

## ASSESSMENT REPORT

### Section 75W Modification Greystanes Southern Employment Lands (MP06\_0181 MOD 3)

#### 1 BACKGROUND

This report is an assessment of a request to modify the Project Approval for the Greystanes Southern Employment Lands (MP06\_0181 MOD 3) under Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application was lodged by APP Corporation on behalf of Boral Recycling Pty Limited (the Proponent) and seeks approval to modify Condition A2 of the Project Approval to permit the importation of up to 350,000 m<sup>3</sup> of clean fill into the western precinct of the site.

#### 2. SUBJECT SITE

The Greystanes Southern Employment Lands (SEL) is a 156 hectare (ha) site located at Prospect in Western Sydney and extends into three local government areas (Blacktown, Holroyd and Fairfield). The portion of the site the subject of the proposed modification is located in the western precinct of the Greystanes SEL, which falls within the Holroyd and Blacktown local government areas (see **Figure 1**).



**Figure 1: Location of Greystanes Estate and Modification Site**



Land uses surrounding the western precinct of the SEL include: the Greystanes Northern Employment Lands (NEL) and the M4 Motorway immediately north of the site, the suburb of Nelsons Ridge to the east, which is separated from the site by Ridgeline Reserve and an open space corridor, Wetherill Park to the south, and the Prospect Reservoir to the west.



Figure 2: Subject Site and Surrounding Land Uses

### 3. SITE HISTORY

On 20 July 2007, the then Minister for Planning granted concurrent Concept and Project Approval (MP06\_0181) for the use and development of the site as an industrial precinct under Part 3A of the EP&A Act. **Table 1** below summarises the uses approved under the Concept Plan, and the works approved under the Project Approval.

**Table 1: Uses and Development Permitted under MP06\_0161 (as modified)**

Uses Approved Under the Concept Plan	Works Approved Under the Project Approval
<ul style="list-style-type: none"> <li>use of the site as an industrial and business park with the following gross floor area (GFA) and floor space ratio restrictions: <ul style="list-style-type: none"> <li>a total GFA of 393,215 m<sup>2</sup> with a maximum of 97,500 m<sup>2</sup> allocated for business park uses, and a maximum of 6,500 m<sup>2</sup> for retail uses</li> <li>a maximum FSR of 0.75:1 for development within the industrial precinct, and a maximum FSR of 1:1 for the hotel use on Lot 75.</li> </ul> </li> <li>conceptual road design; and</li> <li>provision of community facilities and infrastructure via a combination of developer contributions and works-in-kind.</li> </ul>	<ul style="list-style-type: none"> <li>subdivision of the site into 76 community title lots ranging in size between 0.28 ha and 2.51 ha for industrial uses, three business park and retail lots, and lots for servicing infrastructure;</li> <li>boundary realignments for utilities and transit corridors;</li> <li>construction of infrastructure including roads, groundwater and stormwater management works, detention basins and bulk earthworks; and</li> <li>staging of the development as per the approved plans.</li> </ul>



The Concept Plan and Project Approvals have been modified on two occasions. These modifications permitted:

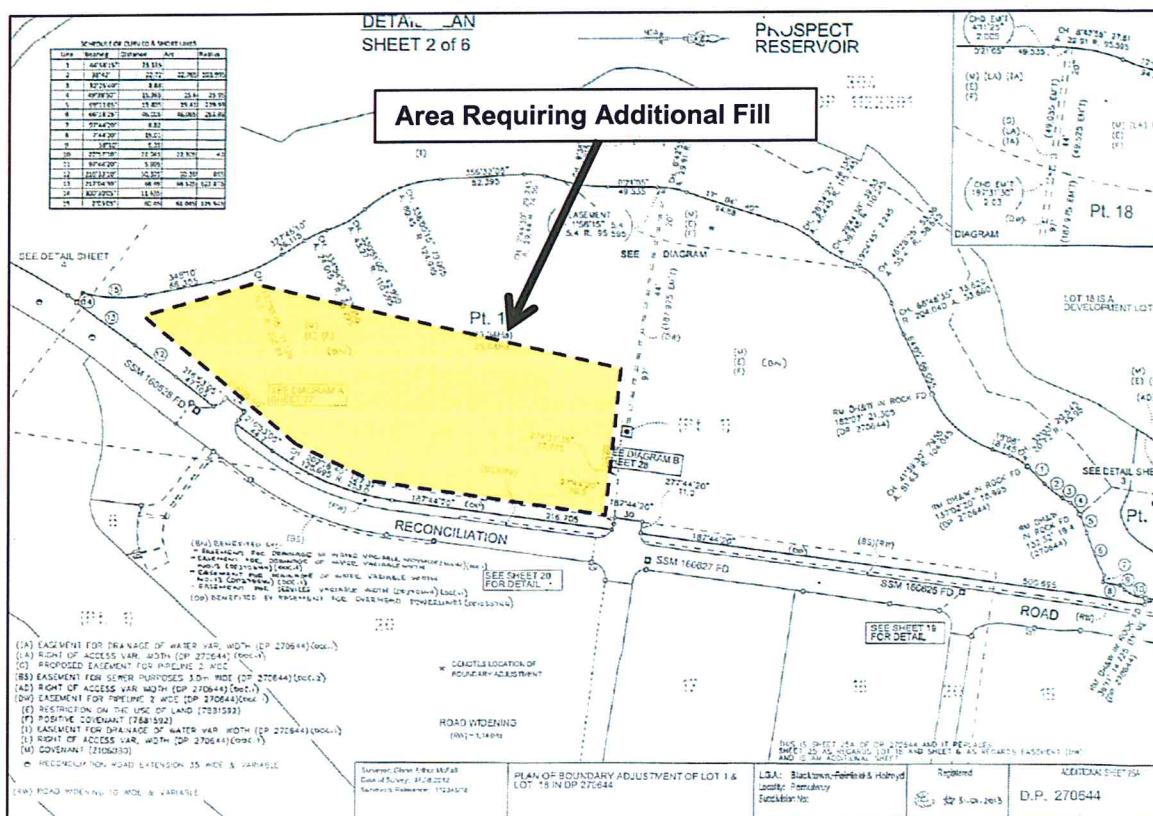
- revisions to the super lot configuration and the design and management of stormwater and groundwater systems;
- the deletion of an industrial lot in the Widemere East precinct as a consequence of the revisions to the water management system;
- the creation of an additional lot at the southern end of Reconciliation Road;
- minor boundary adjustments to lots 65, 66, and 75;
- the reconfiguration of Reconciliation Road and the establishment of design principles for its construction; and
- consequential amendments to the Statement of Commitments (SOC) and conditions of approval to reflect the changes outlined above.

#### 4 PROPOSED MODIFICATION

The Proponent's Environmental Assessment, which is referenced in Condition A2 of the existing Project Approval, explicitly states that 100 per cent of the soil required for bulk earthworks will be sourced from the Greystanes SEL. The Proponent has advised that there is a shortfall of fill material within the SEL and this modification is required to allow the importation of fill to achieve the approved finished floor levels.

The proposed modification seeks approval to import 350,000 m<sup>3</sup> of virgin excavated natural material (VENM) and excavated natural material (ENM) into the western precinct of the SEL over a 12 to 24 month period to address the deficit of on-site fill material.

The extent of the area requiring imported fill is identified in **Figure 3** below.



## 5 STATUTORY CONTEXT

### 5.1 Approval Authority

Under Clause 3 of Schedule 6A of the Act, Section 75W of the Act as in force immediately before its repeal on 1 October 2011, continues to apply to transitional Part 3A projects. Consequently, the Minister for Planning is the approval authority for the proposed modification.

The Minister for Planning delegated responsibility for the determination of section 75W modification applications to Directors and Managers who report to the Executive Director, Infrastructure and Industry Assessments where:

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

The proposal complies with the terms of the delegation as Holroyd Council and Fairfield Council (Council) did not object to the proposal, a political disclosure statement has not been made in relation to the application, and no public submissions were received in the nature of objections. Accordingly, the Manager, Industry Assessments may determine the application in accordance with the Minister's delegation.

### 5.2 Modification

The Department is satisfied that the application can properly be characterised as a modification to the original project approval, and can therefore be assessed and determined under Section 75W of the Act.

In this respect, the Department notes that there is no change to the extent of fill required to contour the site, the approved finished floor levels, or the number of truck movements estimated in the traffic modelling prepared to support the Concept Plan and Project Approval.

### 5.3 Consultation

The modification application was made publicly available on the Department's website on 14 August 2014. The Department also referred the application to Fairfield Council, Holroyd Council, the Environment Protection Authority (EPA), Office of Environment and Heritage (OEH) and Roads and Maritime Services (RMS) for comment on 14 August 2014. Consultation with other agencies and adjoining landowners was not considered necessary owing to the minor nature of the modification.

No public submissions have been received. The agency submissions are summarised in **Table 2** below:

**Table 2: Summary of Agency Submissions**

Agency	Response
Fairfield Council	<p>Fairfield Council raised no objection to the application, however it requested the imposition of new conditions to ensure:</p> <ul style="list-style-type: none"><li>• all trucks enter and exit the site via the road network to the north of the site (the M4 and Reconciliation Road);</li><li>• all imported fill meets the contaminant thresholds for the approved land uses as identified in the <i>Department of Environment and Conservation Guidelines for the NSW Site Auditor Scheme 2006</i>; and</li><li>• all ENM meets the requirements of the excavated natural material</li></ul>



	exemption identified in Part 6 clause 51 and 51A of the <i>Protection of the Environment Operations (Waste) Regulation 2005</i> .
Holroyd Council	Holroyd Council raised no objection, however it advised that the Proponent should be required to undertake a pavement assessment prior to fill being imported to the site to determine whether the additional vehicles entering the site will result in damage to the existing pavement. The Council also requested the imposition of conditions to require the Proponent to: <ul style="list-style-type: none"> <li>• provide a Traffic Management Plan and Traffic Control Plan;</li> <li>• ensure all subdivision works are carried out in accordance with the Council's requirements;</li> <li>• undertake road and service upgrades, and relocate existing services, trees and street furniture to accommodate the proposed development.</li> </ul>
EPA	The EPA raised no objection to the application, however it advised that all ENM used on site must meet the requirements of the EPA's General Resource Recovery Exemption.
OEH	The OEH raised no objection to the proposed modification.
RMS	The RMS raised no objection to the proposed modification.

The Department has reviewed the agency comments and has concluded that:

- the existing Traffic Management Plan should be amended to address the measures required to facilitate the importation of 350,000 m<sup>3</sup> of off-site fill;
- all imported fill should meet the requirements of the excavated natural material exemption identified in Part 6 clause 51 and 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*, and a new condition (Condition B1(A)) has been recommended to address this issue;
- a pavement study is not required on the basis that the truck movements will not exceed those permitted whilst the quarry was operational; and
- the existing conditions of approval address the construction and engineering issues raised by Holroyd Council.

Following the notification of the modification, the Proponent submitted a supplementary Traffic Management Plan (TMP) to address internal site movement and site access impacts associated with the importation of off-site fill. The Department has included a new condition (Condition C2(A)) requiring that fill importation is undertaken in accordance with the supplementary TMP (see the Instrument of Modification at **Appendix A**). The Department notes that the supplementary TMP will require vehicles to enter the site via the northern access road, however vehicles may enter the site from the south from time to time.

## 6. ASSESSMENT

In its assessment of the modification application, the Department has considered the following:

- the EA, traffic assessment and Response to Submissions provided to support the proposed modification (see **Appendix B**);
- all submissions received by the Department (see **Appendix C**); and
- the Director-General's assessment reports for the original project application and earlier modification approvals.

Based on the above, the Department considers the key issues for assessment are traffic management and soil validation. These issues are discussed in detail below.



## 6.1 Traffic Management

The application seeks to import 350,000 m<sup>3</sup> of virgin excavated natural material (VENM) and excavated natural material (ENM) into the western precinct of the SEL over a 12 to 24 month period. It is anticipated that 25,000 truck movements will be required along Reconciliation Road (via the M7, M4, and the Great Western Highway) to facilitate the importation of the additional fill. This equates to an average of 86 truck movements per day if works are completed within 12 months, or an average of 43 truck movements per day if works are completed within 24 months.

The application is supported by a Traffic Report and a TMP prepared by GTA Consultants (GTA) which models the impact of the development on the Reconciliation Road/Basalt Road intersection, and identifies the proposed vehicle access routes.

The Department notes that the Reconciliation Road/Basalt Road intersection currently operates with spare capacity and acceptable delays (level of service B). The Department has reviewed GTA's Traffic Report and TMP and has concluded that the importation of 350,000m<sup>3</sup> of fill will not result in any unacceptable change in the level of service at the Reconciliation Road/Basalt Road intersection subject to the Proponent implementing the measures in the supplementary report (see **Table 3**). In addition, the Department notes that the traffic modelling prepared to support the Concept Plan and Project Application demonstrates that there is spare capacity at the M4/Reconciliation Road intersection. Given the above, the Department is satisfied that the impact of the proposed modification is acceptable subject to the imposition of a condition requiring the Proponent to implement the measures outlined in the supplementary TMP.

**Table 3: Levels of Service at the Reconciliation Road/Basalt Road Intersection**

Morning Peak			Afternoon Peak		
Level of Service	Average Delay (seconds)	Degree of Saturation	Level of Service	Average Delay (seconds)	Degree of Saturation
B <sup>1</sup>	18	0.33	B <sup>1</sup>	17	0.36

**Note<sup>1</sup>:** The RTA *Guide to Traffic Generating Developments 2002* defines Level of Service B as "good with acceptable delays and spare capacity".

## 6.2 Importation of VENM and ENM

The Department raises no objection to the importation of 350,000 m<sup>3</sup> of VENM or ENM subject to the Proponent ensuring all imported fill meets the criteria outlined in the EPA's General Resource Recovery Exemption. In addition, the Department considers that the Proponent should verify that all fill received on-site is suitable for the uses approved under the Concept Plan and Project Approval. Accordingly, the Department has recommended the imposition of a new condition (Condition B1(A)) to ensure that:

- all imported soils comply with the EPA requirements and meet the applicable contamination thresholds for the approved land uses; and
- the Proponent maintains a log all VENM and ENM received on-site.

## 6.3 Other Issues

The Department is satisfied that the dust control measures conditioned in the existing Project Approval adequately address fill importation operations proposed under the modification application, and would mitigate any potential amenity impacts to residential areas in the region. The Department is also satisfied that conditioned hours of work adequately address potential noise impacts from truck movements associated with fill importation, in addition to the separation of the site from nearby residential areas.

## 7. CONCLUSION

The Department has assessed the proposed modification in accordance with the requirements of the EP&A Act. This assessment concluded that the proposed modification can be carried out with minimal environmental impact.

Consequently the Department believes the proposed modification is in the public interest and should be approved subject to the conditions recommended in the Instrument of Modification at **Appendix A**.

## 8. RECOMMENDATION

It is recommended that the Manager, Industry Assessments:

- a) **Consider** the findings and recommendations of this report;
- b) **Approve** the modification to MP 06\_0181 MOD 3, under section 75W of the *Environmental Planning and Assessment Act 1979*; and
- c) **Sign** the attached Instrument of Modification (**Tag A**).

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13/11/14