



## **Request for Director General's Requirements**

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Alterations and Additions to the existing  
Brickworks Facility

780 Wallgrove Road, Horsley Park

Western Sydney Parklands

Prepared by McKenzie Group Consulting Planning on behalf of  
Brickworks Limited

November 2014

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## **Request for Director General's Requirements**

780 Wallgrove Road, Horsley Park

Alterations and Additions to the existing Brickworks Facility`

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### **Contents**

- 1. Introduction**
- 2. Site Details**
- 3. Development History**
- 4. Project Summary**
- 5. Justification**
- 6. Consultation**
- 7. Capital Investment Value**
- 8. Planning Framework**
- 9. Environmental Assessment**
- 10. Conclusion**

**Appendix 1 - Concept Development Plans**

**Appendix 2 – Existing Consent and EPA Licence**

## Request for Director General's Requirements

780 Wallgrove Road, Horsley Park

Alterations and Additions to the existing Brickworks Facility

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### 1 INTRODUCTION

This document has been prepared by McKenzie Group Consulting Planning (NSW) on behalf of Brickworks Limited (referred to hereafter as Brickworks) and is submitted to the NSW Department of Planning and Environment (DP&E) in support of a formal request for Director-General's Requirements (DGRs).

The DGRs are requested in relation to the proposed installation of a new kiln, removal of the existing stockpiles of material, internal roads, construction of screening plant and alterations to an existing facility. The nature of the operation on a section of the site is proposed to change insofar as the primary production purpose is to manufacture concrete aggregate.

Legal advice has also been sought in relation to the existing Environmental Protection Authority Licence that applies to the existing operation on the site which has confirmed that it shall remain valid for the proposal and no variation is required.

This application satisfies the definition of State Significant Development pursuant to Schedule 2 Clause 5 of *State Environmental Planning Policy (State and Regional Development) 2011* as the Capital Investment Value exceeds \$10,000,000.

This document provides a brief overview of the proposal and the planning framework that applies to enable the issue of Director-Generals Requirements (DGRs) that will guide the preparation of a formal Environmental Impact Statement.

The proposal promotes development of the Western Sydney Region, providing employment opportunities and contributes to the growth of industrial development in an environmentally sustainable manner.

Environmental considerations relevant to the proposal have been identified to include:

- Soil and water;
- Air quality;
- Noise;
- Flora and fauna;
- Aboriginal and historical heritage;
- Traffic and transport; and
- Visual amenity and site design

This report outlines the statutory and policy context as well as concept design details to enable the issue of DGRs that will guide the preparation of a formal Environmental Impact Statement.

## Request for Director General's Requirements

780 Wallgrove Road, Horsley Park

Alterations and Additions to the existing Brickworks Facility

---

### 2 SITE DETAILS

The subject is identified as 780 Wallgrove Road, Horsley Park (Lot 7 in Deposited Plan 1059698). The entire site is 82 hectares in area and is the main brick manufacturing site for the Austral Brick Company. Two significant brick factories are located on the land together with associated stockpile areas and hardstand areas. The main office for Brickworks Limited and the main Austral Bricks sales office are also located on the site.

The land is subject to the provisions of *State Environmental Planning Policy (Western Sydney Parklands) 2009*. As per the provisions of this SEPP, the land is not zoned.

The present condition of the site is such that it contains existing stockpiles of clay and two facilities that is used for the purpose of brick manufacturing. The site is predominately clear of vegetation due to the historic land use being for quarrying and brick manufacturing.

Adjoining to the west is the M7 Motorway which links with the M2, M4 and M5 motorways. Surrounding development predominately comprises industrial facilities used for the purpose of warehousing and distribution and various extractive industries.

The particulars of the existing operation on the site are as follows:

- The existing development operates under Environmental Protection Licence No. 546 which relates to the "Austral Brick Plants 1, 2 and 3" (the EPA Licence).
- The EPA Licence permits *ceramic works* and specifically, the production of 200,000 tonnes of ceramics per annum.
- The EPA Licence also permits the crushing, grinding or separating of between 500,000 and 2,000,000 tonnes of material annually.



Figure 1: Existing Development – Subject Site (Source: NSW LPI, 2014)

## Request for Director General's Requirements

780 Wallgrove Road, Horsley Park

Alterations and Additions to the existing Brickworks Facility

---

### 3 DEVELOPMENT HISTORY

The Site is currently used for the manufacture of bricks, tiles and pipeworks and extraction of clay and shale in accordance with the following:

- Development consent issued by Blacktown Council on 17 November 1960 subsequently amended on 23 June 1961 by Blacktown Municipal Council;
- Permit No 1006 issued on 29 July 1970 for brick tile and pipeworks; and
- Development consent issued by Fairfield Council for Plant 1 & 2 dated 23 October 1993.

A copy of the above consents and EPA Licence are attached at **Appendix 2**.

### 4 PROJECT SUMMARY

The proposed development seeks to utilise a stockpile area on the property to construct a new kiln, screening plant, remove the existing stockpiles of material (to be used to manufacture concrete aggregate) and ancillary site works. The development also uses existing assets associated with plant No.2 including the primary crusher and extruders. .

The use of the facility is to manufacture concrete aggregate. A summary of the proposal is provided below.

- **Clay Preparation System** – existing facility to be retained
- **Proposed Rotary Kiln** – to be constructed to the west of the existing brickworks. Consists of a long metal tube around 70 metres.
- **Multi Fuel Burner** - energy source for the kiln. Natural gas to be the main fuel source but with ability to use alternate sources such as clean timber/saw dust.
- **Solid Fuel Storage and Preparation**
- **Storage and Stockpiling** – finished product conveyed to main stockpile area for storage. Conveyor will discharge at a height around 25 metres into a slotted metal cylinder which allows product to pass through and gravity settle.
- **Crushing and Screening** – area where product is screened to produce graded stockpiles (i.e. 10mm, 15mm and 20mm product). Crushing will be limited due to extrusion process due to extrusion process providing sized product (eliminating need to crush as this is expensive).
- **Roadways and truck loading facilities** – main entrance with separate in and out lanes and weighbridge. Internal roadways will allow for 2 lanes of traffic and will contain truck loading areas next to the graded stockpiles. Loading will be undertaken by a front end loader.
- **Staff offices and amenities** – office for 10 people with amenities for 20.

It is anticipated that the number of employees for the new operation at the facility is estimated at be a maximum of 20 during the day shift, while vehicle movements are expected to be in the order of 60 per day.

### 5 JUSTIFICATION

The intention of the proposal is to install a new kiln, next to the existing factory kiln to enable concrete aggregate to be manufactured. It is considered that the proposal:

- allows for the development as a permissible use;

## **Request for Director General's Requirements**

780 Wallgrove Road, Horsley Park

Alterations and Additions to the existing Brickworks Facility

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- has appropriate access to the regional road network;
- is compatible with surrounding development and local context;
- will result in minimal impact on the environment; and
- will allow for the implementation of suitable mitigation measures where required.

The site is considered to be commensurate with the objectives of the project as it allows for the use of the site to manufacture concrete aggregate which is consistent with the historical employment/manufacturing use of the land. The site design and layout of the built form seeks to maintain consistency with the objectives of the zone and enhance the underlying character of the locality.

The options considered, and subsequently dismissed, in arriving to the current proposal included:

### ***(a) 'Do Nothing' Scenario***

This option was dismissed as the objectives of the project would not be met.

If the proposal was not to proceed, the site would continue to be used as a quarry and stockpile area and would be developed in the future for other employment purposes.

### ***(b) Development on an Alternative Site***

Consideration to alternative sites were made, however these were dismissed as the subject site resulted in the most beneficial outcomes for the proposal as:

- The site contains a stockpile of suitable shale material that will be utilised in the proposed process;
- It is currently used for a similar purpose to that proposed;
- it will be located within a locality that is surrounded by industry and employment generating uses;
- the site has appropriate proximity from sensitive land activities including residential development;
- all potential environmental impacts of the proposal can be suitably mitigated within the site;
- the proximity to the regional road network provides increased economic benefits;
- the proposal will not affect any area of heritage or archaeological significance; and
- the proposal can be developed with appropriate visual amenity given its surrounding context.

The proposal is justified on the basis it is compatible with the locality in which it is proposed while having no unacceptable economic, environmental or social impact.

## **6 CONSULTATION**

Consultation is being undertaken with Fairfield City Council regarding the proposal at the time of writing this request for DGRs. It is the intention of Brickworks to ensure that all community and stakeholder consultation requirements are seamlessly addressed.

Consultation with relevant stakeholders will be undertaken whilst preparing a detailed Environmental Impact Statement in keeping with the Department's Major Project Community Consultation Guidelines October 2007.

## **7 CAPITAL INVESTMENT VALUE**

While costs have not yet been finalised, the estimated capital investment of this project is expected to be in excess of \$45,000,000. The costs will be finalised once the final design is prepared.

## Request for Director General's Requirements

780 Wallgrove Road, Horsley Park

Alterations and Additions to the existing Brickworks Facility

---

### 8 PLANNING FRAMEWORK

#### 8.1 State Planning Context

##### Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is the overarching governing document for all development in NSW and pursuant to Section 89D (2) provides that:

*A State environmental planning policy may declare any development, or any class or description of development, to be State significant development.*

The proposed development has been identified as State Significant Development under *State Environmental Planning Policy (State and Regional Development) 2011* as outlined below.

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

Proposals involving activities that are listed in Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011* (State and Regional Development SEPP) are identified as being State Significant Development (SSD).

Clause 5 of Schedule 2 states:

##### **5 Development in the Western Parklands**

*Development that has a capital investment value of more than \$10 million on land identified as being within the Western Parklands on the Western Sydney Parklands Map within the meaning of State Environmental Planning Policy (Western Sydney Parklands) 2009.*

The Capital Investment Value of the entire project is in excess of \$40 million, thus the State Significant provisions apply.

##### State Environmental Planning Policy (Western Sydney Parklands) 2009

###### Land Use and Permissibility

All land within the Western Sydney Parklands is unzoned under the provisions of the WSP SEPP. Pursuant to Clause 11(2), the proposal represents an 'innominate development' and is therefore permissible with consent.

The following matters require consideration by a consent authority when applying for development consent on land within the Western Sydney Parklands. An assessment of the preliminary scheme is provided below.

<b>Matters</b>	<b>Comments</b>
<i>(a) the aim of this Policy, as set out in clause 2</i>	The proposal may be deemed consistent with this aim as it provides for development within the Parklands that will be consistent with the existing approval and operation of the site. Removal of the existing stockpiles will also assist to improve the visual amenity of the site.
<i>(b) the impact on drinking water catchments and associated infrastructure,</i>	The works are to be contained within the property boundaries. No impact on drinking water or associated infrastructure is anticipated.
<i>(c) the impact on utility services and</i>	The proposed works are minor and there is no

## Request for Director General's Requirements

780 Wallgrove Road, Horsley Park

Alterations and Additions to the existing Brickworks Facility

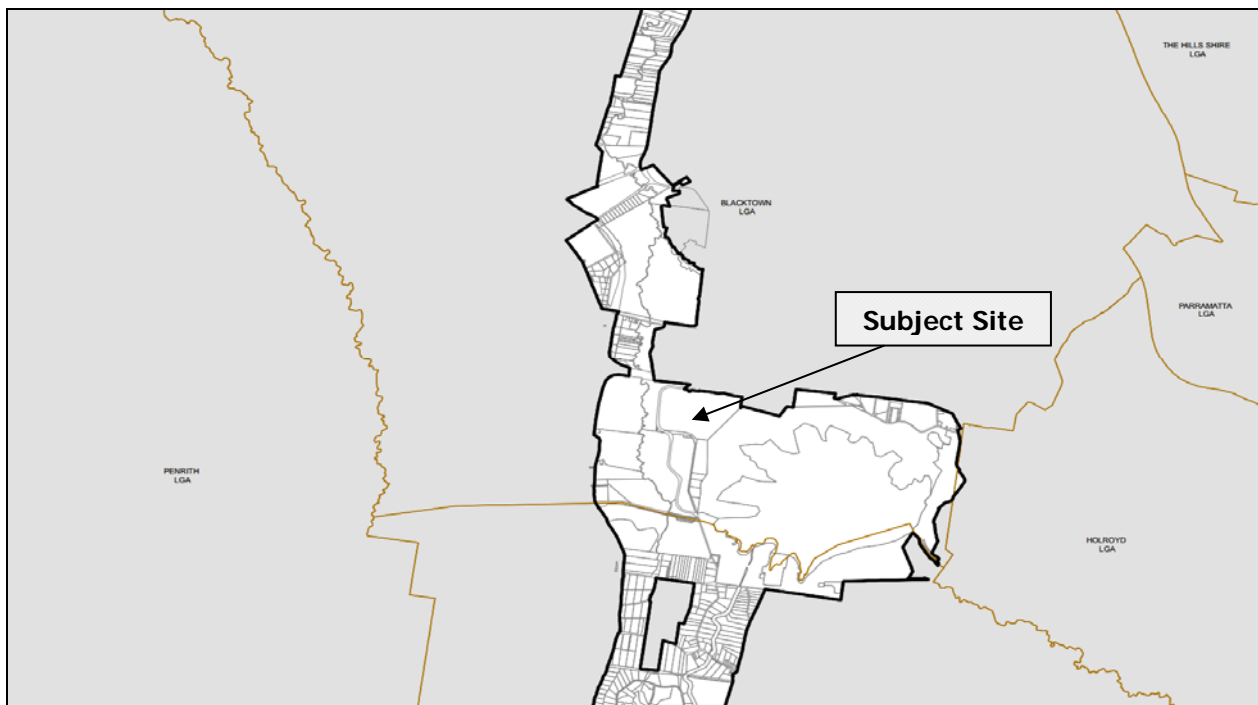
<i>easements,</i>	foreseen impact on services and easements.
<i>(d) the impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities,</i>	The proposed works are minor and there is no foreseen impact on endangered ecological communities. The land to which the proposal relates is not identified as being 'environmentally sensitive'.
<i>(e) the impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland,</i>	The proposed works are minor and there is no foreseen impact on the Cumberland Plain Woodland. The land to which the proposal relates is not identified as being 'environmentally sensitive'.
<i>(f) the impact on the Western Parkland's linked north-south circulation and access network and whether the development will enable access to all parts of the Western Parklands that are available for recreational use,</i>	The proposal will have no impact in this respect.
<i>(g) the impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of western Sydney,</i>	The proposal seeks to remove existing stockpiles of material, thus improving the visual and scenic quality.
<i>(h) the impact on public access to the Western Parklands,</i>	The nature of the existing operation is to remain largely unchanged and will not impede access to the Parklands.
<i>(i) consistency with:</i> <i>(i) any plan of management for the parklands, that includes the Western Parklands, prepared and adopted under Part 4 of the Western Sydney Parklands Act 2006, or</i> <i>(ii) any precinct plan for a precinct of the parklands, that includes the Western Parklands, prepared and adopted under that Part,</i>	Future development will be required to address the requirements of the Plan of Management. The proposal will achieve consistency with the Plan of Management for the Parklands.
<i>(j) the impact on surrounding residential amenity,</i>	The site does not adjoin any residential areas.
<i>(k) the impact on significant views,</i>	The proposal represents a minor alteration to the existing development. No impact on views is envisaged.
<i>(l) the effect on drainage patterns, ground water, flood patterns and wetland viability,</i>	Given the scope of works, it is not envisaged that the proposal will have no unacceptable impacts on drainage, flood patterns and wetland viability.
<i>(m) the impact on heritage items,</i>	The proposal will not impact on any heritage items.
<i>(n) the impact on traffic and parking.</i>	The impact on traffic and parking is deemed acceptable as suitable provision for parking and maneuvering is available on site for all types of vehicles.

## Request for Director General's Requirements

780 Wallgrove Road, Horsley Park

Alterations and Additions to the existing Brickworks Facility

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**Figure 3: Land Application Map** (Source: NSW DP&E, 2010)

### ***State Environmental Planning Policy No. 19 – Bushland in Urban Areas***

The provisions of *State Environmental Planning Policy No 19 – Bushland in Urban Areas* (SEPP 19) do not apply to land to which SEPP WSP applies.

### ***State Environmental Planning Policy No 30—Intensive Agriculture***

The provisions of *State Environmental Planning Policy No 30—Intensive Agriculture* (SEPP 30) do not apply to land to which SEPP WSP applies.

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

The proposal does not trigger any thresholds in relation to Hazardous and Offensive Development.

### ***State Environmental Planning Policy No. 44 – Koala Habitat Protection***

The Fairfield Local Government Area is not subject to *State Environmental Planning Policy No. 44 – Koala Habitat Protection* (SEPP 44).

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

Based on the Section 149 Certificate that applies to the land, no known contamination issues affect the subject site.

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

The provisions of *State Environmental Planning Policy No. 64 – Advertising and Signage* do not apply to land to which the WSP SEPP applies.

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

*State Environmental Planning Policy (Infrastructure) 2007* (SEPP Infrastructure) repeals the former *State*

*Environmental Planning Policy No. 11 – Traffic Generating Development* and provides for certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services (RMS) for concurrence.

## Request for Director General's Requirements

780 Wallgrove Road, Horsley Park

Alterations and Additions to the existing Brickworks Facility

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Schedule 3 lists the types of development that are defined as Traffic Generating Development. The referral thresholds for 'commercial premises and industry' developments are:

- 15,000m<sup>2</sup> or more in area with site access to any road; or
- 4,000m<sup>2</sup> or more in area where the site has access to a classified road or to a road that connects to a classified road (if access is within 90 metres of connection, measured along the alignment of the connecting road).

The proposal does not trigger the threshold provisions detailed above, therefore referral to RMS under the SEPP will not be required.

### 8.2 Local Planning Context

#### **Fairfield Local Environmental Plan 2013**

*Fairfield Local Environmental Plan 2013* is not applicable to the land as the provisions of State Environmental Planning Policy (Western Sydney Parklands) 2009 apply.

#### **Fairfield Development Control Plan 2013**

It is noted that Section 11 of *State Environmental Planning Policy (State and Regional Development) 2011* states:

- 11 Exclusion of application of development control plans**  
*Development control plans (whether made before or after the commencement of this Policy) do not apply to:*

*(a) State significant development*

Notwithstanding, the proposal is generally consistent with the provisions of the adopted Development Control Plans applicable to industrial development.

### 8.3 Draft Planning Instruments

No draft Environmental Planning Instruments apply to the site.

## 9 ENVIRONMENTAL ASSESSMENT

A screening analysis of the environmental issues applicable to the proposal is presented in **Table 4** below. This risk-based analysis has been used to identify the key environmental issues for further assessment, and assist the preparation of the (DGRs) for the proposed development.

The analysis is based on preliminary environmental assessment of the site only. The Environmental Impact Statement (EIS) for the proposal will fully address these and other environmental issues relevant to the proposal.

<b>Issue</b>	<b>Analysis/comment</b>
<b>Soil and water</b>	<ul style="list-style-type: none"><li>▪ As indicated on the Section 149 Certificate, part of the site is flood affected. Detailed investigations will be undertaken prior to submitting the EIS to determine how flood impact should be mitigated.</li><li>▪ The Section 149 Certificate indicates there is no significant contamination to restrain future development.</li><li>▪ Bulk earthworks will be required to facilitate the new site access, crushing screening and the kiln. Detailed civil plans will be prepared to accompany the EIS.</li><li>▪ A new detention pond is sought to be introduced. Detailed</li></ul>

## Request for Director General's Requirements

780 Wallgrove Road, Horsley Park

Alterations and Additions to the existing Brickworks Facility

	stormwater plans will be provided along quantity and quality outcomes within the EIS.
<b>Noise</b>	<ul style="list-style-type: none"> <li>▪ Sensitive receivers in the surrounding area include: <ul style="list-style-type: none"> <li>- rural-residential land-users to the south and east; and</li> <li>- schools and a retirement village to the west.</li> </ul> </li> <li>▪ Any future SSD Application shall consider traffic volumes generated, operational plant and machinery and the resultant acoustic impacts having regard to the Environmental Protection Criteria for noise.</li> </ul>
<b>Air Quality</b>	<ul style="list-style-type: none"> <li>▪ Given the nature of the development being to manufacture concrete aggregate, an air quality assessment will be conducted to determine the likely operational impacts in this respect having regard to the Environmental Protection Authority criteria.</li> <li>▪ During construction, air quality will be managed through appropriate dust mitigation measures.</li> </ul>
<b>Waste</b>	<ul style="list-style-type: none"> <li>▪ Operational waste will be managed in accordance with a Plan of Management for the site.</li> <li>▪ Waste generated throughout the construction phase shall be disposed of in accordance with a Waste Management Plan, thus making provision for recyclables and suitable off-site disposal.</li> </ul>
<b>Flora and fauna</b>	<ul style="list-style-type: none"> <li>▪ Tree removal is required to facilitate the new site access, however the site is not identified as being environmentally sensitive.</li> <li>▪ Analyses will be undertaken as part of the EIS to determine the significance of vegetation to be removed and how any impacts can be offset through replacement vegetation.</li> </ul>
<b>Aboriginal Heritage</b>	<ul style="list-style-type: none"> <li>▪ No Aboriginal Heritage sites have been identified within the subject property boundaries.</li> </ul>
<b>Historical Heritage</b>	<ul style="list-style-type: none"> <li>▪ No affectations in terms of historical heritage apply to the site.</li> </ul>
<b>Traffic &amp; Transport</b>	<ul style="list-style-type: none"> <li>▪ Suitable provision is made to accommodate and service the development in terms of traffic and transport. On-site car parking is proposed to support the use of the site so as to not adversely affect the surrounding road network. The width of the new entrance/exit is also sufficient based on heavy vehicle movements.</li> </ul>
<b>Other Infrastructure &amp; Services</b>	<ul style="list-style-type: none"> <li>▪ The existing infrastructure and services are sufficient for the proposed development</li> </ul>
<b>Visual Amenity</b>	<ul style="list-style-type: none"> <li>▪ The site is not adjacent to, or in close viewing proximity to, any sensitive visual receivers outside the estate.</li> <li>▪ A detailed Landscape Plan shall be prepared for the proposal, which will seek to minimise any identified visual impacts.</li> </ul>
<b>Hazards</b>	<ul style="list-style-type: none"> <li>▪ No dangerous goods are to be stored on site.</li> </ul>
<b>Site Layout and Design</b>	<ul style="list-style-type: none"> <li>▪ The site layout and design responds to the site constraints, thus providing a highly functional development which enhances the visual amenity of the locality.</li> <li>▪ Suitable provision is made for service vehicles within the site. Detailed swept paths will be provided with the EIS and Traffic Impact Statement.</li> </ul>

## **Request for Director General's Requirements**

780 Wallgrove Road, Horsley Park

Alterations and Additions to the existing Brickworks Facility

---

### ***10 CONCLUSION***

The proposal, will involve works which equate to a capital investment value of more than \$10 Million, thus the development is defined as State Significant Development pursuant to Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*.

The subject site has been used for the purpose of manufacturing bricks and associated products since the 1970s; therefore the proposed development does not represent a significant departure from the existing site character and underlying use.

Access is afforded to the surrounding arterial road network to provide sufficient linkages to the broader metropolitan area which supports the employment/manufacturing nature of the use.

It requested that the Department issue formal Director-General's Requirements (DGRs) for the preparation of an Environmental Impact Statement for the proposal as State Significant Development.

**Request for Director General's Requirements**

780 Wallgrove Road, Horsley Park

Alterations and Additions to the existing Brickworks Facility

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**Appendix 1**

Concept Development Plans

## **Appendix 2**

### Existing Development Consents and EPA Licence