remediation of the area that would be occupied by the DSRRC (the main subject of this application). These remediation works were completed in early 2021. Remediation works across the remainder of the Western Area will soon be commenced.

### Downer EDI Works Pty Ltd (Downer) – Asphalt Operations

Downer has two operations in the Rosehill area that would be consolidated onto the site as part of this SSD application. Downer operates an asphalt plant and Reconomy facility at 1A Unwin Street, Rosehill which has been acquired by the NSW Government for the Sydney Metro West Project. Downer also leases a site at 12 Grand Avenue, Rosehill where its RAP recycling facility, with the lease soon due to expire. Downer would consolidate both operations onto the site, as part of the first stage of the CSIE industrial subdivision. Operations of the main existing asphalt plant commenced in the 1950s and operates under existing use rights. There are also a number approvals Council has issued for the site including for stormwater improvements works, construction of silos and demolition activities. The existing Reconomy facility was approved by the Sydney Central City Planning Panel in September 2017 while the existing RAP facility on 12 Grand Avenue was approved by Council in December 2000.

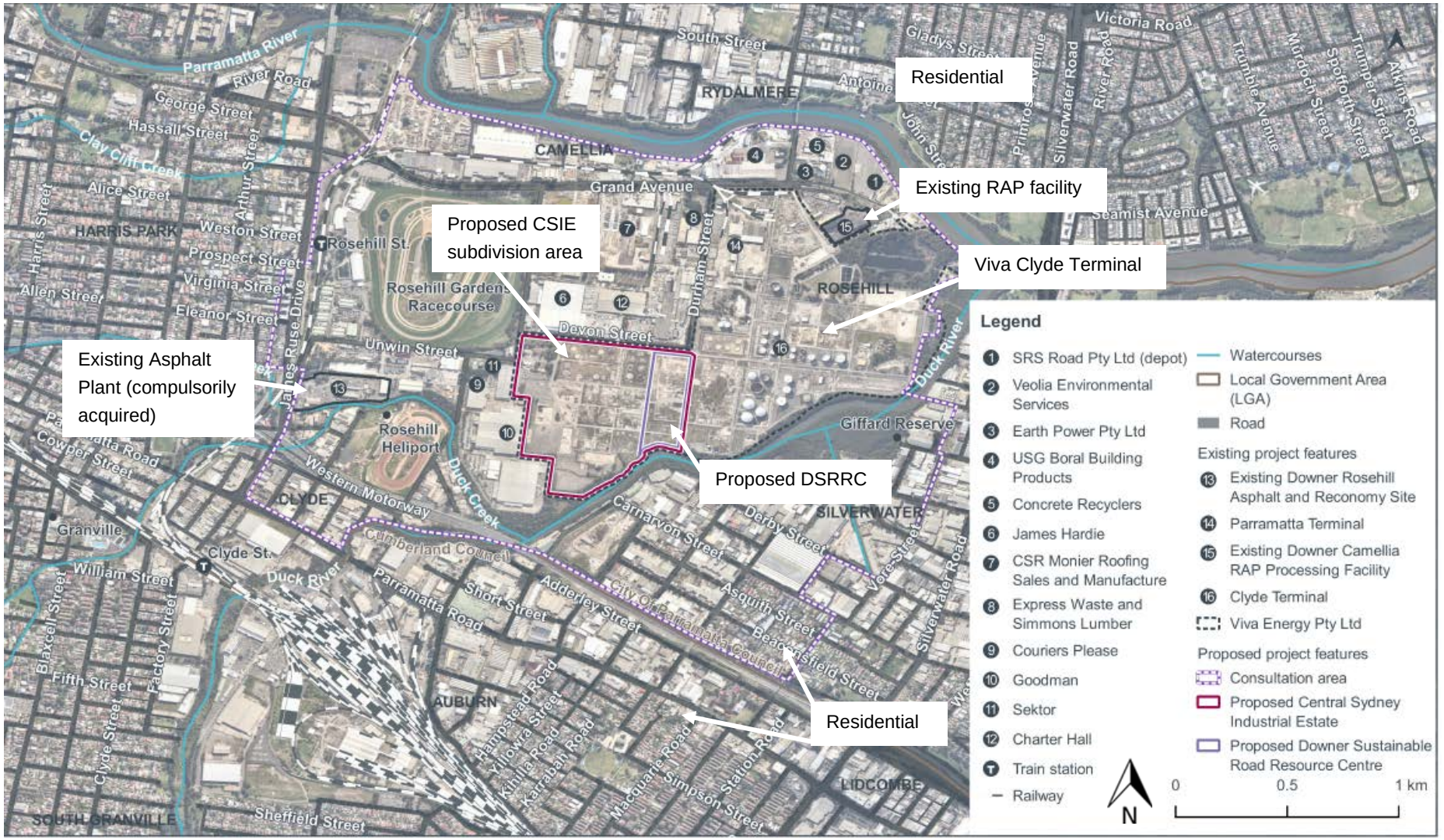


**Figure 2 |** The Site and Surrounding Land Uses

# 2 Development

## 2.1 Description of the Development

The Applicant proposes to subdivide land to create the Central Sydney Industrial Estate and construct and operate the Downer Sustainable Road Resource Centre. The Applicant's RTS proposed some minor amendments to the development, including:

- amendments to the subdivision layout from nine lots to 15 lots
- dedication of the new subdivision access road and easement to Council, enabling future access across the Duck River
- widening of the Duck River riparian corridor from 30 m to an average of 40 m in accordance with the Guidelines for Riparian Corridors on Waterfront Land
- minor changes to the DSRRC layout and plant composition, including the partial enclosure of the Reconomy facility.

This report considers the development as amended. The major components are summarised in **Table 1** and shown in **Figure 3** and **Figure 4**, and described in full in the EIS and RTS, which are available on the Department's Major Projects website.

**Table 1 |** Main Components of the Development

| Aspect | Description |
|---|---|
| **Development Summary** | **15 lot industrial subdivision and the construction and operation of a combined asphalt plant, reclaimed asphalt pavement facility, bitumen products plant and a Reconomy facility** (see **Figure 3** to **Figure 5**) |
| **Central Sydney Industrial Estate (CSIE)** | • 15 lot subdivision of a 95-ha area to create 14 new lots (35 ha) and 1 residual lot (60 ha) over three stages, including the creation of a new public roadway:<br>Lot 21 – residual land occupied by Clyde Terminal (60 ha)<br>Lot 6 – 6.998 ha – Downer Sustainable Road Resource Centre (DSRRC)<br>Lot 51 – 8,060 $m^2$<br>Lot 52 – 8,060 $m^2$<br>Lot 53 – 2.755 ha<br>Lot 54 – 1.067 ha<br>Lot 55 – 1.067 ha<br>Lot 56 – 2.133 ha<br>Lot 58 – 2.125 ha<br>Lot 59 – 2.135 ha<br>Lot 60 – 3.318 ha<br>Lot 61 – 1.553 ha<br>Lot 62 – 3.097 ha<br>Lot 63 – 3.633 ha<br>Lot 64 -2.35 ha |
| **Downer Sustainable Road Resource Centre (DSRRC)** | • Asphalt Production – 550,000 tonnes per annum (tpa)<br>• Reclaimed Asphalt Pavement processing – 250,000 tpa<br>• Bitumen Production – 15,000 tpa<br>• Reconomy Processing – 40,000 tpa processed for 20,000 tpa recovered aggregates |
| **Earthworks, civil works and services extension** | • Balanced cut / fill proposed. Contingency for 30,000 cubic metres ($m^3$) of clean fill proposed<br>• Minor bulk earthworks would be required to establish final lot levels<br>• Extension of services to each lot in the subdivision |

| Aspect | Description |
|---|---|
| **Construction** | • Subdivision of the CSIE would occur over the following stages:<br>- Stage One (1A) – create Lots 20 and 21 (Lot 20 is the site, Lot 21 is the Clyde Terminal)<br>- Stage One (1B) – create Lot 6 and residual Lot 5<br>- Stage Two – create from Lot 5, Lots 51 – 56 and residual Lot 57<br>- Stage Three – create from Lot 57, Lots 58 – 63<br>• Construction of the DSRRC would include:<br>- Asphalt Plant – RAP elevator height 41 m, aggregate silos height 27 m<br>- Reclaimed Asphalt Pavement Facility – shed height 13 m<br>- Bitumen Production Plant – shed height 6 m, silo height 12 m<br>- Reconomy Production Facility – shed height 12.4 m, fixed equipment height 8 m |
| **Traffic** | • Peak Construction Traffic – 105 heavy vehicles and 88 light vehicles per day<br>• Operational Traffic - 189 heavy vehicles and 46 light vehicles per day |
| **Road and intersection works** | • New estate road and intersection off Devon Street for the CSIE, with an easement dedicated to Council for a bridge over Duck River to connect to Carnarvon Street<br>• New 27 m wide access driveway for the DSRRC including three entry and two exit lanes and a weighbridge |
| **Landscaping and riparian works** | • Landscaping for the subdivision estate and the DSRRC<br>• Widening the existing Duck River riparian corridor to an average width of 40 m and providing access to Council |
| **Construction timeframe** | CSIE - 9 months (proposed to commence mid-2021)<br>DSRRC – 11 months (proposed to commence February 2021) |
| **Hours of operation** | 24 hours, 7 days |
| **Capital Investment Value** | $77,618,188 |
| **Employment** | 120 construction jobs (35 CSIE and 85 DSRRC) and 48 operational jobs (10 additional jobs over existing operations). |

## 2.2 Physical Layout and Design

**Figure 3** shows the layout of the subdivision for the CSIE and **Figure 4** and **Figure 5** show the layout and elevation of the DSRRC.

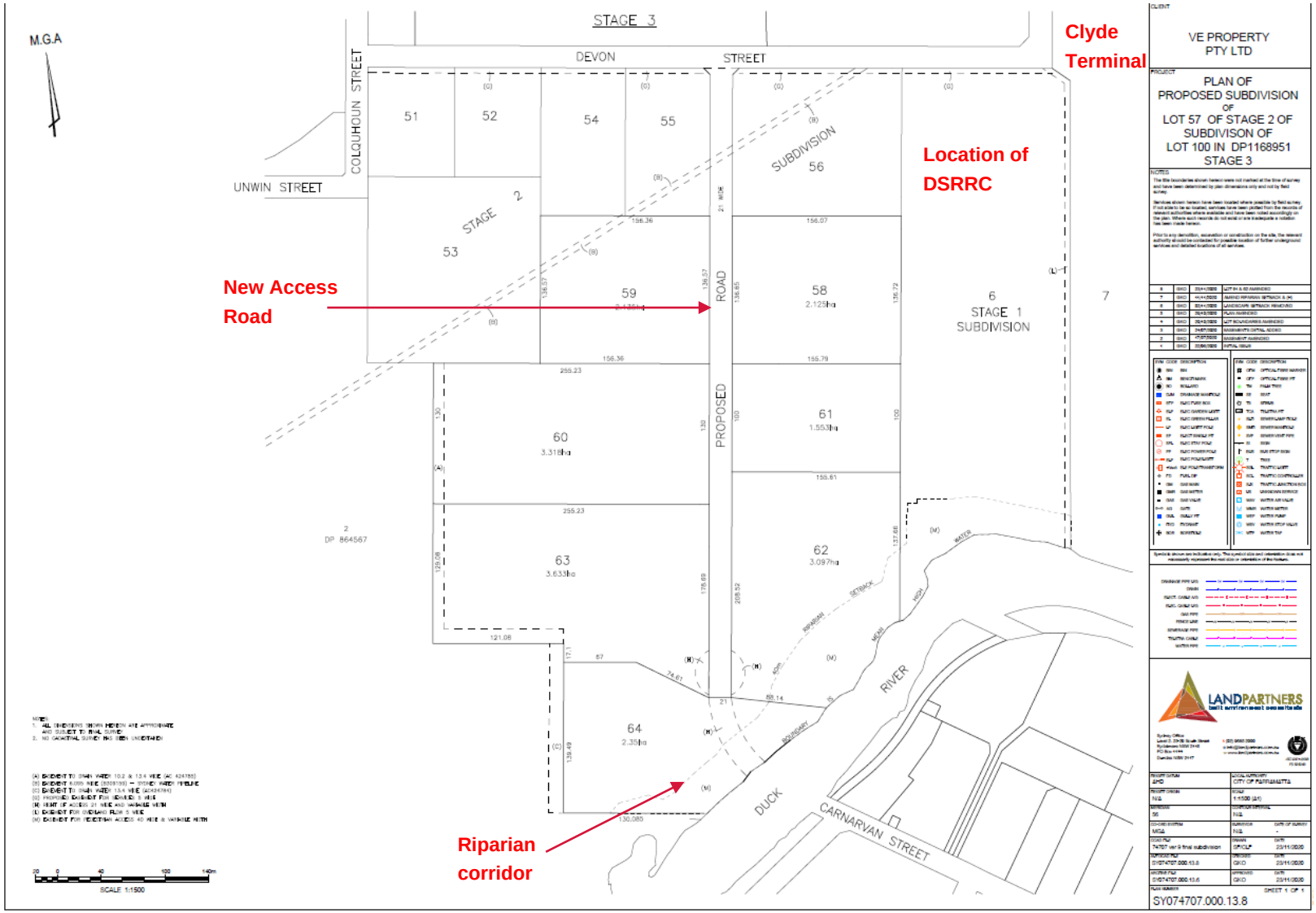


**Figure 3** | SSD-10459 – CSIE Subdivision Layout

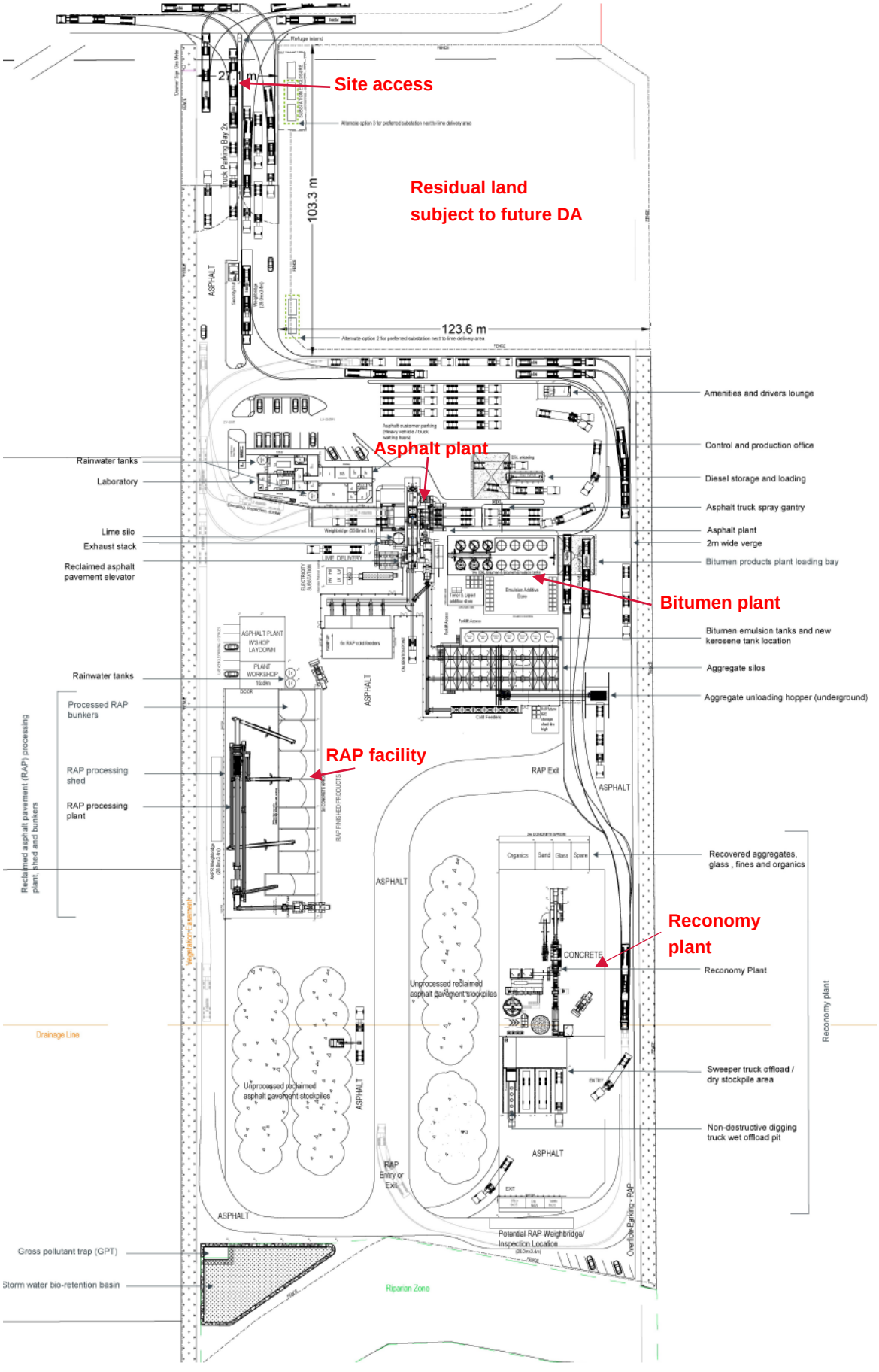


**Figure 4** | DSRRC Layout

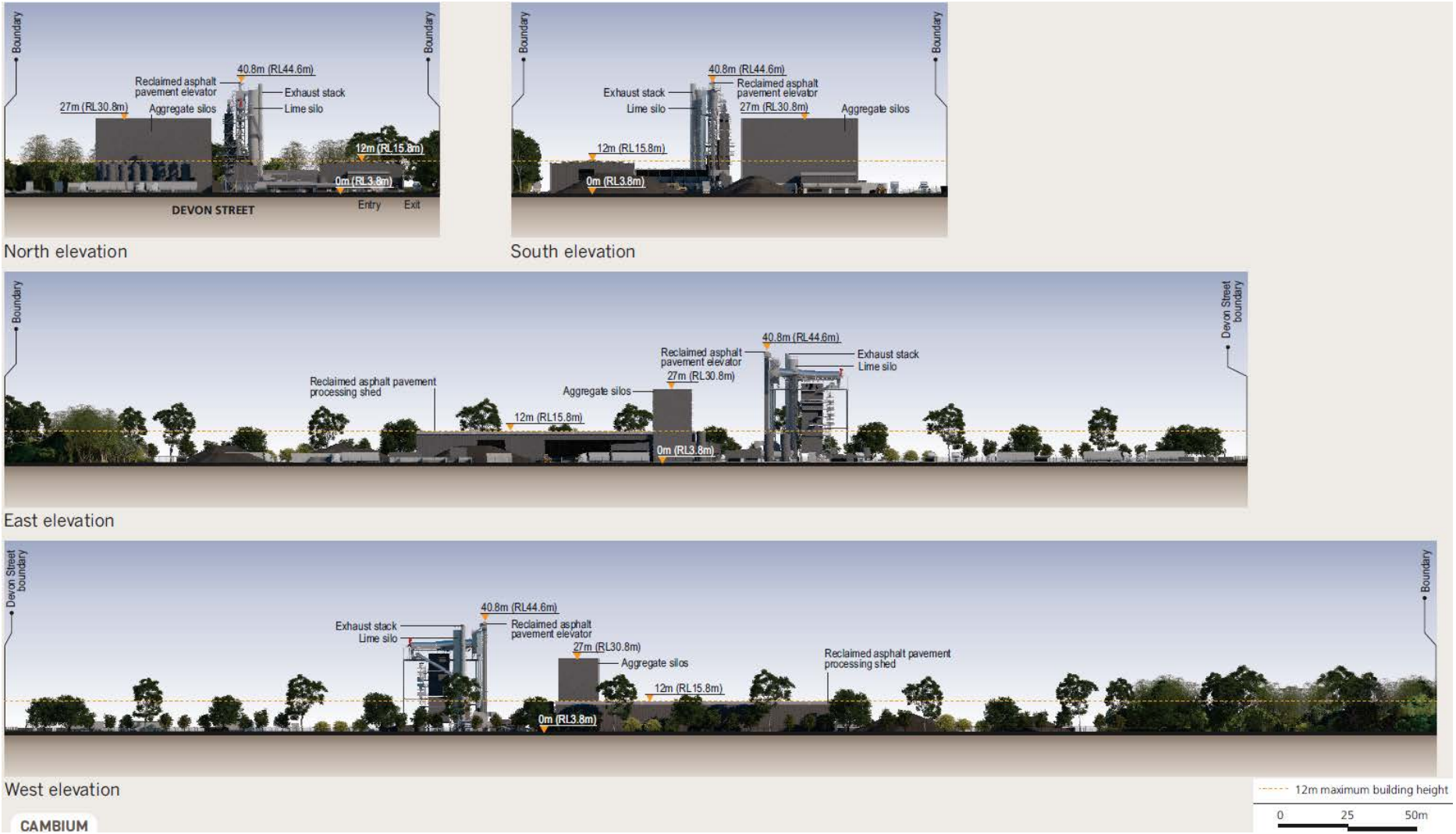


**Figure 5** | DSRRC Elevations (Reconomy Shed not shown)

## 2.3 Process Description

### Asphalt Production

The asphalt manufacturing comprises drying and mixing aggregates and combining them in specified quantities with heated bitumen and a filler and discharging the resulting 'hot' and 'warm' mix into trucks.

Operation would involve:

- delivery and storage of aggregates, sand and filler material, including reclaimed aggregates from the RAP and Reconomy facilities
- mixing filler and bitumen with the aggregates, exhaust emissions are drawn off into a bag house for treatment with recovered fines reused in the asphalt process
- asphalt is transferred to hot asphalt storage bins/silos
- transport of hot and cold asphalt product off-site via trucks.

### Reclaimed Asphalt Pavement (RAP)

Reclaimed asphalt pavement is transported to the site and is crushed and screened for use in the production of asphalt (as a substitute for aggregates and bitumen). Up to 90,000 tonnes (t) of RAP would be stored on site at any one time on a 10,000 $m^2$ stockpile area. The RAP plant would be located inside a 12 m high shed which is enclosed on three sides.

### Bitumen Production

The bitumen emulsion process requires the milling of bitumen, solvent and a soap solution through a colloid mill to produce an emulsion. The emulsion is stored in holding tanks before delivery off site. Raw materials for bitumen emulsion production include kerosene, bitumen, chemicals and additives. The plant includes two 6 m high sheds for the emulsion production and raw material storage, as well as tanks for final product storage.

### Reconomy Production

The Reconomy facility re-processes road sweepings, gully waste, mud from non-destructive digging, excavation and crushed glass. The facility includes a customised material screening and processing plant and water treatment to recover over 60% of the waste stream which is used in the manufacture of asphalt and other road pavement products. The facility would be located in two 12.4 m high sheds.

## 2.4 Other Waste Streams

The DSRRC also proposes to use a variety of other waste streams in the manufacturing of asphalt, including toner from printer cartridges, tyres, reclaimed process sand (e.g. foundry or dredging sand), recycled / crushed glass, coal ash and steel furnace slag.

The Applicant states the beneficial reuse of waste in asphalt has not only resulted in less environmental impact but also increased fatigue life of asphalt and deformation resistance, improved stiffness and bearing capacity and the ability to lay a thinner layer of asphalt, further reducing the quantity of materials required.

## 2.5 Applicant's Need and Justification for the Development

The Applicant has justified the development on the following grounds:

**CSIE:**

The site is no longer being utilised by its owner (Viva Energy) and therefore the CSIE will support the future development of IN3 Heavy Industry zoned land that is strategically located close to major transport routes. Re-development of the site would not have significant environmental impacts as the site is already disturbed and has been used for heavy industry for over 100 years.

**DSRRC:**

Downer is required to re-locate its existing operations in the area due to its Rosehill site, which contains the asphalt and Reconomy plants, being acquired by Transport for NSW (TfNSW) and its current lease on its Camellia site, which contains the RAP plant, ending at a similar time.

This presents an urgent need for Downer to relocate and provides an opportunity to consolidate its operations onto a single site. This would have present efficiency gains with the implementation of newer technology and reduce the overall environmental impacts of the operations. Additionally, remaining within the locality of its existing facility allows Downer to continue servicing its existing market.

The consolidation of Downer's operations would have a beneficial economic impact as it would ensure continued employment for 38 staff from its existing facilities and would ensure continuity of supply for asphalt and road pavement products in Sydney. The continued operation of its Reconomy facility would ensure the costs of asphalt production are reduced, but beneficially reusing waste products to produce asphalt.

The EIS concluded that given the need for the project, lack of alternatives, suitability of the site, consistency with plans and policies, minor environmental impacts and economic benefit of the project, the project is in the public interest and its approval is likely to benefit the state of NSW.

# 3 Strategic context

## 3.1 A Metropolis of Three Cities – the Greater Sydney Region Plan

The vision of the Greater Sydney Region Plan - A Metropolis of Three Cities (Region Plan) provides an integrated planning framework for Sydney, as shown in **Figure 6**. The Region Plan seeks to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of thee cities – the Western Parkland City, the Central River City and the Eastern Harbour City. It brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth.

The Department has considered the strategic context of the development and is satisfied that it is consistent with the intent of the Region Plan.

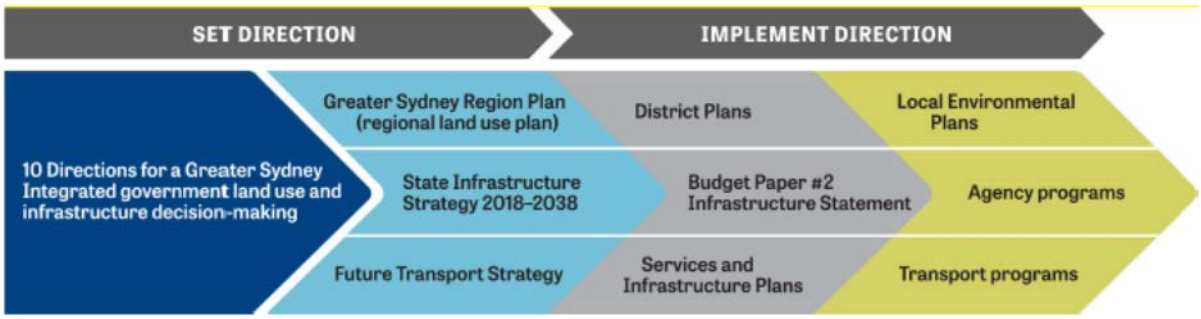


**Figure 6** | Integrated Planning for Greater Sydney

## 3.2 Greater Parramatta and Olympic Peninsula Vision

The development is located in the strategically important Greater Parramatta and Olympic Peninsula (GPOP) area. The GPOP vision recognises Camellia as a strategic collaboration area. The vision emphasises that the Camellia precinct provides a unique opportunity with approximately 40 ha of surplus land to become available for modern enterprise with relatively high-density employment.

The development supports this vision through the subdivision of heavy industry zoned land and the construction and operation of the employment generating DSRRC.

## 3.3 Central City District Plan

The Central City District Plan (District Plan) identifies industrial land within the GPOP that provides capacity for a range of activities that are critical to supporting population and jobs growth. The District Plan focuses on co-existing water, energy and transport uses generating a range of employment types including advanced technology and urban services.

The development is consistent with the District Plan which includes the Camellia Precinct through the subdivision of heavy industry zoned land and the construction and operation of the employment generating DSRRC.

## 3.4 Interim Greater Parramatta Land Use and Infrastructure Implementation Plan

The Interim Greater Parramatta Land Use and Infrastructure Implementation Plan (IGPLUIIP) recognises the potential for the Camellia Precinct to provide more than 8,850 jobs. The IGPLUIIP recognises the need for strategic planning of the Camellia Precinct in order to deliver these jobs.

The development is consistent with the strategic planning of the Camellia Precinct as it would enable the subdivision of heavy industry zoned land to support future industrial developments. The DSRRC,

as the first stage of the industrial subdivision, would ensure continued employment for 38 staff and an additional 10 new jobs in the Camellia Precinct.

## 3.5 Waste Avoidance and Resource Recovery Strategy 2014-21

Reducing waste and keeping materials circulating within the economy are key priorities for the NSW Government. To meet this challenge, the government has prepared a State-wide Waste Avoidance and Resource Recovery Strategy (WARRS). The WARRS sets waste recovery targets for commercial, industrial, construction, demolition and municipal waste to be achieved by 2021-22.

By using waste material that would otherwise be destined for landfill and encouraging the highest amount of resource recovery, the development would contribute to the State's recovery performance of industrial, construction and demolition waste.

# 4 Statutory Context

## 4.1 State Significance

Part of the development is State significant development (SSD) pursuant to section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves the construction and operation of an asphalt plant with a CIV of over $30 million and a resource recovery facility which would handle more than 100,000 tonnes of waste per year, which meets the criteria in clauses 9(c) and 23(3), respectively of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

The Department acknowledges that some components of the development would not, if considered independently of the resource recovery facility, fall under the classification of SSD. However, the Department has formed the view that the components of the DSRRC are integrally reliant on each other and therefore, pursuant to the provisions of clause 8(2) of the SRD SEPP all components of the development are SSD.

## 4.2 Permissibility

The site is zoned IN3 – Heavy Industry under the *Parramatta Local Environmental Plan 2011* (PLEP). Pursuant to Part 2 of the PLEP the development (general industry and waste or resource management facility) and clause 2.8 (subdivision) is permitted with consent in this zone.

## 4.3 Consent Authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the development under section 4.5 of the EP&A Act. On 9 March 2020, the Minister delegated the functions to determine SSD applications to the Executive Director, Energy, Industry and Compliance where:

- the SSD application has not already been referred by the Planning Secretary to the Independent Planning Commission for determination as at the date of delegation, and
- the relevant local council has not made an objection, and
- there are fewer than 50 unique public objections, and
- a political disclosure statement has not been made by the Applicant.

Parramatta City Council (Council) and one member of the public objected to the development. On receipt of the RTS, Council withdrew its objection to the development. No reportable political donations were made by the Applicant in the last two years and no reportable political donations were made by any persons who lodged a submission.

Accordingly, the development can be determined by the Executive Director, Energy, Industry and Compliance under delegation.

## 4.4 Other Approvals

Section 4.42 of the EP&A Act requires further approvals to be obtained, considered or determined in a manner that is consistent with any Part 4 approval for SSD projects under the EP&A Act. In the case of the development, an EPL will need to be applied for and issued by the EPA under the *Protection of the Environment Operations Act 1997* (POEO Act). The Department notes that there have been ongoing discussions between the Applicant and EPA in relation to which parts of the DSRRC will require licensing, and that the EPA has acknowledged that this can be resolved during the EPL application process.

The design and construction specifications of the new access road and intersection with Devon Street will require consent from Council under the *Roads Act 1993*.

## 4.5 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a DA. The Department's consideration of these matters is set out in Section 6 and **Appendix B** and **C**. The Department has considered the relevant matters under section 4.15 of the EP&A Act.

Development Control Plans do not apply to SSD under clause 11 of the SRD SEPP.

## 4.6 Environmental Planning Instruments

Under section 4.15 of the EP&A Act, the consent authority, when determining a DA, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the development.

The Department has considered the development against the relevant provisions of the relevant EPIs including:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Coastal Management) 2018
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No. 55 – Remediation of Land and draft State Environmental Planning Policy (Remediation of Land)
- State Environmental Planning Policy No. 64 – Advertising and Signage
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Parramatta Local Environmental Plan 2011

The Department is satisfied the development is generally consistent with the relevant provisions of these EPIs (see **Appendix C**).

## 4.7 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 to the EP&A Act, the SSD application and any accompanying information are required to be publicly exhibited for a minimum of 28 days. The SSD application and accompanying EIS was publicly exhibited from 24 September 2020 until 23 October 2020. Details of the exhibition process and notifications are provided in Section 5.

## 4.8 Objects of the EP&A Act

In determining the DA, the consent authority must consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in section 1.3 of the EP&A Act. The Department has fully considered the objects of the EP&A Act which are of relevance to the assessment of the development, including the encouragement of Ecologically Sustainable Development (ESD) as described in **Table 2**.

**Table 2 | Considerations of the Objects of the EP&A Act**

| Object | Consideration |
|---|---|
| *(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,* | The development will:<br>• promote the proper management and development of suitably identified land for improved social and economic welfare of the State<br>• promote the social and economic welfare of the State through the creation of 120 construction jobs and 48 operational jobs (10 additional roles created from existing operations)<br>• promote a suitable environment through appropriate environmental management during construction and operations. |
| *(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,* | The development will:<br>• facilitate the principles of ESD by incorporating energy and water efficient building design<br>• develop and implement waste minimisation and recycling strategies. |
| *(c) to promote the orderly and economic use and development of land,* | The development will support both the future development of the site by way of subdivision and the construction and operation of the DSRRC which promotes the orderly and economic use of the site. |
| *(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities,* | The site is highly disturbed due to historical land uses with isolated stands of vegetation on the outer periphery.<br><br>The development will see the establishment of a 40 m wide riparian corridor which will include the rehabilitation and re-vegetation of the existing riparian vegetation along Duck River.<br><br>No vegetation of significance has been identified for clearing within the development footprint. No material ecological impacts have been identified either, due to the disturbed nature of the site. |
| *(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),* | No impacts to built and cultural heritage have been identified due to the highly disturbed nature of the site. |
| *(g) to promote good design and amenity of the built environment,* | The Department considers that the development promotes acceptable design and amenity in a locality that has been historically and currently dominated by heavy industrial and general industrial land uses. |
| *(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,* | The Department has recommended a number of conditions of consent to ensure the construction and maintenance of the development is undertaken in accordance with the relevant legislation, guidelines, policies and procedures. |
| *(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,* | The Department referred the development to the relevant State agencies and Council during the exhibition period and invited them to comment. The Department has given due consideration to their submissions. |
| *(j) to provide increased opportunity for community* | The Department publicly exhibited the SSD application as outlined in Section 4.7. Property owners within the vicinity of the development were directly notified in writing. The development |

| Object | Consideration |
| --- | --- |
| *participation in environmental planning and assessment.* | has also been displayed on the Department's website since 24 September 2020. |

## 4.9 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.

As demonstrated by the Department's assessment in Section 6 of this report, the development will improve recycling and resource recovery, and will not have any adverse impacts on the environment and is therefore consistent with the objectives of the EP&A Act and the principles of ESD.

## 4.10 Biodiversity Development Assessment Report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all applications for SSD to be accompanied by a BDAR unless the Planning Agency Head and the Environment Agency Head determine that a development is not likely to have any significant impact on biodiversity values.

The Applicant submitted a Biodiversity waiver request, prepared by AECOM Australia Pty Ltd on 20 August 2020. A BDAR waiver was subsequently granted by the EES Group of the Department and the Department on 27 August 2020.

## 4.11 Environment Protection and Biodiversity Conservation Act 1999

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), assessment and approval is required from the Commonwealth government if a development is likely to impact on a matter of national environmental significance (MNES), as it is considered to be a 'controlled action'.

The EIS for the development included a preliminary assessment of the MNES in relation to the development and identified the MNES that may be relevant as threatened flora and fauna species and ecological communities and migratory species.

The EIS concluded the development would not impact on any of the MNES and the Applicant determined a referral to the Commonwealth government was not required.

# 5 Engagement

## 5.1 Consultation

The Applicant, as required by the Secretary's Environmental Assessment Requirements (SEARs), undertook consultation with relevant local and State government agencies as well as the community and affected landowners. The Department undertook further consultation with these stakeholders during the exhibition of the DA and EIS and throughout the assessment of the development. These consultation activities are described in detail in the following sections.

### 5.1.1 Consultation by the Applicant

The Applicant's consultation during the preparation of the EIS included:

- consultation with local and state government agencies, including EES, Council, EPA, Endeavour Energy, NSW Fire and Rescue, the Department of Primary Industries – Fisheries (DPI - Fisheries), Sydney Metro, Sydney Water, and TfNSW
- consultation with community members by way of a letter box drop to approximately 700 premises in the locality surrounding the development
- consultation with stakeholders in proximity to the development by way of letter box drop, email, telephone and videoconference.

### 5.1.2 Consultation by the Department

The Department consulted with relevant agencies during the preparation of the SEARs. After accepting the DA and EIS, and in accordance with the requirements of the EP&A Act and Regulation, the Department:

- made the documentation publicly available on the Department's website from Thursday 24 September 2020 until Friday 23 October 2020
- notified landowners in the vicinity of the development about the exhibition period by letter
- notified and invited submissions from relevant State government agencies and Council by letter.

## 5.2 Summary of Submissions

One public submission was received objecting to the development, however the submission referred to a different development application. The City of Parramatta Council objected to the application but later withdrew the objection as the matters of concern were resolved through the Applicant's Response to Submissions. Advice was also received from 15 government agencies and utility providers. Key issues raised related to water quality, air quality, odour, noise and biodiversity.

A summary of the issues raised is provided below, with copies of submissions and advice from government agencies and utility providers available on the Department's website.

### 5.2.1 Government Agencies

**City of Parramatta Council** initially objected to the development due to the proposed width of the riparian corridor being 30 m rather than 40 m, the proposal to offset the road and bridge easements against development contributions and the lack of information provided to justify the proposed height variation. Council also provided comments on biodiversity and habitat protection, landscaping and tree protection, land use planning, transport planning, urban design and amenity matters, stormwater and catchment management and traffic.

**Environment Protection Authority (EPA)** raised concerns about the assessment of air quality, odour, noise, water quality and water balance, operational traffic and plant management, fire and hazard management, waste management and how the development will interact with the requirements of SSD 9302. The EPA advised the development in its current form does not meet the objectives of the POEO Act by taking all practical measures to prevent, control, abate or mitigate pollution, and requested the Applicant provide further information to enable the authority to finalise its assessment.

**Department of Primary Industries – Fisheries** sought clarification on the extent of marine vegetation disturbance and questioned how the Vegetation Management Plan would facilitate improvement of the riparian corridor, in particular, the suitability of the 2.5 m wide maintenance track. Further information was sought on the engineering specifications and flow rates of the Duck Creek stormwater outlets.

**Transport for NSW** noted the EIS did not address the cumulative impacts of the development on the Parramatta Light Rail (PLR) in relation to traffic impacts, flooding, vibration, construction and operational noise impacts. TfNSW also sought clarification on the type of heavy vehicles that would access the development, the number of employee vehicle movements and the number of on-site truck parking bays. TfNSW also recommended the Applicant prepare and implement a Construction Pedestrian and Traffic Management Plan for the duration of construction works.

**Environment, Energy and Science Group** noted the development's BDAR waiver was approved on 27 August 2020 and that flooding and climate change related impacts had been appropriately assessed by the Applicant. EES subsequently recommended the Applicant be required to prepare a Flood Emergency Plan for the development, in consultation with the NSW State Emergency Services (SES).

**Heritage NSW** raised no comments in relation to Aboriginal Cultural Heritage. In relation to archaeological heritage it was noted that there is little to no potential for archaeological relics within the site and that no further assessment is required.

**Natural Resource Access Regulator** noted that a response would be provided by DPIE Water.

**Department's Water Group** requested the Applicant confirm if the bio-retention basin associated with the DSRRC would intercept the water table during construction and, if so, requested additional information in relation the predicted groundwater take.

**Sydney Metro** noted there might be some traffic impacts within the locality due to the future construction of the Sydney Metro West Project and that the south-west portion of the site was impacted by the Sydney Metro West tunnel. Sydney Metro requested that any future DAs for the CSIE address the requirements outlined under State Environment Planning Policy (Infrastructure) 2007 and any relevant guidelines and that they be prepared in consultation with Sydney Metro. Sydney Metro did not raise any concerns with the development and recommended conditions to ensure the development is constructed in accordance with the submitted civil drawings.

**Endeavour Energy** noted the potential changes to flood affectation impacts on the Rosehill Zone Substation and Camellia Transmission Substation from the development had not been addressed in

the EIS. Endeavour Energy requested further information to demonstrate the development would not have any impact on the Rosehill Zone Substation and Camellia Transmission Substation.

**Sydney Water** noted it was liaising with the Applicant regarding the servicing requirements of the development.

**Ausgrid** noted it has transmission cables adjacent to the site along Devon Street and that the Applicant should prepare an infrastructure plan to establish any augmentation and easement requirements for the development.

**Fire and Rescue** noted it was satisfied with the risk and hazards component of the development and made a number of recommendations in relation to operational fire safety.

**SafeWork NSW** and **Crown Lands** had no comments.

#### 5.2.3 Public Submissions

One submission was received from the general public objecting to the development. However, the submission references potential impacts to the residential areas of Minchinbury, Erskine Park and St Clair (approximately 15 km west of the site) and air quality impacts associated with the incineration of waste, which does not form part of the subject SSD application.

### 5.3 Response to Submissions and Supplementary Information

On 1 December 2020, the Applicant submitted its RTS which was made publicly available on the Department's and provided to key agencies. A summary of the agencies responses is provided below.

**Parramatta City Council** withdrew its objection to the development and noted that the development was consistent with the Draft Camellia Town Centre Masterplan 2018. Council provided recommended conditions of consent and requested design amendments / clarifications which were focused on the public road / pedestrian interface, stormwater and flooding management, street landscaping and access to, and within the riparian corridor. The Department has incorporated Council's recommendations in the conditions, where appropriate.

**Environment Protection Authority** confirmed it was in a position where it can now issue an EPL for the DSRRC, but noted it had some residual concerns in relation to operational noise. These matters are discussed in greater detail in Section 6.1 of this report.

**Transport for NSW** was satisfied with the information submitted within the RTS and requested further consultation with the Applicant (post-determination) in relation to proposed wastewater and potable water mains on Colquhoun Street and the preparation of a Construction Pedestrian and Traffic Management Plan (CPTMP), and that the final engineering design of the development give consideration to 30 m long heavy vehicles.

**Department of Primary Industries – Fisheries** was satisfied with the information submitted within the RTS and provided no further comments.

**Environment, Energy and Science Group** was satisfied with the information submitted within the RTS, noting that there were no outstanding flood risk management issues and provided no further comments.

**Sydney Metro** was satisfied with the information submitted within the RTS and reiterated the same comments which were made in relation to the EIS, and requested a condition requiring works to be undertaken in accordance with the latest engineering drawings supplied by the Applicant.

**Endeavour Energy** was satisfied with the information submitted within the RTS which noted the development was unlikely to impact Endeavour Energy's infrastructure. Endeavour Energy had no further recommendations or comments to make.

**Sydney Water** was satisfied with the information submitted within the RTS and provided no further comments.

During the consideration of the RTS, additional supplementary information was submitted by the Applicant in response to comments from the Department and agencies, including:

- 11 December 2020 – confirmed commitment to providing a roof over the Reconomy facility, additional odour modelling information for the Reconomy facility and information regarding RAP stockpile management and the request to provide a wheelwash in response to EPA comments
- 18 December 2020 – swept path analysis for 30 m Performance Based Standards 2B heavy vehicles in response to TfNSW comments
- 23 December 2020 – revised elevation, section and layout drawings of the Reconomy facility and surface level gradings to supplement the information provided on 12 December 2020.

The Department has considered the issues raised in submissions, the RTS, supplementary agency and Council comments and supplementary information provided by the Applicant in its assessment of the development.

# 6 Assessment

The Department has considered the EIS, the issues raised in the submissions, the RTS and supplementary comments in its assessment of the development. The Department considers the key assessment issues are operational noise, air quality and odour, water quality and riparian zone management.

Several other issues have also been assessed, including traffic, construction noise, visual amenity, flooding, contributions and consistency with other approvals that apply to the land. These issues are considered relatively minor and are addressed in **Table 3** under Section 6.5.

## 6.1 Operational Noise

The operation of the development, in particular the DSRRC, will have the potential to generate noise impacts on sensitive receivers within the locality. Noise associated with subdivision works would be limited to construction activities only, which is considered in **Table 3** of this report. The EIS was accompanied by a Noise and Vibration Impact Assessment (NVIA) prepared by Muller Acoustic Consulting which provided an assessment of the operational noise associated with the DSRRC.

The nearest residential receivers are located approximately 680 m to the south east of the DSRRC in Silverwater (see **Figure 2** - around the intersection of Stubbs Street and Beaconsfield Street) and just over 1,200 m to the north east of the site in Rydalmere (see **Figure 2** - around John Street). The extent of operational noise impacts has been primarily assessed in the NVIA with reference to intrusiveness noise levels for the daytime, evening and night-time periods. Intrusive noise levels are aimed at protecting existing residences against significant changes from the underlying level of rating background noise present in the existing ambient noise environment. Intrusiveness noise levels have been derived in accordance with the EPA's Noise Policy for Industry (NPfI) using measured rating background levels (RBLs).

Additionally, measured RBLs were also used in the NVIA to establish sleep disturbance assessment criteria for the night-time period. RBLs for daytime, evening and night-time were respectively found to be 44 dB(A), 41 dB(A) and 37 dB(A) in Rydalmere, and 42 dB(A), 41 dB(A) and 38 dB(A) in Silverwater. It is noted the measured RBLs are substantially lower than the amenity noise levels specified in the NPfI for residential receivers in an urban setting.

Key sources of noise generation associated with the DSRRC include a Reconomy facility, a RAP processing facility, an asphalt plant, a bitumen products plant, and various mobile equipment. The worst-case energy-average operational noise over an assessment time period of 15-minutes was evaluated in the NVIA assuming all key sources of noise generation would operate concurrently. The NVIA also evaluated maximum noise levels from discrete noise events such as metal-to-metal contact noise arising from material handling.

The NVIA concluded that with the implementation of attenuation measures (for example, placement of stockpiles to break line-of-sight between source and receiver, rubber liners in feeders, sound protection housing around ventilation fans, insulation around material transfer chute drum, semi-enclosure around the RAP facility), operational noise levels predicted under noise-enhancing meteorological propagation conditions at the nearest residential receivers would be five dB(A) or more below the project-specific intrusiveness noise levels and 10 dB(A) or more below the sleep disturbance assessment criteria.

During the exhibition period, the EPA raised several methodological concerns around the operational noise assessment. The RTS subsequently provided clarification on issues raised, which the EPA accepted. The EPA then advised the proposed noise limits for the DSRRC should be based on predicted noise levels achievable through the application of best practice. In addition, the EPA further requested the Applicant evaluate potentially annoying characteristics of noise such as tonality and strong low-frequency content using a quantitative approach instead of the qualitative assessment presented in the NVIA.

### Conclusion

The Department has considered the information provided by the Applicant and acknowledges the issues raised by the EPA, particularly in relation to the information submitted within the RTS. The Department notes that the Applicant's NVIA has identified reasonable and feasible noise mitigation measures for the DSRRC and is committed to implementing an Operational Noise Management Plan (ONMP). On the basis that the predicted operational noise levels for the DSRRC are well below the project-specific noise assessment criteria, including sleep disturbance criteria, the Department is satisfied that operational noise from the DSRRC can be suitably mitigated and managed.

Operational noise predictions presented in the NVIA were utilised to inform the noise limits in the consent. In order to demonstrate compliance with the consented operational noise limits, the Department has recommended a condition to require the Applicant to undertake a Noise Verification Study (NVS) within three months of the commencement of all noise generating operational components of the DSRRC. This is to include a quantitative assessment of potentially annoying noise characteristics in accordance with the NPfI which will address the concerns raised by the EPA. The NVS would be required to detail any additional noise mitigation measures should the verification assessment show that the consented operational noise limits have not been met. Furthermore, the DSRRC would require an EPL which is regulated by the EPA and as such, the EPA could impose additional requirements over time to address any noise impacts, if necessary.

The Department's assessment concludes that the development will not result in unacceptable operational noise impacts within the locality or on sensitive receivers, subject to the implementation of the recommended conditions of consent.

## 6.2 Air Quality and Odour

The construction and operation of the development, in particular the DSRRC, has the potential to generate air quality and odour impacts upon sensitive receivers within the locality. Earthworks associated with the subdivision also has the potential to generate air quality impacts. The EIS was accompanied by an Air Quality Impact and Greenhouse Gas Assessment (AQGHGA) prepared by Todoroski Air Sciences which provided an assessment of the predicted air quality and odour impacts of the development.

The AQGHGA considered dust, odour and other emissions sources generated by the development and listed a number of mitigation and management measures which will be implemented to reduce air quality impacts of the DSRRC. This included ensuring vehicles and plant are maintained and serviced according to the manufacturer's specifications, exposed areas such as stockpiles are covered or sprayed with water to suppress dust and driveways and hardstand areas are swept/ cleaned regularly. These measures have been considered as part of the air quality assessment.

### Dust

The AQGHGA identified the key dust generating activities as including loading and unloading of material, vehicle movements, crushing and screening processes and windblown dust from stockpiles. The assessment looked at 3 different scenarios, including the worst-case scenario whereby the DSRRC site is operating concurrently while the subdivision works for the CSIE are being carried out.

The AQGHGA considered the potential dust impacts at a number of different receivers within the locality including residential, industrial, education, community and places of worship.

Overall, the AQGHGA concluded the predicted ground level concentrations at all residential and other sensitive receptor locations would be below the relevant impact assessment criteria in the EPA's *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (Approved Methods).

In its submission, the EPA stated the Applicant must benchmark its development against best practice to demonstrate all feasible and reasonable best practice mitigation measures have been incorporated including consideration of complete enclosure of the facility to mitigate fugitive emissions.

As part of its RTS, the Applicant provided further information to justify why the DSRRC was setting the benchmark for delivering asphalt in NSW and reducing particulate emissions through minimising the number of mobile plant required and minimising the distance that mobile plant, heavy vehicles (trucks) and light vehicles need to travel on-site as well as co-locating the resource recovery facility that recovers raw materials for use in asphalt production.

In relation to management of other particulate matter emissions, while the Applicant contends the unprocessed RAP stockpiles are not a significant source of dust due in large part to their particle size, it has nevertheless committed to fitting the stockpiles with a permanent water sprinkler system. The RAP stockpile area as well as all trafficable and storage areas would also be located on a sealed asphaltic concrete surface rather than gravel hardstand as originally proposed in the EIS. The Applicant does not propose to fully enclose this area due to the safety risks created by trucks potentially hitting or damaging the warehouse structure.

The Applicant also provided further detail on other mitigation measures being incorporated into the operation of the facility to mitigate dust and confirmed it would be preparing Construction and Operational Environment Management Plans (CEMP and OEMP) for the site which would include specific detail on dust management.

In response to the RTS and additional information provided by the Applicant, the EPA provided several recommended conditions, including reiterating many of the commitments made by the Applicant in terms of dust suppression and enclosure of parts of the operation. The EPA also recommended the Applicant prepare an Air Quality Management Plan and an Air Quality Verification Report to demonstrate all reasonable and feasible mitigation measures have been incorporated into the final design and to confirm the development complies with the *Protection of the Environment Operations (Clean Air) Regulation 2010* (Clean Air Regulation).

### Conclusion

The Department has considered the information provided by the Applicant and acknowledges the issues raised by the EPA. The Department recognises the Applicant has committed to operating the development incorporating best practice mitigation measures where reasonable and feasible.

The Department supports the sealing of all trafficable areas and storage areas with an asphaltic concrete surface to reduce fugitive dust emissions. The Department also supports the driveways and hardstand areas being swept/cleaned by a street sweeper during operations, as required, and has incorporated this into the recommended conditions.

The Department agrees the Applicant should be required to prepare and implement an AQMP to ensure a best practice approach to managing air emissions from the site and has reflected this in the recommended conditions.

The Department also supports the carrying out of a verification report to confirm the development complies with the Clean Air Regulation. A condition has been recommended which requires the Applicant to undertake an Air Quality Verification Report (AQVR) within three months of the commencement of all operational components of the DSRRC in accordance with the Approved Methods. The AQVR would be required to outline any additional mitigation measures should the verification assessment show that the prescribed concentrations contained in the Clean Air Regulation have not been met.

With these measures in place, the Department is satisfied that dust emissions from the operation of the DSRRC and construction of the CSIE can be suitably mitigated and managed.

The Department's assessment concludes that the development will not result in unacceptable dust impacts within the locality or on sensitive receivers, subject to the implementation of the recommended conditions of consent.

### Odour

The AQGHGA identified the DSRRC has the potential to generate odour impacts from both the Reconomy facility and asphalt plant. Odours from the Reconomy facility are expected to be generated from the recovery and storage (prior to disposal) of organic wastes. Odours from the asphalt plant are expected to be generated primarily during the loading of asphalt into trucks and from the asphalt plant stack.

The AQGHGA identified that an odour criterion of 2 odour units (OU) would apply to nearby residential receivers. The AQGHGA concluded the odour impacts would be below the applicable criterion at the assessment locations and would not lead to any unacceptable level of odour in the surrounding environment.

The EPA raised concerns about the odour assessment noting that a maximum of 6 OU was predicted, which was above the 2 OU criterion. Furthermore, the EPA noted the asphalt plant had been modelled without any enclosure of the truck loading area or fugitive emission capture, which other similar plants in NSW have. The EPA requested the development be benchmarked against best practice and to revise the air quality impact assessment to incorporate all reasonable and feasible best practice mitigation measures.

As part of its RTS, the Applicant clarified the AQGHGA had made conservative assumptions about the operation of the asphalt plant. The Applicant confirmed the asphalt plant will incorporate a fully cladded loadout area as well as incorporating a bitumen vapour evacuation system which extracts the bitumen vapour from the loadout area and directs it to the asphalt plant stack. These aspects were not part of the original model. The Applicant also argued the 6 OU was only predicted at an industrial receiver which is not subject to the same 2 OU criterion for residential areas.

Notwithstanding, the Applicant undertook a sensitivity analysis incorporating the controls outlined above and presented updated results demonstrating the 2 OU criterion would be achieved for all assessment locations, including the surrounding industrial area. The 6 OU would be largely contained within the DSRRC site and wholly contained within the broader development site (see **Figure 7**).

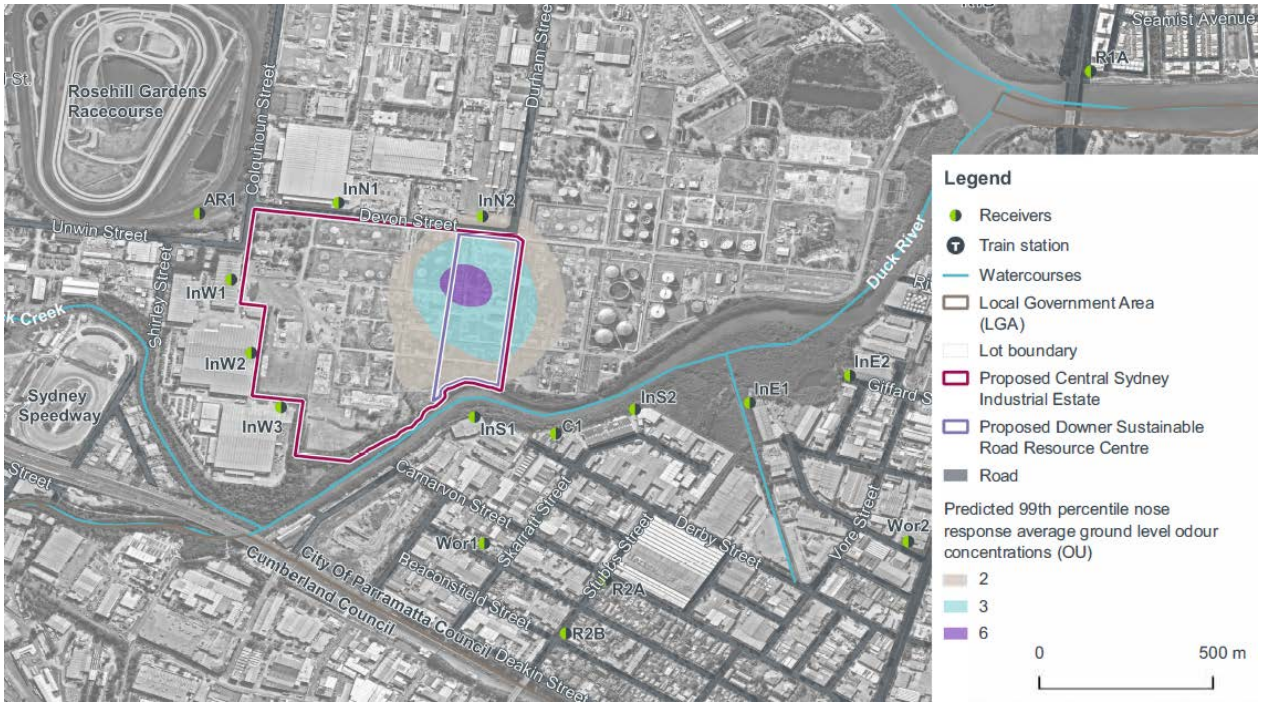


**Figure 7** | Cumulative 99th Percentile Ground Level Odour Concentrations

Further discussion was held between the Applicant and the EPA regarding whether the Reconomy facility should be partially enclosed to reduce odour emissions to the west, however, it was determined that partial enclosure was not required. The EPA reviewed the information presented in the RTS and additional information and raised no further issues in relation to odour.

### Conclusion

The Department has considered the information provided by the Applicant and acknowledges the issues raised by the EPA. The Department notes the original assessment was conservative and the sensitivity analysis presented in the RTS demonstrates odour can be appropriately mitigated and managed with the implementation of these controls.

The Department has recommended a condition which requires that the DSRRC does not cause or permit offensive odour to occur beyond the boundary of the DSRRC site, noting that the eastern boundary is an unoccupied buffer zone to the Clyde Terminal. With these measures in place, the Department is satisfied that operational odour from the DSRRC can be suitably mitigated and managed.

The Department's assessment concludes that the development will not result in unacceptable operational odour impacts within the locality or on sensitive receivers, subject to the implementation of the recommended conditions of consent.

### Other Emissions

The AQGHGA identified a range of other potential pollutant emissions from the asphalt plant stack exhaust from the DSRRC including $NO_2$, $SO_2$, heavy metals and hydrocarbons. Total emission quantities were based on the annual production rate of the asphalt plant.

Overall, the AQGHGA concluded all the assessed air pollutants were well below the EPA's impact assessment criteria at the applicable receptor locations and therefore would not lead to any unacceptable level of environmental harm or impact in the surrounding area.

In its submission, the EPA noted that the Approved Methods requires principal toxic air pollutants to be minimised to the maximum extent achievable though the application of best practice process design, and/or emission control, and demonstrate emissions can comply with the Clean Air Regulation. The EPA requested the provision of additional information to enable it to finalise its assessment of the development.

The Applicant provided further information in its RTS confirming the proposed new asphalt plant represents a best practice approach to asphalt production and is more energy efficient, produces significantly lower $CO_2$ emissions and has improved stack emission dispersal, resulting in improved air quality over the existing asphalt plant. Best practice is also achieved through the partial enclosure of the asphalt loadout area which is equipped with a vapour evacuation system to capture fugitive emissions and direct it to the 40 m stack.

The EPA reviewed the RTS and noted sufficient information had been provided to adequately address its concerns regarding potential emission impacts associated with the development. The EPA provided recommended conditions that reflect the commitments made by the Applicant, including a requirement to enclose certain aspects of the development. The EPA has also recommended the Applicant prepare an Air Quality Management Plan and prepare an Air Quality Verification Report to confirm the development complies with the Clean Air Regulation.

The Department notes the EPA requested a condition requiring all non-road diesel equipment to meet the United States Environmental Protection Agency's Tier 4 particulate emission standard, unless otherwise agreed with the EPA. The Department sought further clarification from the Applicant who confirmed that the modelling undertaken for the AQGHGA was based on Tier 2 emission standards and that approximately 80% of their existing non-road diesel equipment meeting Tier 3 emissions standards, with the residual meeting Tier 2 emissions standards. The Applicant has stated that this represents a conservative emissions assessment.

### Conclusion

The Department has considered the information provided by the Applicant and acknowledges the issues raised by the EPA. As discussed above, the Department has recommended conditions requiring an Operational Air Quality Management Plan and Air Quality Verification Report.

In relation to the emission standards for non-road diesel equipment, the Department supports the upgrading of equipment where possible to meet the Tier 4 emissions standard and has recommended a condition to this effect.

With these measures in place, the Department is satisfied that emissions from the operation of the DSRRC can be suitably mitigated and managed.

The Department's assessment concludes that the development will not result in unacceptable air quality impacts within the locality or on sensitive receivers, subject to the implementation of the recommended conditions of consent.

## 6.3 Water Quality

The construction and operation of the development, in particular the operation of the DSRRC, will have the potential to generate water quality impacts upon the receiving environment. The EIS was accompanied by a Civil Engineering Report (CER) incorporating a Water Cycle Management Plan (WCMP) prepared by Costin Roe Consulting, which provided an assessment of the predicted water quality impacts of the development during both construction and operation.

### Construction Phase

During construction and before occupation of the residual lots, the development will utilise standard erosion and sediment control practices, hydroseeding with every lot provided with internal diversion drains to individual sediment basins. The sediment basins have been designed to a five day 85$^{th}$ percentile rainfall event. Ongoing management and maintenance of these controls will remain the responsibility of the lot owners until developed. The CER concluded that based on the provision of the proposed measures, the potential for water quality impacts can be mitigated and any impacts would be minor.

### Subdivision

Once completed, the subdivision will provide a single stormwater connection point for each lot to an inter-allotment drainage system that terminates as a single point of discharge into Duck River. Detailed stormwater management design will be subject to future development applications which will need to demonstrate appropriate environmental performance.

### DSRRC Operation Phase

The CER describes the proposed stormwater treatment train for the DSRRC as including – initial primary treatment using gross pollutant traps (GPTs) with oil baffles and tertiary treatment via filter membrane in a suitably sized bio-retention basin prior to discharge into Duck Creek. In the event of an emergency onsite such as fire, a cut-off value is proposed to be installed on the furthest downstream drainage pit to prevent potential contaminates entering receiving waters.

The Department notes the DSRRC incorporates rainwater roof capture for beneficial re-use onsite, however has not included a dedicated onsite detention (OSD) system, with the EIS suggesting that it would be of little hydraulic benefit. This is because the site has been previously developed and stormwater has historically and continues to be discharged directly into the tidally influenced Duck River.

The DSRRC has been designed where practical to maximise roof areas to permit the separation of clean rainwater streams from potentially contaminated stormwater. The CER identified that the water quality objectives for the development have been adopted from the City of Parramatta Development Control Plan 2011. The CER identified the pollution reduction targets and predicted treatment train performance (as modelled by MUSIC software).

The CER notes that hydrocarbon removal cannot be modelled with MUSIC software. However, the CER states that potential sources of hydrocarbons are limited to leaking engine sumps, accidental fuel spills/leaks or the leaching of bituminous pavements/materials. The CER further states that the potential for hydrocarbon pollution is low, and all areas potentially impacted are treated by the bio-retention basin.

The CER concluded that the design of the DSRRC will result in total pollutant load reductions in excess of the minimum requirements.

The EPA provided comments to the Department in relation to water quality impacts and raised a number of concerns, including seeking clarification on whether 'clean' surface water is diverted around 'dirty' or 'contaminated' areas of the DSRRC site as well as identification of each of the 'clean' 'dirty' and 'contaminated' catchments and how they would be appropriately treated.

The EPA also sought further information on the volume, frequency and quality of discharges from the site during construction and operation. More generally, the EPA recommended all storage areas with the potential to generate contaminated run-off, be covered.

The RTS addressed comments made by the EPA including confirming that the environmental performance parameters for stormwater discharge to Duck River during construction would be in accordance with the requirements of the Blue Book.

During operation, the RTS confirmed clean water from upstream catchments would be diverted around the DSRRC facility via proposed trunk drainage systems. The internal site drainage system comprises a system of bunded areas (separated from the stormwater drainage network), and treatment measures to ensure acceptable water quality discharges from the site.

The RTS also provided additional detailing around stormwater/ pollution management for the DSRRC including a commitment to roof the Reconomy facility's receiver and processed stockpile areas and design details of the various stormwater pits / sumps / catchments. Issues regarding the potential impact of stormwater discharges from the site into Duck Creek and the surrounding mangrove system is discussed in Section 6.4 of the report.

Subsequent to the lodgement of the RTS, and as a result of ongoing discussions undertaken by the Department with the Applicant and EPA, the Applicant has now agreed to provide a roofed structure over the entire Reconomy facility which will facilitate increased diversion of clean water from surface water.

### Conclusion

The Department has considered the information provided by the Applicant and acknowledges the issues raised by the EPA. The Department is satisfied construction impacts associated with the establishment of the CSIE site and the DSRRC site more generally can be suitably managed and has recommended conditions requiring the preparation of an Erosion and Sediment Control Plan.

The Department notes the EPA has requested conditions relating to stormwater management for the DSRRC site including measures to minimise discharges to Duck River while meeting the national *Water Quality Guidelines* which the Department supports.

In order to confirm the surface water discharge impact predictions reported in the CER and RTS, the Department has recommended a condition which requires the Applicant undertake a Surface Water Verification Report (SWVR) within 18 months of the commencement of all operational components of the DSRRC. This report was also requested by the EPA. The SWVR would be required to outline any additional or alternative pollution control measures should the verification assessment show that the surface water discharge concentrations be exceeded.

With these measures in place, the Department is satisfied that surface water discharges from the site can be suitably mitigated and managed. The Department's assessment concludes the development will not result in unacceptable surface water impacts within the locality or on sensitive receiving environments, subject to the implementation of the recommended conditions of consent.

## 6.4 Riparian Zone

The site is bounded to the south by a riparian zone of variable width (between 4 m and 30 m) which separates it from Duck River. Vegetation within the riparian corridor comprises native vegetation (planted and naturally occurring) – including Swamp Oak Floodplain Forest and Coastal Saltmarsh endangered ecological communities (EECs) and Estuarine Mangrove Forest and environmental weeds (see **Figure 8**).

As discussed in section 4.10, a BDAR waiver has been granted for this development. Nevertheless, the EIS was accompanied by a Biodiversity Assessment (BA) prepared by AECOM which considered the potential impacts of the development on the riparian zone.


**Figure 8** | Vegetation Communities

No vegetation within this area is proposed to be cleared, with the exception of weeds and exotic plants. Stormwater infrastructure, including two drainage outlets, are proposed to be constructed on land previously cleared of vegetation on the landward side of the mangroves. Water discharged from these pipes would pass through appropriate rip rap and a rock apron to slow the velocity prior to it draining overland through the mangroves to the Creek. As such, indirect impacts may arise over time with the repeated flushing of stormwater from the pipes through the mangrove area.

The BA also considered the presence of threatened fish habitat and confirmed from mapping that no threatened species are likely to be present within this stretch of Duck River.

As part of the development, the Applicant proposed to establish a 30 m wide Riparian Vegetation Zone (RPZ). This width was based on the Natural Resource Access Regulator's Guidelines for controlled activities on waterfront land (NRAR Guidelines), with Duck River being a third order watercourse. It is also consistent with the corridor approved for SSD 9302.

The EIS states the riparian corridor will be maintained and improved in accordance with a Vegetation Management Plan (VMP), a draft of which was included in the EIS. A 2.5 m wide maintenance access path is also proposed to be located within this corridor.

DPI Fisheries and Council raised a number of concerns in relation to potential impacts on the riparian zone and sought additional information in relation to the stormwater management, including discharge flow rates and whether the discharge points should be moved to an area of lower ecological value. It was also suggested that the location of the access path and retaining walls would negate the effectiveness of the riparian corridor. Council requested the riparian corridor be widened to 40 m in accordance with NRAR Guidelines, the diversity of vegetation planting be increased and for the Applicant to provide separated pedestrian (2 m) and cycling (3 m) paths within the corridor. The Department also sought additional information regarding the potential impact of stormwater discharges from the site into Duck Creek and the surrounding mangrove system.

To address concerns raised during the public exhibition of the EIS, the Applicant's RTS provided further clarification or made changes to the management of the riparian corridor. Importantly, this included the widening of the riparian corridor to provide an overall average width of 40 m (with a 30 m minimum width). The Applicant provided an updated VMP and Landscape Management Plan (LMP) which incorporated the Council's request to change a number of the species proposed to be planted.

The RTS confirmed the development would create two stormwater discharge points in addition to the two existing points thereby reducing the volume of freshwater discharged at the current locations. The stormwater outlets would be designed in accordance with the NSW Government's Guidelines for Waterfront Land and Guidelines for Outlet Structures, with appropriate scour protection and energy dissipators to reduce scouring of the banks and impacts to the riparian vegetation.

The RTS also confirmed the maintenance access path would be located in an area already subject to disturbance and located outside of the inner 50% of the corridor.

In response to Council's request to construct pedestrian and cycle paths within the riparian corridor, the Applicant notes the site is privately owned and public access to the foreshore is not currently available. However, an easement in favour of Council for pedestrian access is proposed which would enable Council to construct a path at a later date.

DPIE Fisheries, on receipt of the RTS provided no further comment. Council, on receipt of the RTS withdrew its objection and stated that its concerns in relation to the width of the riparian area had been satisfactorily addressed.

### Conclusion

The Department has considered the information provided by the Applicant and acknowledges the comments made by both DPIE Fisheries and Council. The Department supports the Applicant's plans to increase the overall average width of the managed riparian land to 40 m and has included recommended conditions that reflect these updated plans.

In relation to the pathways within the corridor, while the Department acknowledges Council's long term strategic vision for providing foreshore access along Duck River, the Department notes the timing for public access to the foreshore is not certain and considers the provision of an easement in favour of Council is reasonable and adequate to address potential future public access to the foreshore.

As discussed in section 6.3, to confirm the surface water discharge impacts reported in the CER and RTS, the Department has recommended a condition which requires the Applicant undertake a SWVR within 18 months of the commencement of all operational components of the DSRRC. The SWVR would be required to outline any additional or alternative pollution control measures should the verification assessment show that the surface water discharge concentrations be exceeded. With these measures in place, the Department is satisfied that surface water discharges from the site can be suitably mitigated and managed.

Overall, the Department's assessment concludes the development will have a positive benefit by committing to the ongoing management and maintenance of a 40 m wide riparian zone along Duck River and facilitating future public access to this area.

## 6.5 Other issues

The Department's assessment of other issues is provided in **Table 3**.

**Table 3 |** Assessment of Other Issues

| Issue | Findings | Recommendations |
|---|---|---|
| **Construction Traffic** | • Construction works for the DSRRC would take around 11 months and subdivision works would take 9 months, with a peak overlap period of 5 months.<br>• A Traffic Impact Assessment (TIA) for the development estimated peak construction traffic of 105 heavy vehicle trips and 88 light vehicle trips per day, equating to a worst-case of 10 heavy vehicle movements per hour.<br>• The TIA concluded these movements are within the daily fluctuations of heavy vehicle traffic in the locality and would not have any notable negative impact on the local road network.<br>• TfNSW noted there are other construction projects occurring in the area simultaneously including the Parramatta Light Rail Project and recommended the Applicant prepare a Construction Traffic and Pedestrian Management Plan (CTPMP) in consultation with TfNSW.<br>• The Department has considered the information submitted by the Applicant and comments made by TfNSW and Council. The Department is satisfied that construction traffic can be satisfactorily accommodated on the existing road network without negatively impacting on road safety or performance and can be managed through a CTPMP prepared in consultation with TfNSW and Council. | • Require the Applicant to prepare a Construction Traffic and Pedestrian Management Plan, in consultation with TfNSW prior to the commencement of construction. |

| Issue | Findings | Recommendations |
|---|---|---|
| **Operational Traffic** | • Stage 3 of the CSIE includes the construction and dedication of a new access road (cul-de-sac) to service this stage of the subdivision.<br>• The TIA predicted an overall net increase of 1 heavy vehicle trip per day, a decrease of 11 light vehicle trips during the morning peak and an increase of 2 light vehicle trips during the afternoon peak from current operations.<br>• These changes are minor and would not have any impacts on local intersections or the road network.<br>• TfNSW recommended the development be designed to accommodate Performance Base Standards heavy vehicles of 30 m in length. The Applicant has demonstrated that the design can accommodate the 30 m long heavy vehicles.<br>• Council did not raise any comments in relation to the impact of the development on the road network.<br>• The Department has considered the TIA and comments from TfNSW and Council and is satisfied that operational traffic would not impact the road network. The Department recommends standard operating conditions for traffic management and parking.<br>• The Department notes the TIA did not consider traffic generation from the residual undeveloped lots within the CSIE and accepts that the development of these lots will be subject to separate assessment and planning approval. | • Require the Applicant to operate the traffic and parking components of the development by way of standard conditions. |
| **Consistency with Existing Approvals (SSD 9302)** | • The proposed development must be consistent with the conditions of consent for SSD 9302 as it applies across the site.<br>• Relevant conditions include the requirements for validation and Site Audit Reports following completion of remediation and implementation of a Long-Term Environmental Management Plan (LTEMP) for the site.<br>• As ownership of the site would be transferred from Viva to Downer, the EPA sought clarification on who would be responsible for implementing the conditions of SSD 9302 as they relate to the site, such as the LTEMP.<br>• The RTS confirmed Viva would continue to implement the conditions of SSD 9302, however it is noted that consents run with the land and not the Applicant and the implementation of the LTEMP would be the responsibility of any subsequent landholders within the CSIE. This requirement will be enforced by condition and will be required to be noted on either the lands title or by way of a section 10.7 zoning certificate.<br>• The Department has recommended a condition requiring the Applicant to demonstrate that the validation and Site Audit Reports have been issued for the site, prior to the issuing of the | • Require the Applicant to demonstrate appropriate Site Audit Reports and Statements have been issued in accordance with SSD 9302, prior to the issue of a Subdivision Certificate for the relevant subdivision stage. |

| Issue | Findings | Recommendations |
|---|---|---|
| | relevant stage Subdivision Certificate for Stages 1A, 2 and 3.<br>• The Department considers the development would not impact on Viva's ability to meet the conditions of consent for SSD 9302. | |
| **Construction Noise** | • The NVIA considered potential noise impacts from four construction scenarios, including:<br>– 1 ~ bulk earthworks to bench site and provide level pads to whole of site<br>– 2 ~ new road construction from Devon Street<br>– 3 ~ sealing and capping of Lot 6<br>– 4 ~ construction of plant on Lot 6.<br>• The Applicant is seeking approval for an extension to the standard construction hours in the Interim Construction Noise Guideline (ICNG) to include 6 am to 7 am Monday to Friday and 7 am to 8 am Saturdays.<br>• Construction noise modelling considered a worst-case 15-minute assessment for which all plant and equipment were assumed to operate concurrently.<br>• The NVIA concluded construction noise for each scenario are predicted to comply with the relevant noise management levels during day, evening and night periods and would comply with the sleep disturbance assessment criteria.<br>• Cumulative noise impacts due to all construction activities occurring at the same time would still comply with the relevant noise management levels provided that a 5 dB(A) reduction is achieved through the implementation of standard noise mitigation and management measures.<br>• The EPA requested further justification for the need to extend standard construction hours. The RTS notes that Downer's Unwin Street site is being acquired and extended construction hours are necessary to ensure the development can be constructed in the timeframe required to vacate the site and to manage any unforeseen delays. On review of the RTS, EPA made no further comments on construction noise impacts.<br>• The Department has considered the information submitted by the Applicant and comments made by EPA. The Department notes construction noise has been predicted to comply with the relevant noise management levels during and outside of standard construction hours. The Department further notes that construction activities will not be a permanent feature of the development and will only occur for a limited time (approximately 15 months).<br>• On balance, the Department considers the extended construction hours is a reasonable request and has drafted the recommended conditions accordingly. | • Require the Applicant to:<br>– comply with the designated construction hours<br>– comply with the ICNG<br>– prepare and implement a Construction Noise Management Plan prior to the commencement of construction. |

| Issue | Findings | Recommendations |
|---|---|---|
| | • The Department has also recommended a condition which requires the preparation of a CNMP prior to the commencement of construction and to implement noise mitigation and management measures, such as minimising metal to metal contact, scheduling noisy works outside of sensitive periods and avoiding multiple noisy works concurrently, to satisfy the provisions of the ICNG.<br>• The Department's assessment concludes the construction of the development will not result in unacceptable construction noise impacts subject to the implementation of mitigation and management strategies detailed in a Construction Noise Management Plan (CNMP). | |
| **Visual Impact** | • Key elements of the development that may have a visual impact include the RAP elevator at 41 m high and the aggregate silos at 27 m high. The RAP processing building will now be 13 m and the partially enclosed Reconomy facility will have a height of 12.4 m.<br>• The Parramatta LEP specifies a building height of 12 m for this site. The Applicant submitted a written request to vary this height limit pursuant to Clause 4.6 of the LEP and which is addressed in Appendix C of this report.<br>• The development is located on heavy industry zoned land and is surrounded by other industrial premises.<br>• A Visual Impact Assessment (VIA) for the development considered potential impacts from several viewpoints and concluded the development would have low-moderate visual impacts.<br>• Council requested visual analysis from 181 James Ruse Drive, a proposed mixed-use development up to 126 m high, and detailed architectural drawings.<br>• The RTS assessed visual impacts on 181 James Ruse Drive as low-moderate. Council reviewed the RTS and raised no further issues.<br>• The Department notes the development includes a detailed Landscape Plan which includes significant street tree planting along the new access road, screening between the DSRRC and the rest of the CSIE and substantial plantings within the riparian corridor.<br>• The development will also seek to minimise the removal of existing street trees and replace any removed trees in consultation with Council if required.<br>• The Department considers that due to the design and finished levels of the development, the proposed landscape planting, the distances to sensitive receivers and the location in a heavy industrial precinct, the development would have | • Require the Applicant to:<br>- implement landscaping in accordance with the plans submitted by the Applicant;<br>- prepare a Landscape Management Plan for the ongoing management of landscaping works; and<br>- engage a qualified arborist to prepare a Tree Protection Plan and a Tree Management Specification and replace any trees that are remove. |

| Issue | Findings | Recommendations |
|---|---|---|
| | minor visual impacts that are consistent with the industrial land uses on and around the site.<br>• The proposed variation to the height control is supported by the Department, subject to the implementation of the recommended conditions. | |
| **Flooding** | • The EIS included a Flooding Assessment (FA) prepared by WMA Water. The FA notes the site is affected by both overland flooding from upstream catchments and mainstream riverine flooding, primarily from the Duck River.<br>• The FA modelled pre-development conditions and identified around half the site is subject to low-level inundation (up to around 0.5 m in depth) in a 1% Annual Exceedance Probability (AEP) event, which was not considered significant.<br>• To provide a flat pad for future development, approximately 30,000 $m^3$ of fill is proposed to be imported and placed on land that is above the 0.2% AEP (500 year annual recurrence interval, ARI) flood level. The site will be gradually graded down towards Duck River in the southern half of the site. A balanced cut and fill is proposed between the boundary of the riparian corridor and the 1% AEP flood extent in Duck River to ensure no net change in temporary floodplain storage for Duck River. The assessment confirms there will be no importation of fill in that area unless necessary to replace unsuitable excavated material.<br>• The FA assessed post-development flood impacts from both overland and mainstream flooding and found there would be no increase in flood level (greater than 10 mm) outside the subject property in events up to the 0.2% AEP. In a Probable Maximum Flood (PMF) event some minor increases were noted, however the FA notes as the existing site is inundated during a PMF (by up to 2 m) it is not possible to completely negate increases in PMF peak levels. Any evacuation from the site should be undertaken prior to inundation of the road network.<br>• Council raised a number of concerns with the FA including that further consideration should be given to flood events greater than 0.2% AEP event, how the development is designed to manage flood flows to manage safety and that the whole development should be designed to manage severe flood conditions and not defer to future development applications. Both Council and EES recommended additional freeboard allocation beyond the 500mm be provided to account for climate change related impacts. Endeavour Energy noted concern in relation to the potential increase in flooding heights at its Camellia and Rosehill substation facilities. | • Require the Applicant to develop a FEFERP in consultation with the State Emergency Service prior to the commencement of construction.<br>• Require FFLs of non-habitable buildings to be to the 1% AEP flood height and for habitable buildings to include a further 500mm freeboard.<br>• Require all buildings to be constructed from flood compatible materials. |

| Issue | Findings | Recommendations |
|---|---|---|
| | • In response to issues raised by Council, the RTS confirmed a Flood Evacuation and Flood Emergency Response Plan (FEFERP) will be prepared. The Applicant considered it unnecessary to model beyond the 0.2% AEP flood event noting that Clause 6.3 Flood Planning of the PLEP considers the 'flood planning level' to be the 1% AEP flood level plus 0.5 m freeboard. The Applicant also confirmed the FA had considered the future development and occupation of the CSIE in the site's design so as to not affect or be affected by the 1% AEP flood event.<br>• On receipt of the RTS, EES and Endeavour Energy raised no further comments. Council maintained a number of concerns in relation to the level of information provided.<br>• The Applicant provided further information to address Council's comments including additional overland flood mapping, confirmation that lots will drain properly and further clarification on modelling parameters.<br>• The Department has considered the information submitted by the Applicant and comments made by Council, EES and Endeavour Energy. Furthermore, the Department acknowledges the site is zoned IN3 – Heavy Industry in accordance with the PLEP and the proposed development is consistent with the intention of the PLEP (see Appendix C).<br>• The Department's assessment concludes the development satisfactorily addresses onsite and offsite flood impacts associated with the development to an acceptable level subject to the recommended conditions.<br>• This includes requirements for the construction of Finished Floor Levels (FFLs) of non-habitable buildings to be to the 1% AEP flood height and for habitable buildings to include a further 500mm freeboard.<br>• Furthermore, all buildings will be required to be constructed from flood compatible materials and a FEFERP will be required to ensure appropriate flood evacuation measures are in place. | |
| **Contributions** | • The development includes the provision of an easement/right-of-way at the end of the proposed new road to be dedicated to Council to facilitate the potential future extension of Carnarvon Street which will include a bridge across Duck River into Camellia.<br>• The EIS stated this would be provided on the basis it was recognised as an offset to any future contributions relating to the development.<br>• Council has confirmed no offset should be considered and that the City of Parramatta s94A Development Contributions Plan (now section 7.12 | • Require the Applicant to pay the applicable contributions to Council prior to the issue of an occupation certificate for any part of the development. |

| Issue | Findings | Recommendations |
|---|---|---|
| | of the EP&A Act) will apply and payment of the appropriate contributions will be required.<br>• The Applicant confirmed in the RTS that the easement/right-of-way would be dedicated to Council and it would not be offset against the required contributions.<br>• The Department considers the development is subject to the payment of fixed contributions pursuant to section 7.12 of the EP&A Act and that the dedication of additional lands and construction of the new access road represents a material public benefit which is not being offset against the fixed contributions levy. | |

# 7 Evaluation

The Department's assessment of the development has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ESD. The Department has considered the development, both the CSIE and DSRRC on its merits, taking into consideration the strategic plans that guide development in the area, the EPIs that apply to the development and the submissions and advice received from Government agencies, Council and the public.

The development involves re-developing 35 hectares of industrial zoned land on the Camellia Peninsula following closure and remediation of the former Clyde Oil Refinery. The development would establish an industrial estate of 14 lots to enable future industrial and employment uses, consistent with the strategic planning for the Greater Parramatta and Olympic Peninsula.

The development also includes construction and operation of the first stage of the subdivision by consolidating existing asphalt facilities in the Rosehill area onto one site, with new and efficient asphalt plant and equipment. This part of the development is a consequence of the existing Downer asphalt facility's site being acquired for construction of the Sydney Metro West Project, necessitating a move to a new site to ensure continuity of asphalt supply to road projects in Sydney. Downer's existing Reconomy facility also provides an important recycling plant that collects road sweepings and other wastes for beneficial reuse in asphalt production.

The Department's assessment of the development identified noise, air quality, water quality and riparian impacts as the key issues. The Department liaised extensively with the EPA and the City of Parramatta Council on these issues, resulting in several improvements to the development's design to minimise impacts. The key design amendments include partial enclosure of the Reconomy facility to minimise water quality and air quality impacts, sound enclosures to minimise noise, and dust suppression and emissions evacuation systems to minimise air quality impacts. The Applicant also committed to extend the width of the riparian zone adjacent to Duck River from 30 m to 40 m and implement a Vegetation Management Plan to maintain this area.

The Department concludes the development would be managed to ensure an acceptable level of environmental performance and recommended a range of conditions to verify the operational impacts of the development. These include noise, air quality and surface water verification reports once the development is operational. The recommended conditions also include provisions to ensure the development does not commence until the required Site Audit Statements and validation reports are provided for the remediation works being undertaken by Viva under SSD 9302. The recommended conditions also require the Applicant to pay development contributions to Council and dedicate the access road and an easement for a future public access along the foreshore and a bridge crossing over the Duck River.

Overall, the Department's assessment has concluded that the development would:

- provide a range of employment and investment benefits for the region and the State, including a capital investment of $77 million in the Parramatta LGA and the provision of 120 construction jobs and 48 operational jobs
- support the road construction industry through the construction and operation of a state-of-the-art asphalt plant that utilises RAP and Reconomy products to help divert waste from landfill and reduce dependence on virgin material supplies

- support the supply of heavy industrial zoned land for future development within Central Sydney
- not have a significant impact on the locality during construction and operation.

Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

# 8 Recommendation

For the purpose of section 4.38 of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Executive Director, Energy, Industry and Compliance, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **considers** the Applicant's written request seeking to justify the departure from the building height development standard outlined in clause 4.3(2) of the Parramatta LEP 2011
- **be satisfied** of the matters in clause 4.6(4) of the Parramatta LEP 2011 to vary the building height development standard
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the development
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of SSD-10459, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (see Appendix D).

Prepared by:
**David Koppers**
Senior Environmental Assessment Officer
Industry Assessments

**Recommended by:**

27 January 2021

**Joanna Bakopanos**
Team Leader
Industry Assessments

**Recommended by:**

27 January 2021

**Chris Ritchie**
Director
Industry Assessments

# 9 Determination

The recommendation is **Adopted** by:

31 January 2021

**Mike Young**
Executive Director
Energy, Industry and Compliance

# Appendices

## Appendix A – List of Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

**Environmental Impact Statement**

- *Central Sydney Industrial Estate incorporating the Sustainable Road Resource Centre – State Significant Development Application* prepared by Element Environmental, Revision 1, dated 18 September 2020

**Submissions**

- All submissions received from relevant government agencies and the general public

**Response to Submissions**

- *Central Sydney Industrial Estate incorporating the Sustainable Road Resource Centre – State Significant Development Application – Response to Submissions* prepared by Element Environmental, Revision 1, dated 30 November 2020

**Supplementary Information**

- Correspondence from Element Environment dated 11, 18 and 23 December 2020.

**Statutory Documents**

- Relevant considerations under section 4.15 of the EP&A Act (see **Appendix B**)
- Relevant environmental planning instruments, policies and guidelines (see **Appendix C**)

All documents relied upon by the Department during its assessment of the application may be viewed at: https://www.planningportal.nsw.gov.au/major-projects/project/32641

## Appendix B – Considerations under Section 4.15 of the EP&A Act

### Matters for Consideration under Section 4.15 of the EP&A Act

| Matter | Consideration |
|---|---|
| a) the provisions of:<br>i.) any environmental planning instrument, and | The Department has given detailed consideration to the provisions of all relevant environmental planning instruments that apply to the development. Details of the assessment is provided in Appendix C. |
| ii.) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and | The Department has considered the relevant draft environmental planning instruments in its assessment of the development. Details of the assessment is provided in Appendix C. |
| iii.) any development control plan, and | Under clause 11 of the SRD SEPP, development control plans do not apply to State significant development. |
| iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and | The Applicant has not entered into a planning agreement under section 7.4. |
| iv.) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates, | The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report. |
| 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, | The Department has considered the likely impacts of the development in detail in Section 6 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the Applicant's proposed management and mitigation measures and the recommended conditions of consent. |
| c) the suitability of the site for the development, | The development is permissible with consent and the site is suitable for occupation by the development as it is located on suitably zoned IN3 Heavy Industrial land and is located within an existing heavy industrial precinct. |
| d) any submissions made in accordance with this Act or the regulations, | All matters raised in submissions have been summarised in Section 5 of this report and given due consideration as part of the assessment of the development in Section 6 of this report. |

| Matter | Consideration |
| --- | --- |
| e) the public interest. | The development would generate up to 120 construction jobs and 48 operational jobs (10 additional jobs) and direct $77,618,188 in capital investment in the Parramatta LGA. The environmental impacts of the development would be appropriately managed via the recommended conditions. The Department considers to the development is in the public interest. |

## Appendix C – Consideration of Environmental Planning Instruments

**State Environmental Planning Policy (State and Regional Development) 2011**

The SRD SEPP identifies certain classes of development as SSD. The development is State significant development pursuant to section 4.36 of Environmental Planning and Assessment Act 1979 (EP&A Act) because it involves development which meets the criteria in clauses 9(c) and 23(3) of Schedule 1 in the SRD SEPP.

**State Environmental Planning Policy (Infrastructure) 2007**

The ISEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to certain types of infrastructure development, and providing for consultation with relevant government agencies about certain types of development during the assessment process.

Schedule 3 of the ISEPP is triggered by the development by way of an industrial development with over 20,000 $m^2$ of site area with access to a public road. The development was referred to TfNSW as required by the ISEPP and their comments are detailed in Section 5 of the report and considered as part of the Department's assessment in Section 6.

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

SEPP (Coastal Management) aims 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 *NSW Coastal Management Act 2016*.

Clause 10 of SEPP (Coastal Management) states that a consent authority must not grant consent for development referred to in subclause (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest. A small area of mapped coastal wetland exists along the Duck River.

As discussed in Section 5 of this report, the development seeks to enhance the riparian zone adjacent to Duck River through the removal of weeds and non-native vegetation, and the widening and enhancement of the corridor to achieve an average width of 40 m which is consistent with the NRAR's 'Guidelines for controlled activities on waterfront land – Riparian corridors'.

**State Environmental Planning Policy No. 33 – Hazardous and Offensive Development**

SEPP 33 aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have significant risk and/or adverse impact on off-site receptors.

Further information was requested by the Department which was provided in the RTS. The RTS confirmed the storage of Class 8 material exceeded the threshold and provided a Preliminary Hazard Analysis (PHA). The Department was satisfied the PHA had been prepared generally in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 6 'Hazard Analysis' (HIPAP 6), and Multi-Level Risk Assessment. A Level 1 qualitative risk analysis was considered appropriate, given the storage quantities and types of dangerous goods proposed on-site.

The Department notes that, as the proposed DSRRC is separated from the Clyde Terminal by a distance of more than 200 m, the risk exposure from the proposed SSD to the Clyde Terminal is highly unlikely.

Conditions have been recommended pertaining to the handling and storage of dangerous goods in accordance with the relevant guidelines and standards.

**State Environmental Planning Policy No. 55 – Remediation of Land**

SEPP 55 aims to provide a State-wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment.

Site contamination and remediation was assessed and approved under SSD 9302 which includes the remediation of contaminated soils and management of contaminated groundwater in targeted locations within the Western Area (which includes the site) to enable future commercial and industrial land uses.

As the remediation requirements of SSD 9302 remain current and will be required to be fulfilled prior to the issue of a subdivision certificate for each of the stages, the Department is satisfied the site will be suitably remediated for the intended use and no further consideration of SEPP 55 is required.

**Draft State Environmental Planning Policy (Remediation of Land)**

The draft Remediation SEPP seeks to retain the key operational framework of the current SEPP 55, while also adding new provisions relating to changes in categorisation and introducing modern approaches to the management of contaminated land. The development has been assessed against SEPP 55 (see above), and the Department is satisfied the development would be consistent with the draft Remediation SEPP.

**State Environmental Planning Policy No. 64 – Advertising Structures and Signage**

SEPP 64 aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, and provides effective communication in suitable locations, that is of a high-quality design and finish.

The only signage proposed by the development is a business identification sign located on the Devon Street frontage with dimensions of 5 m high by 2 m wide and is internally illuminated. The Department has assessed the signage against the provisions of Schedule 1 of SEPP 64 and has concluded the business identification sign is consistent with the objectives of Schedule 1, would not detract from the surrounding locality and would facilitate the clear identification of the development.

**Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

The SREP aims to ensure the ongoing protection, enhancement and maintenance of the catchment, foreshores, waterways and islands of Sydney Harbour. Division 2 – Matters of consideration lists a number of items that a consent authority is required to take into consideration before granting consent to development.

The Department has considered the requirements of Division 2, including the protection of biodiversity and ecology along Duck River and public access to and use of the foreshore. The Department is satisfied that the development is generally consistent with the provisions of the SREP.

**Parramatta Local Environment Plan 2011**

The PLEP aims to provide a wide range of industrial and warehouse land uses and encourage employment opportunities. The development is permissible with consent in the IN3 Heavy Industry zone and consistent with the zone objectives which are:

- to provide suitable areas for those industries that need to be separated from other land uses
- to encourage employment opportunities
- to minimise any adverse effect of heavy industry on other land uses
- to support and protect industrial land for industrial uses
- to allow a wide range of industrial and heavy industrial uses serving the Greater Metropolitan Area of Sydney and beyond
- to ensure that opportunities are not lost for realising potential foreshore access on land that is contaminated and currently not suitable for public access.

Clause 4.3 of the PLEP stipulates a maximum building height on the site of 12 m. The development proposes a maximum building height of 40.8 m which represents a significant departure from the development standards of the PLEP. In response, the Applicant has submitted a variation request under Clause 4.6 of the PLEP.

The variation request was supported by a visual impact assessment which provided a detailed analysis on view impacts within the locality and concluded that whilst the development would introduce new tall structures, it would be in an area of low scenic quality in an area of bulky and tall structures, and there was limited opportunity for public and private views of the development, with predicted impacts of low-moderate.

The EIS justified the height exceedance on the grounds that:

- compliance would inhibit heavy industrial uses which are permitted in the zone
- there are existing high building components within the immediate area such as the Clyde Terminal
- the site was until recently occupied by refinery infrastructure that was significantly higher and bulkier than what is proposed by the development
- the development will not have any significant adverse impact on sensitive visual receivers
- only select portions of the development are subject to non-compliance with the development standard which are not considered significant in either bulk or scale in relation to the site or wider locality.

The Department notes that in response to concerns raised by the EPA, the Applicant has been required to increase the height of the RAP processing building to 13 m and provide a new building to partially enclose the Reconomy facility which is required to have a height of 12.4 m. The Applicant provided additional visual impact assessment information as part of the RTS.

The Department has consulted with Council throughout the assessment of the development, including through the RTS process and has considered all relevant provisions of the PLEP (including Clause 4.6)

and those matters raised by Council in its submission and comments to the Department (see Section 5). The Department notes that Council has not objected to the requested height variations.

The Department concludes that due to the nature of both the recent and existing visual environment, the development's consistency with the objectives of the IN3 Heavy Industry zoning, the industrial zoning of the broader locality and the bulk and scale of the non-compliant structures, the variation to the development standard is supported by the Department and is considered to be in the public interest.

The Department has also considered Clause 6.3 – Flood Planning which requires the consent authority to be satisfied that the development:

(a) is compatible with the flood hazard of the land, and

(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

(c) incorporates appropriate measures to manage risk to life from flood, and

(d) is not likely to 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

(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

The Department, on review of the PLEP, the EIS and accompanying flooding assessment, RTS and agency comments is satisfied that the development is consistent with the objectives of Clause 6.3, as described in Section 6.5 of this report.

## Appendix D – Recommended Instrument of Consent

https://www.planningportal.nsw.gov.au/major-projects/project/32641