

ASSESSMENT REPORT

Section 75W Modification Boral Concrete Batching Plant, St Peters – Rail Siding Upgrade (DA 14/96 MOD 8)

1. BACKGROUND

On 6 September 1996, the then Minister for Urban Affairs and Planning granted development consent to Boral Resources (NSW) Pty Ltd (Boral, the Applicant) for the construction and operation of a materials processing and handling facility at 25 Burrows Road South, St Peters in the Marrickville local government area (see Figure 1).



Figure 1: Site Location Plan

As part of the development consent, Boral were permitted to construct and operate a concrete batching plant, asphalt plant and associated materials handling facility. The approval also incorporated the use of two rail sidings on the site as part of the supply of raw materials to the facility.

The site is used by Boral to supply pre-mixed concrete and asphalt product to the construction industry within the Sydney region.

The site is primarily surrounded by other industrial uses, with the Sydney International Airport located to the south of the site (see Figure 1). The nearest private residences are located approximately 600 metres (m) to the north-west of the site.

In 1997, approval was granted by the then Minister to modify the existing development consent (DA 14/96 Mod 1) to provide for a minor modification to the site configuration and the addition of a third rail siding (see Figure 2).

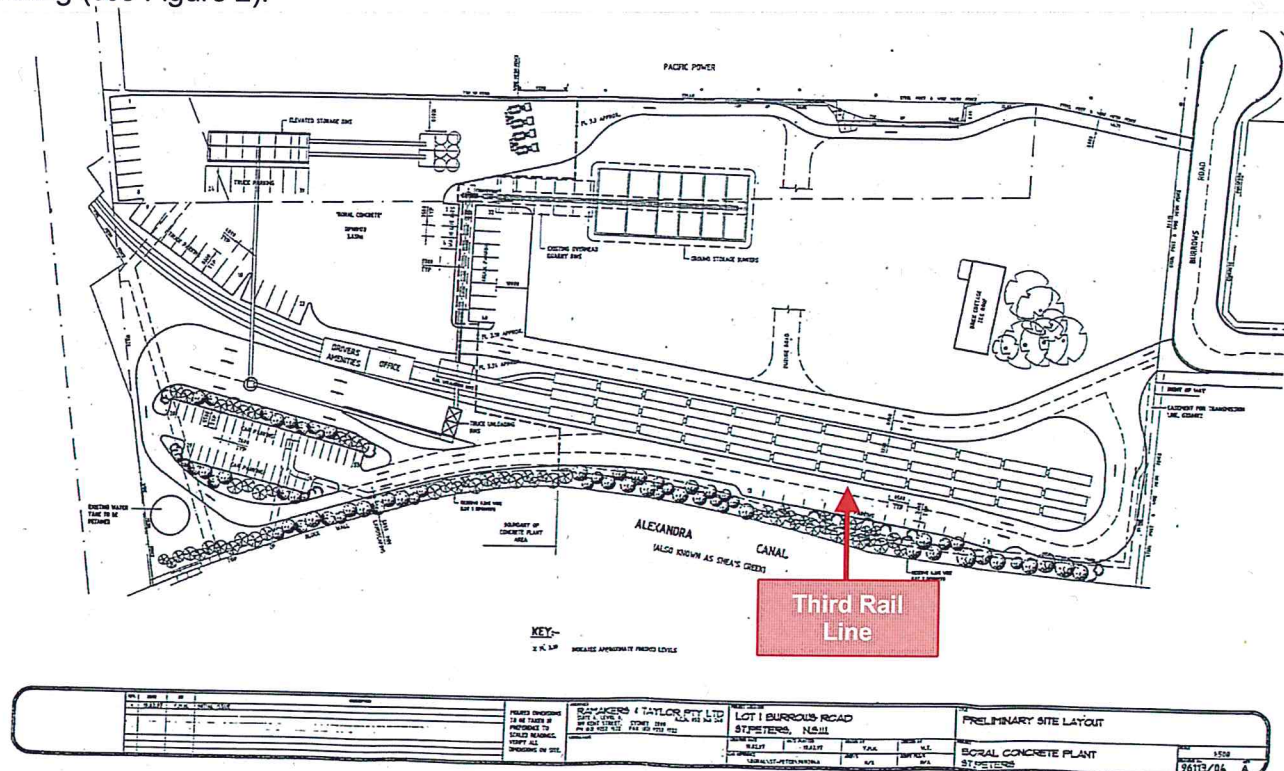


Figure 2: Modified Site Layout approved in 1997

Since then, Boral has made further changes to the facility through an additional six modification applications. This included a modification application in 2004 which removed the previously approved third rail siding, thereby reducing the number of rail sidings on the site to two, as originally approved. This revised number of rail sidings was then incorporated into a revised site plan under the development consent (see Figure 3).

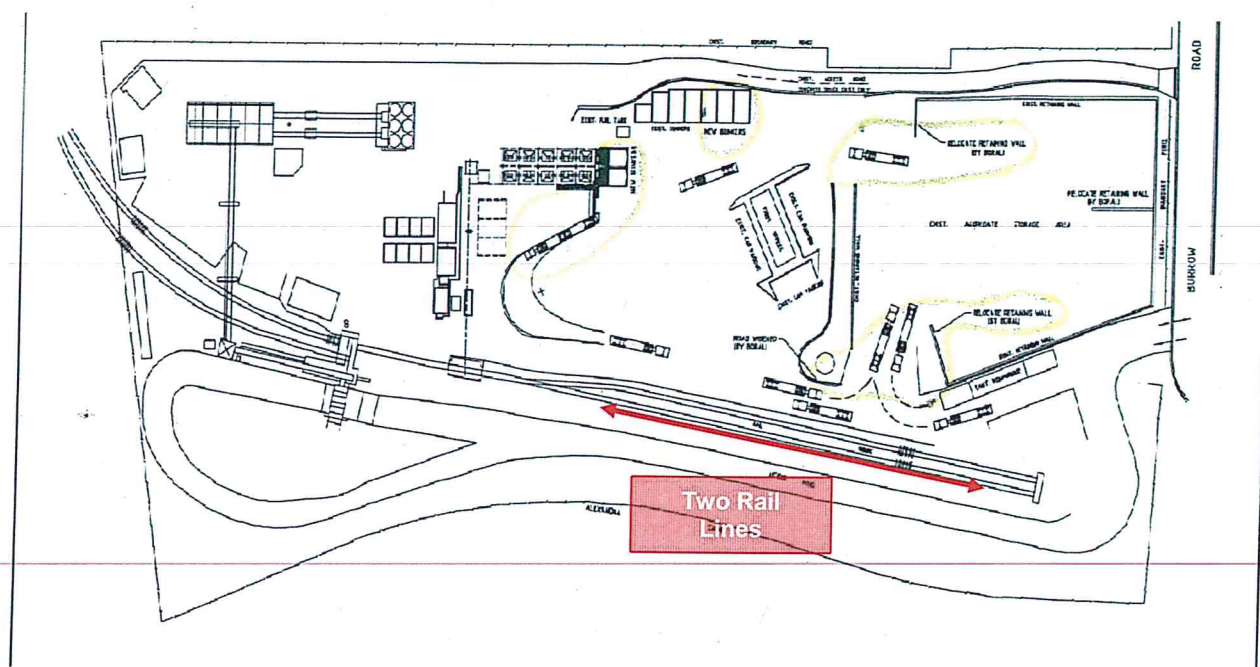


Figure 3: Modified Site Layout approved in 2004

As part of the site's operation, raw materials from quarries operated by Boral are transported to the site by rail on trains containing up to 28 wagons. However, due to the length of the trains and the limited size of the rail sidings on the St Peters site, the trains are unable to be fully accommodated on Boral's site. As such, the wagons have to be shunted onto a section of track next to the main line in front of the St Peters terminal (see Figure 4).

In December 2012, the Australian Rail Track Corporation Ltd (ARTC) will carry out duplication works to the main rail line as part of the upgrade works associated with Port Botany. Once these works are completed, Boral would no longer be able to use this section of track as part of its shunting manoeuvres. As such, Boral will be restricted as to the size of the trains which can access its site, thereby affecting the capacity of materials to be supplied as part of its operations. This situation would reduce the capacity of product to be delivered by rail and increase the reliance on road vehicles.

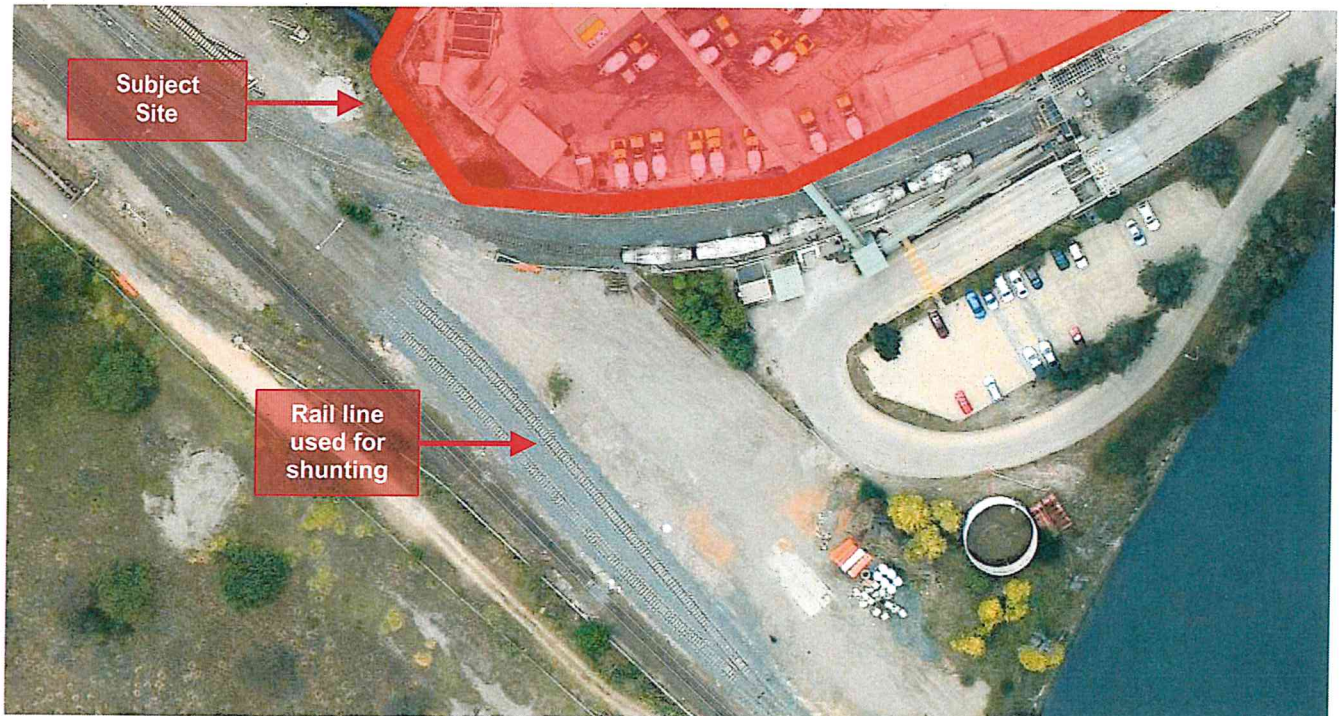


Figure 4: Rail Line adjoining subject site

2. ROPOSED MODIFICATION

On 11 December 2012, Boral lodged a modification application with the Department under section 75W of the *Environmental Planning and Assessment act 1979* (EP&A Act).

Under the modification application, Boral is seeking approval to:

- amend its layout site plan to again incorporate the third rail siding; and
- construct and operate a 40 metre long rail cross-over between the second and third rail line.

The proposed modification is outlined in Figure 5 below. The modification application would enable Boral to continue optimising the use of the rail system for the delivery of product to its site.

The number and frequency of trains delivering material to the site would not change as a result of the proposed modification nor would the production capacity of materials produced at the site.

Boral has indicated that the proposed rail siding and cross-over would take approximately one week to construct.

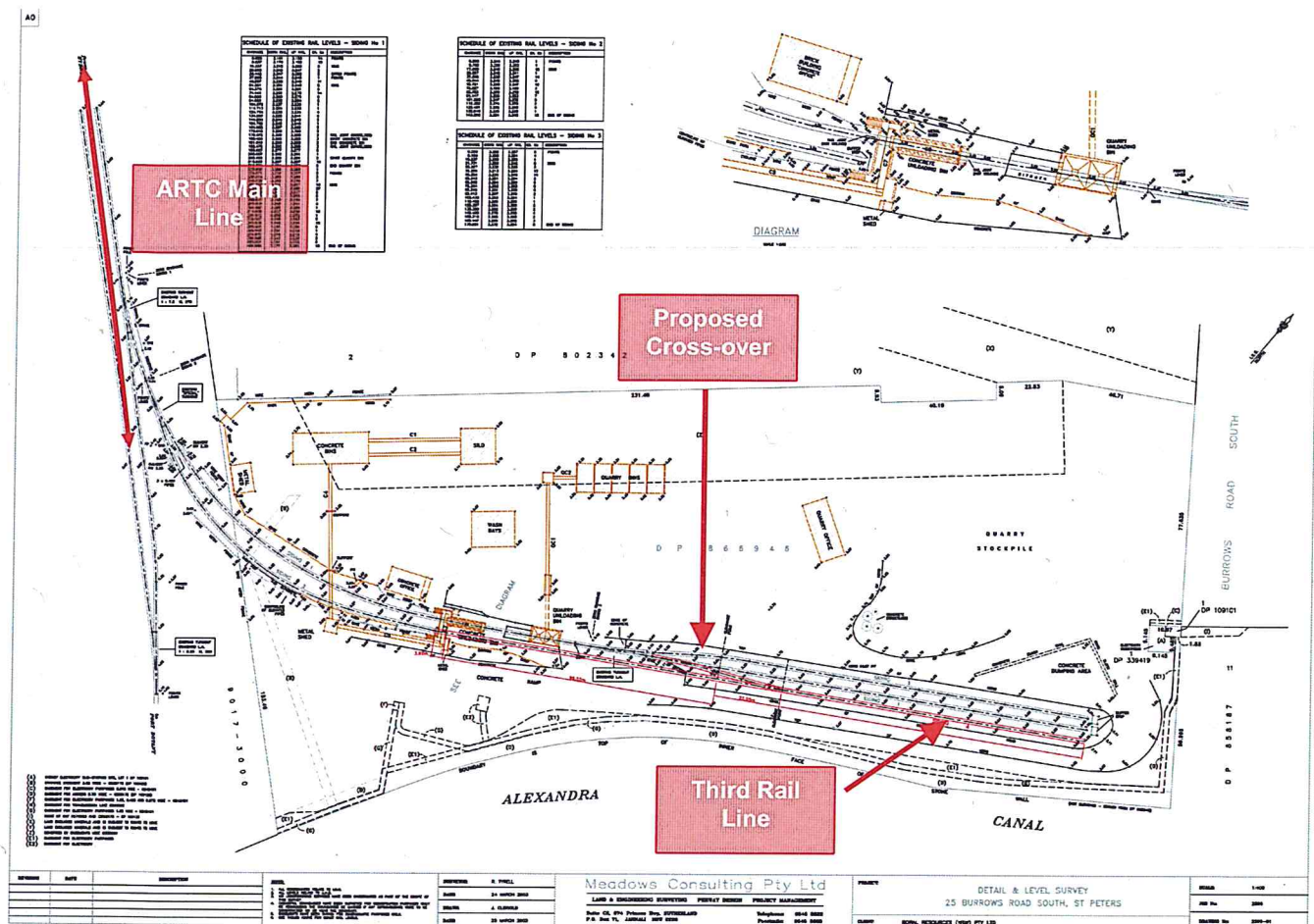


Figure 5: Proposed Third Railing & Cross-over

STATUTORY CONTEXT

Section 75W

In accordance with Clause 12 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

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

The Department notes that:

- the primary function and purpose of the approved project would not change as a result of the proposed modification; and
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent.

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

Approval Authority

The Minister was the approval authority for the original project approval, and is consequently the approval authority for this application.

The Executive Director, Major Projects Assessment, may determine this application on behalf of the Minister in accordance with the Minister's delegation dated 14 September 2011, subject to the following:

- where the relevant local Council/s has not made an objection;
- where a political donations disclosure statement has not been made; and
- there are less than 25 public submissions in the nature of objections.

The Department is satisfied that the application meets the terms of the delegation and that the Executive Director may determine the application under delegated authority.

3. CONSULTATION

In accordance with 75W of the EP&A Act, the Department made the application publicly available on its website and consulted with Marrickville Council (Council), the Environment Protection Authority (EPA), the NSW Roads and Maritime Services (RMS) and the ARTC. A summary of the issues raised in submissions is provided below.

The **ARTC** did not object to the proposed modification or raise any concerns.

Council did not object to the proposal but raised a number of matters for consideration, including issues relating to potential acid sulfate soils and impacts to a heritage item. Boral provided further information addressing the heritage issues and agreed to undertake preliminary soil testing to determine the presence of any acid sulfate soils.

The **EPA** did not object to the proposed modification or raise any concerns.

The **RMS** did not object to the proposed modification. However, it recommended a number of conditions should the proposal be approved. These conditions have been incorporated into the recommended conditions.

All of the issues raised in submissions were considered in the Department's assessment of the modification.

4. ASSESSMENT

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

- the environmental assessments, and Director-General's assessment reports for the approved application and subsequent modifications (1-7);
- existing conditions of approval;
- documentation supporting the proposed modification application;
- all agency submissions;
- relevant environmental planning instruments, policies and guidelines; and
- the requirements of the EP&A Act, including the objects of the Act.

In regard to the proposed modification, the Department considered the key environmental issues to be associated with traffic, noise, air quality and soils. The assessment of these issues is outlined in Table 1.

4.1 Issues

Table 1: Assessment of Issues

Issue	Assessment	Recommendation
Traffic	<ul style="list-style-type: none"> ▪ Boral estimate that the construction period would generate around 5 light vehicle and 6 heavy vehicle movements per day. ▪ Under current operating conditions, the site generates around 636 heavy vehicle movements per day. ▪ Construction materials would be transported to the site by a combination of rail and road. Rail ballast would be delivered to the site by rail, with the rail line, sleepers and components for the cross-over delivered by road. ▪ The number and frequency of trains delivering material 	<p>Recommended conditions require Boral to:</p> <ul style="list-style-type: none"> ▪ Prepare and implement a CEMP prior to the commencement of construction.

Issue	Assessment	Recommendation
	<p>to the site would not change as a result of the proposed modification.</p> <ul style="list-style-type: none"> All parking associated with the construction works would be accommodated on-site. Boral's traffic assessment concluded that the impacts associated with the modification would not be significant and that no changes in operational traffic would occur. Both the RMS and Council raised no concerns. The Department is satisfied that the traffic impacts associated with construction works would be minimal, particularly given the short construction period. Notwithstanding, the Department has recommended that Boral prepare and implement a Construction Environmental Management Plan (CEMP) to ensure any potential traffic impacts are managed. 	
Noise	<ul style="list-style-type: none"> The area surrounding the St Peters site is predominantly made up of other light and heavy industrial activities, with the nearest private residence located around 600m north-west of the site. With the exception of minor surface excavation to be undertaken to prepare the siding area for the rail ballasts, no demolition or excavation works are proposed. The quantity of material delivered to and handled on the site would not change as a result of the proposed modification. Boral's noise assessment concluded that construction noise impacts would be minimal and that as no changes are proposed to the site's operations, then no operational impacts would occur. The EPA raised no concerns in regards to noise. The Department is satisfied that any construction noise impacts can be managed and that no changes in operational noise would occur. Notwithstanding, the Department recommends Boral prepare and implement a CEMP to ensure construction noise impacts are managed. 	<p>Recommended conditions require Boral to:</p> <ul style="list-style-type: none"> Prepare and implement an updated CEMP prior to the commencement of construction.
Air Quality	<ul style="list-style-type: none"> There would be no change to the raw materials handling infrastructure or its storage as a result of the proposed modification. Further, the quantity of raw material handled at the site would not change. Boral's assessment concluded that any potential air quality impacts associated with the modification would not be significant. The EPA raised no concerns. The Department is satisfied that due to the minor nature of the construction activities and the short duration of construction works, that any air impacts would be minimal. However, to ensure any air impacts are managed, the Department has recommended Boral implement a CEMP to ensure air quality impacts are managed. 	<p>Recommended conditions require Boral to:</p> <ul style="list-style-type: none"> Prepare and implement an updated CEMP prior to the commencement of construction.
Acid Sulfate Soil	<ul style="list-style-type: none"> Construction of the third rail line and cross-over requires minor surface excavation work for the purposes of installing the rail ballasts. Under the <i>Marrickville Local Environmental Plan 2011</i>, the site is identified as being potentially affected by Acid Sulfate Soils (Class 2). Council raised concern about the level of excavation required and the potential presence of acid sulfate soils (ASS). Boral has advised that past works on the site has not previously identified the presence of ASS. Given the nature, duration of the construction works and the history of past activities on the site, the Department 	<p>Recommended conditions require Boral to:</p> <ul style="list-style-type: none"> Undertake preliminary soil testing to determine the presence of ASS; and Implement suitable management measures should ASS be identified, to the satisfaction of the Director-General, prior to the commencement of construction.

Issue	Assessment	Recommendation
	<p>considers the potential for ASS to be unlikely.</p> <ul style="list-style-type: none"> However to ensure any occurrence of ASS is adequately managed, the Department has recommended that Boral undertake preliminary soil testing to confirm the presence of any ASS prior to any construction works and implement suitable management measures should they be detected. 	

Based on the above assessment, the Department is satisfied the proposed modification would not result in significant environmental impacts.

5. CONCLUSION

The Department has assessed the proposed modification in accordance with the requirements of clause 8B of the Regulations. This assessment has found that the proposed modification would:

- result in minimal environmental impacts beyond the approved facility;
- amend the site plan to incorporate the third rail siding which is consistent with the site layout plan approved in 1997 (DA 14/96 Mod 1) with the addition of a cross-over; and
- enable Boral to continue optimising the use of the rail system for the delivery of product to the site.

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

6. RECOMMENDATION

It is **RECOMMENDED** that the Executive Director, Major Projects Assessment:

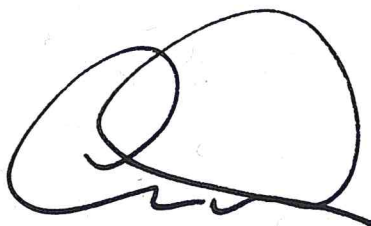
- consider** the findings and recommendations of this report;
- determine** that the proposed modification is within the scope of section 75W of the EP&A Act;
- approve** the application subject to conditions; and
- sign** the attached notice of modification (see Tag 'A').

Brendan Liew
Industry Projects



Chris Ritchie
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Industry Projects

15/1/13.



Chris Wilson
Executive Director
Major Projects Assessment

17.1.13