

Bringelly Brickworks – Increased Raw Materials Modification (SSD 5684 MOD 1)

Environmental Assessment Report Section 96(1A) of the *Environmental Planning and Assessment Act 1979*

1. BACKGROUND

Boral CSR Bricks Pty Ltd (BCB) operates the Bringelly Brickworks, located at 60 Greendale Road, Bringelly, in the Camden local government area (**Figure 1**). The Brickworks site, located on Lot 100 DP 1203966 (formerly Lot 11 DP 1125892), comprises a clay/shale quarry and a brick manufacturing plant.

Current operations at the site are conducted under a Camden Council development consent (DA 91/1194), granted on 13 September 1991. On 3 March 2015, the Minister for Planning granted a state significant development consent (SSD 5684) for the Bringelly Brickworks Extension Project. The Minister's development consent allows BCB to:

- extract 200,000 tonnes per year from the onsite clay/shale quarry;
- operate a brick making facility with a production limit of 263,500 tonnes of bricks per year; and
- import 96,000 tonnes of raw material for brick making per year.

The Department notes that BCB is yet to physically commence activities under SSD 5684 (see **Section 2**).

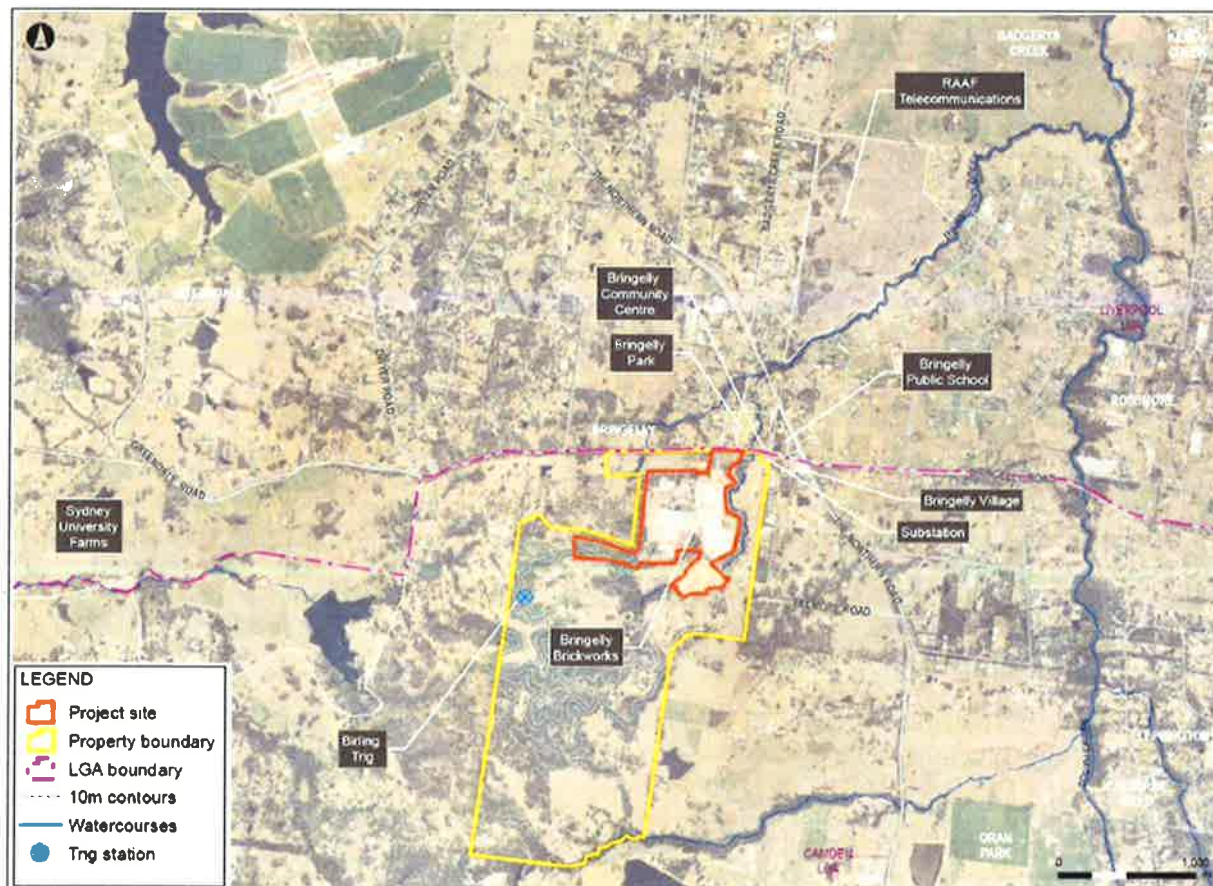


Figure 1: Location of Bringelly Brickworks

2. PROPOSED MODIFICATION

On 5 August 2016, BCB lodged a modification application with the Department under section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). A joint venture between Boral and CSR, together with changed brick market conditions, have required an increase in the import of raw materials to meet anticipated customer demands.

The modification application seeks to increase the allowable amount of raw materials imported to the site from 96,000 tonnes per annum (tpa) to 321,000 tpa. The proposal does not seek to increase approved brick production limits or truck movements. Heavy vehicle transportation routes would remain unchanged, with vehicles entering and exiting the site from Greendale Road.

The proposed increase in raw material imports would not result in any increase to stockpile dimensions. Extraction from the onsite quarry would be scaled back, resulting in no net change in stockpiled materials.

A summary of the key development consent limits is shown in **Table 1**.

Table 1: Key aspects of the existing and proposed development

Aspect	Camden Council DA	Existing SSD	Proposed Modification
<i>Production Rate</i>			
- Clay/shale extraction	200,000 tpa	200,000 tpa (extended footprint)	No change
- Brick Production	160,000 tpa	263,500 tpa	No change
- Raw Material Import	96,000 tpa	96,000 tpa	321,000 tpa
<i>Quarry Life</i>	No expiry	To 2045	No change
<i>Transportation Rate</i>	Truck movements to and from the site only between: 6 am to 6 pm Monday – Friday 6 am to 1 pm Saturday	Receive no more than 90 trucks per day or 18 trucks per hour Dispatch no more than 90 trucks per day or 18 trucks per hour	No change
<i>Hours of Operation</i>	6 am to 6 pm Monday – Friday 6 am to 1 pm Saturday No activities Sundays or Public Holidays	6 am to 6 pm Monday – Friday 6 am to 1 pm Saturday No activities Sundays or Public Holidays	No change
- Quarrying operations, deliveries and dispatch	24 hours a day, 7 days a week	24 hours a day, 7 days a week	No change
- Brick making operations	24 hours a day, 7 days a week	24 hours a day, 7 days a week	No change
- Construction activities	7 am to 6 pm Monday – Friday 7 am to 1 pm Saturday No construction Sundays or Public Holidays	7 am to 6 pm Monday – Friday 8 am to 1 pm Saturday No construction Sundays or Public Holidays	No change

The Department has not been notified of commencement of operations under SSD 5684 or surrender of DA 91/1194 (as required by the conditions of consent). The Department's Compliance Team has issued a show cause letter to BCB for failing to meet a number of requirements of SSD 5684. BCB, in its response to the show cause, considers that SSD 5684 has not yet been activated and that therefore the requirements of the development consent have not yet been initiated. BCB is currently continuing to conduct the development under the requirements of the Council's consent.

The Department accepts that the development permitted under SSD 5684 has not yet physically commenced. Therefore it has made a number of recommended changes to the existing conditions of consent that require the conditions to be fulfilled prior to commencement of either quarrying operations or brick making operations, rather than being linked to specific dates. This provides more certainty for the Department, other regulators and the community and results in a consent that is more effectively enforced.

3. STATUTORY CONTEXT

The modification application proposes to modify the consent granted under SSD 5684 in accordance with section 96(1A) of the EP&A Act.

By operation of section 96(1A), a consent cannot be modified unless the consent authority is satisfied that the modified proposal is of minimal environmental impact and the development is substantially the same as the development for which consent was originally granted.

The modification application does not seek to change the overall nature or scale of development approved under the development consent. In essence, it permits an increased substitution between clay/shale extracted on site with imported raw materials, which would also largely comprise clay/shale. As such, the Department is satisfied that the proposed modification is within the scope of section 96(1A), and may be determined accordingly.

3.1 Consent Authority

The Minister for Planning is the consent authority for the application. However, as BCB has not reported any political donations, the local Council does not object to the proposal, and there were no public objections, the Director Resource Assessments may determine the application under the Minister's delegation of 16 February 2015.

4. CONSULTATION

The Department is not obliged to undertake any consultation relating to the proposed modification. However, the application and supporting Statement of Environmental Effects (SEE, see **Appendix A**) and all other project-related documentation were made publicly available on the Department's website.

Based on the potential impacts of the proposal, the Department invited comment from the Environmental Protection Authority (EPA), Department of Primary Industries (DPI), Division of Resources and Energy (DRE) within the NSW Department of Industry and Camden and Liverpool City Councils. Copies of agency submissions are included in **Appendix B**. On 30 September 2016, BCB provided a Response to Submissions (RTS) which was forwarded to the relevant agencies for further comment (see **Appendix C**). A summary of the residual issues raised in these submissions is provided below.

The **EPA** provided a number of recommendations for application should the modification be approved. The recommendations focused on managing noise, air quality and transport impacts to ensure there would be no increase above existing limits. The EPA's comments are addressed further in **Sections 5.1** and **5.2**.

Camden Council requested several clarifications relating to the transportation of raw materials. This was provided in the RTS to Council's satisfaction. Council did not object to the modification and recommended preparation of a traffic management plan and developer contributions for road maintenance. The Department notes that there are existing conditions of consent requiring BCB to prepare and implement a Traffic Management Plan and pay development contributions to Council.

DRE raised no issues with the modification in regards to resource utilisation or rehabilitation.

RMS and **DPI** did not object to the modification and had no further comment on the proposal.

Liverpool City Council did not provide comment on the modification.

5. ASSESSMENT

In assessing the merits of the proposal, the Department has considered the:

- Environmental Impact Statement (EIS) for the original project;
- existing conditions of consent;
- SEE for the proposed modification;
- relevant environmental planning instruments, policies and guidelines; and
- requirements of the EP&A Act, including the objects of the Act.

The Department's assessment of the potential impacts of the proposed modification is provided below.

5.1 Traffic and Transport

BCB is proposing to increase the import of raw materials to the Bringelly Brickworks site from 96,000 tpa to 321,000 tpa, without exceeding existing transportation and production limits. Submissions received from Camden Council and the EPA highlighted concerns over the increased volume of raw material; transport routes; on-site parking; proximity to Bringelly Public School, the preparation of a transport management plan and road maintenance costs. These issues are addressed below.

5.1.1 Vehicle Limits

Conditions in SSD 5684 limit the development to:

- receive no more than 90 trucks per day or more than 18 trucks per hour; and
- dispatch no more than 90 trucks per day or more than 18 trucks per hour.

The EIS's Traffic Assessment completed by Hyder Consulting Pty Ltd (2013) defined heavy vehicles which would be used by the development as trucks and trailers, B-doubles and semi-trailers. The Department notes that this provides flexibility in the load capacities used by BCB, while remaining within the existing limits in the conditions of consent. **Table 2** outlines load capacities required to import the stated volumes of raw materials.

Table 2: Comparison of EIS and SEE inbound raw material volumes and vehicle movements

Aspect	Existing Raw Material Import	Proposed Raw Material Import
Annual Limit (t)	96,000	321,000
Weekly Inbound Vehicle Loads	179	193
Tonnes per week	1,846	6,173
Required Truck Load Capacity (t)	~10	~32

Following a request from the Department to provide further evidence of how the proposed increase in import of raw material could be accommodated within the currently approved limits, BCB provided a comparison showing approved truck numbers from the EIS Traffic Assessment and the SEE for the proposed modification (see **Table 3**).

Table 3: Comparison of EIS and SEE vehicle movements (inbound and outbound)

Transported Items	Truck Type	EIS Weekly Inbound Loads	Proposed Weekly Inbound Loads	EIS Weekly Outbound Loads	Proposed Weekly Outbound Loads
Brick Production (Export)		299	317	299	317
– Production only	Truck & Trailer	234	252	234	252
– Stock transfer	Truck & Trailer	24	24	24	24
– Stock transfer	Truck & Trailer	41	41	41	41
Raw Material (Import)		179	193	179	193
– Clay/Shale	Truck & Trailer	152	167	152	167
– Stockpiles	Truck & Trailer	23	23	23	23
– Additives (manganese etc)	Semi-trailer	4	3	4	3
Other Deliveries		40	31	40	31
Consumables	Semi-trailer	1	2	1	2
Equipment service	Light truck	1	1	1	1
Waste removal	Truck only	4	4	4	4
Recycled water	Semi-trailer	14	14	14	14
Supplies and counter	Light truck	20	10	20	10
Total		518	541	518	541
Average per day		86	90	86	90

Tables 2 and 3 show that BCB is able to change the carrying capacity of heavy vehicles within the scope of the EIS's Traffic Assessment and transport the increased volume of raw materials without the increased number of truck movements exceeding the existing limits in the consent. The consent limits truck movements to 90 per day (both inbound and outbound) for a five and a half day working week. The proposed increase in weekly truck movements from 518 to 541 is readily accommodated in this limit.

5.1.2 Transport Routes

Vehicles entering and exiting the brickworks site are limited to a particular route which is outlined in the EIS and in condition 13 of Schedule 3 of the existing development consent. The modification does not propose to change the existing transport route. The Department notes that BCB has consulted with representatives from Bringelly Public School in regards to the proposed modification. Additionally condition 13 provides limitations on vehicle movements to reduce traffic impacts on Bringelly Public School. Specifically, BCB must ensure that the dispatch of laden trucks is avoided during peak drop-off and pick-up times at the school to the greatest extent possible. Furthermore, the current requirement for a Traffic Management Plan requires BCB to outline what specific measures would be implemented to avoid dispatching during peak times at the school. The Department has recommended an amendment to this condition of consent requiring the specific measures to also address avoidance of the arrival of trucks during peak times.

5.1.3 Traffic Management Plan

Camden Council and the EPA both requested that BCB implement a Transport Management Plan. Condition 15 of Schedule 3 already requires the development of a Transport Management Plan which includes management of haulage routes, operating hours and school zones. The EPA requested that the management plan should also include consideration of traffic noise and diesel exhaust emissions. The Department has recommended an amendment to the conditions requirement for a Driver's Code of Conduct for heavy vehicle drivers, in that it should also include procedures to minimise noise (including a regular Truck Noise Auditing Program) and procedures to minimise diesel exhaust emissions.

5.1.4 Road Maintenance Contributions

Road maintenance contributions from BCB to Camden Council are set out in condition 19 of Schedule 2. Contributions are calculated at a fixed rate per tonne of material. Camden Council should therefore receive an increase in road maintenance costs as a result of the increase in volume of raw materials imported to the site. Council had no concerns or objections to the proposed modification so long as this condition remained unchanged. The Department is not proposing any changes to this condition.

5.1.6 Parking

Camden Council expressed concern that an increase in brick production may result in additional parking spaces and impervious surfaces. BCB is not changing the total brick production limit of 263,500 tonnes per calendar year. Consequently BCB has no need to increase employees at the brickworks site and would not require additional parking space.

5.1.7 Conclusion

The Department reviewed the traffic impacts and agency comments, as outlined above, and considers that the increase in raw materials can be transported within the consents current vehicle limits and would therefore not result in additional traffic impacts.

BCB would remain constrained by existing limits to brick production, quarry extraction and vehicle movements. To ensure compliance with these limits and the proposed raw material increase, the Department recommends amending condition 11 of Schedule 3 to include monitoring of raw material tonnages imported and the number of laden vehicles entering the site in addition to currently required monitoring of laden vehicles leaving the site and the amount of bricks produced.

A Transport Management Plan is included in the existing development consent (see **Section 5.1.3** and condition 15 of Schedule 3) and already addresses in part specific issues noted by the EPA and Camden Council. Amendments to this condition are recommended by the Department to include management strategies for vehicles arriving at the site, traffic noise and emissions, thereby addressing other issues raised by the EPA.

5.2 Other Impacts

Other potential impacts are not predicted to be significant, and the Department is satisfied that they can be controlled, mitigated or managed through either existing or recommended conditions of consent. These other potential impacts are addressed in **Table 4** below.

Table 4: Assessment of impacts

Issue	Consideration and Assessment	Recommendation
Noise	- The increased volume of raw materials received at the site would not exceed approved transportation limits. - There are no changes proposed to the approved truck types or movements in and out of the site. No other changes are proposed to the development's disturbance area, operation hours, method of extraction or overall brick output.	No changes to the existing conditions of consent required.

Issue	Consideration and Assessment	Recommendation
	- The Department notes that there are existing conditions which set noise limits in addition to monitoring and management plan requirements. - Given the above it is unlikely there would be significant changes to the existing approved noise impacts.	
Air Quality	- Dust (from onsite vehicle movements and raw material stockpiles) and vehicle emissions should not increase above the existing consent limits as there is no net change to the current activity. - The EPA recommended the inclusion of best practice measures for minimising diesel exhaust emissions. - As there is no change to approved vehicle types or trip numbers the Department considers that the existing conditions which set air quality criteria, monitoring and management requirements would adequately manage air quality impacts.	The Department has recommended an amendment to the Driver's Code of Conduct component of the Traffic Management Plan to address procedures to minimise diesel exhaust emissions.
Stockpiles	BCB note that the increased raw material imported to the site would result in an equivalent reduction in extracted material from the onsite quarry. As a result there is no expected net change to stockpile heights or areas.	No changes to the existing conditions of consent required.

6. RECOMMENDED CONDITIONS

The Department has drafted a recommended notice of modification (see **Appendix D**) and a consolidated version of the consent as it is proposed to be modified (see **Appendix E**). The Department has also recommended administrative changes to conditions to update former agency titles, and to clarify the implementation of management plans.

The Department has recommended minor changes to some environmental performance standards and criteria contained in existing conditions of consent. These changes provide certainty for neighbours to the quarry in that they can expect the same level of protection from traffic, noise and air quality impacts as provided in the consent, as originally granted.

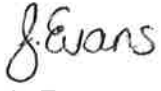
7. CONCLUSION

The Department has assessed the merits of the proposed modification in accordance with the requirements of the EP&A Act. This assessment has shown that the import of additional raw materials could be undertaken within the existing heavy vehicle transport limits of the development consent.

8. RECOMMENDATION

It is recommended that the Director, Resource Assessments, as delegate of the Minister:

- **considers** the findings and recommendations of this report;
- **determines** that the modification is within the scope of section 96(1A) of the EP&A Act;
- **approves** the modification application, under section 96(1A), subject to conditions; and
- **signs** the notice of modification at **Appendix D**.


 28.10.16
 Jessie Evans
 Team Leader
 Resource Assessments


 31.10.16
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 Director
 Resource Assessments

APPENDIX A – STATEMENT OF ENVIRONMENTAL EFFECTS

Refer to the Department's website:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7877

APPENDIX B – COPY OF SUBMISSIONS

Refer to the Department's website:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7877

APPENDIX C – RESPONSE TO SUBMISSIONS

Refer to the Department's website:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7877

APPENDIX D – NOTICE OF MODIFICATION

APPENDIX E – CONSOLIDATED DEVELOPMENT CONSENT

