

ASSESSMENT REPORT

Section 75W Modification Hanson Concrete and Asphalt Facility MP 06_0225 MOD 4 (Project Approval)

1. INTRODUCTION

This report assesses a modification request by Hanson Construction Materials Pty Ltd (the Proponent) to the Hanson Concrete and Asphalt Facility (MP 06_0225), in the Blacktown local government area (LGA). The request has been lodged pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2. BACKGROUND

The Hanson Concrete and Asphalt Facility is located off Honeycomb Drive, Eastern Creek in the Blacktown LGA (see **Figure 1**). The subject site is within the Western Sydney Employment Area (WSEA), and located 36 kilometres (km) west of Sydney's Central Business District (CBD). The site is 25.95 hectares (ha) in area and is legally described as Lot 5 in Deposited Plan 1145808.

The site is bound by the Genesis Xero Waste Facility and the M4 Western Motorway to the north, whilst there are several warehousing facilities and the M7 Motorway to the east. An energy from waste facility is currently under assessment by the Department on land to the west (SSD 6236), and land to the south of the site is characterised by exotic grassland. The nearest residential dwellings are located approximately 800 metres (m) to the west of the site in Erskine Park, and 1 km to the north in Minchinbury (see **Figure 2**).

Between 1950 and 2005, Hanson Construction Materials Pty Ltd (Hanson) operated a concrete and asphalt production facility and a hard rock quarry at the site. The quarry area ceased operations in 2005 and was sold to ThaQuarry Pty Ltd (now Dial A Dump Industries), which is now occupied by the Genesis Xero Waste Facility.

The subject site is shown in **Figure 1** and **Figure 2**, and the approved Concept Plan area is shown in **Figure 3**.



Figure 1: Site Context

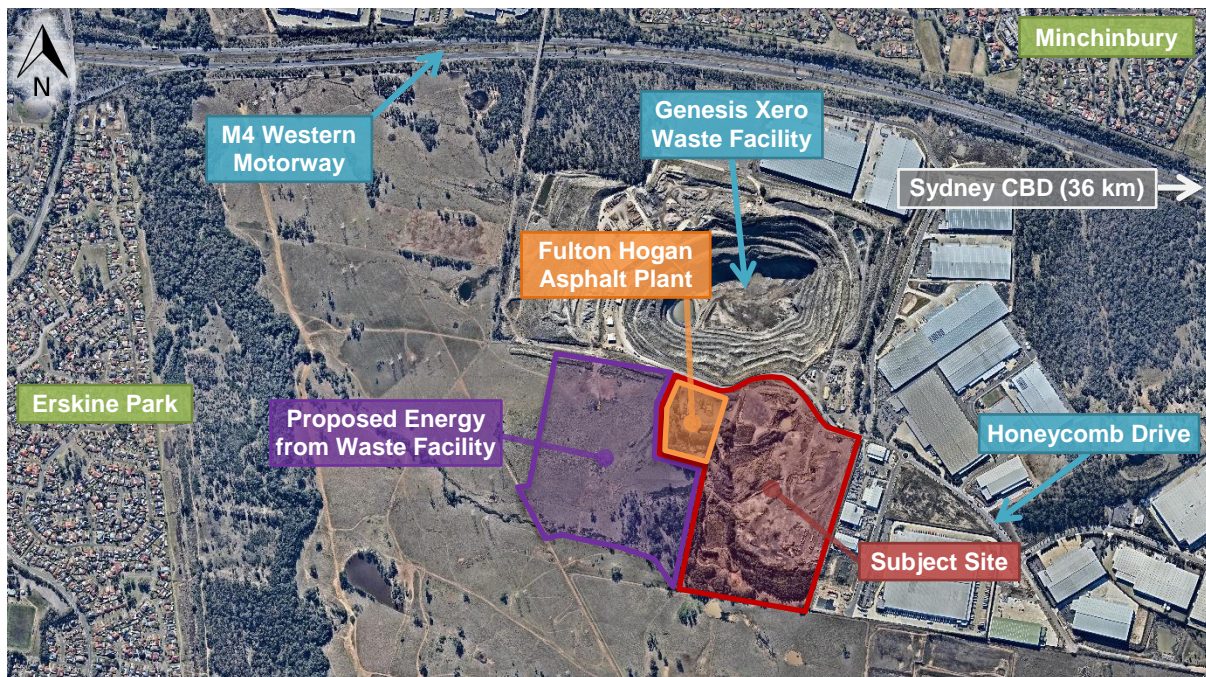


Figure 2: Site Location

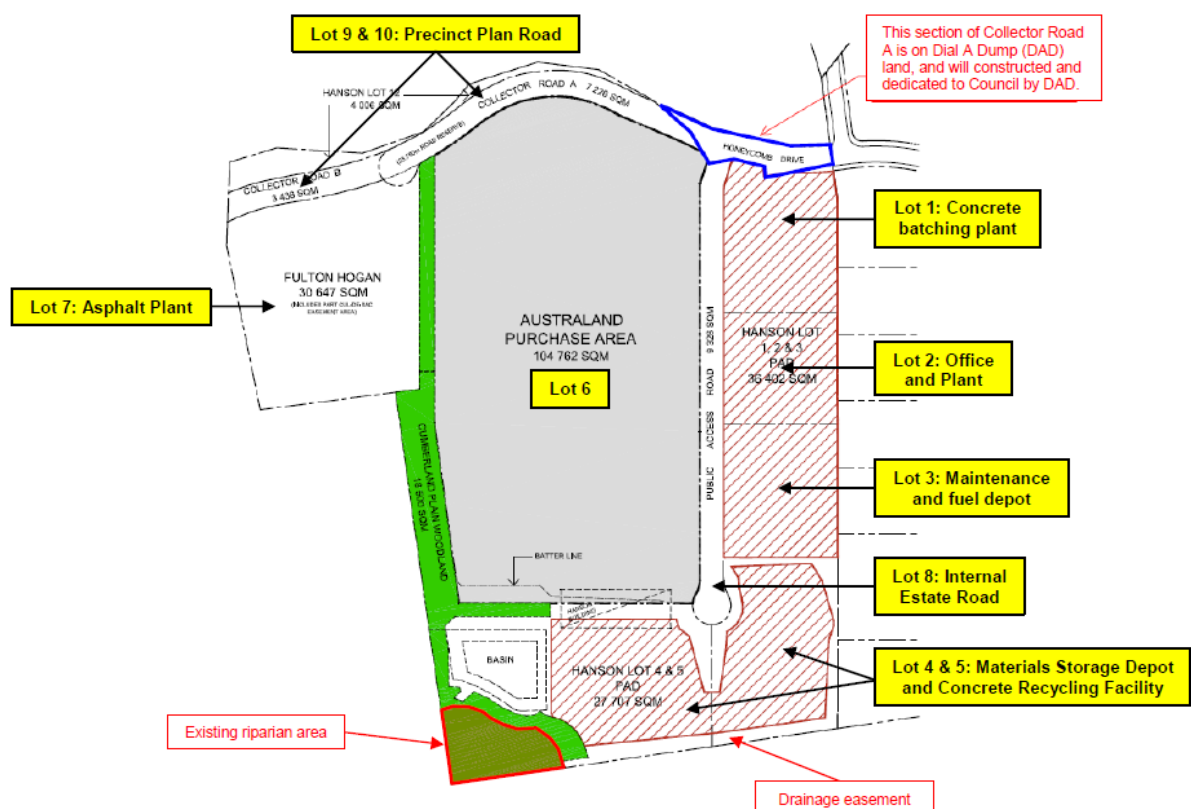


Figure 3: Approved Concept Plan

3. APPROVAL HISTORY

On 3 June 2010, a Concept and Project Approval was granted by the then Deputy Director-General (under the Minister for Planning's delegation) to Hanson, for the development of the Hanson Concrete and Asphalt Facility (MP 06_0225).

The Concept Approval permits the following:

- subdivision of the site
- bulk earthworks across the site
- development of an asphalt and concrete production and recycling facility
- provision of a precinct collector road through the site
- provision of associated infrastructure (such as a fuel depot, workshop, materials storage, and office and plant) to facilitate the development.

The Project Approval permits the following:

- continued use of existing facilities including the asphalt plant and associated ancillary infrastructure
- production from the existing industrial facilities at the following limits:
 - Concrete Batch Plant – production capacity of 108,000 m³ per annum
 - Concrete Recycling Facility – importing/exporting 75,000 tonnes per annum (tpa)
 - Materials Storage Depot – importing 27,000 tpa
 - Asphalt/Emulsion Plant – production capacity of 270,000 tpa
- subdivision and construction of the Precinct Plan Road through the site.

In late 2010, Hanson sold part of its approved asphalt manufacturing operations to Fulton Hogan (FH), who currently operate the existing asphalt plant located on the western section of the site (see **Figure 2** and **Figure 3**). The Project Approval included a three-year sunset clause for continuing operations on the site, which would provide Hanson with a fixed period to implement elements of the Concept Plan and modernise the site.

It is noted Schedule 3, Condition 1 of the Concept Plan requires the Proponent to prepare separate applications for each of the industrial facilities located on lots 1-6 (see **Figure 3**). At the time of writing this report, no approval had been granted for these facilities.

3.1 Previous Modifications

On 24 October 2013, a section 75W modification to the Project and Concept Approval (MP 06_0225 MOD 1) was granted by the then Director, Industry, Social Projects and Key Sites. The modification permitted:

- relocation of facilities within the approved Concept Plan to the southern section of the site
- subdivision of the site into 14 lots
- an increase in the developable area of the site from 10.7 ha to approximately 24 ha
- bulk earthworks and construction of essential infrastructure, including potable water, sewer, electricity and telecommunications
- operation of the existing Fulton Hogan asphalt plant for an additional three years under the Project Approval.

On 3 June 2015, a section 75W modification to the Project Approval (MP 06_0225 MOD 2) was granted by the then Manager, Industry Assessments. The modification sought approval to extend operation of the existing Fulton Hogan asphalt plant until 3 June 2017, which would allow it to fulfil its commitments for the supply of asphalt to major infrastructure projects in Sydney.

On 24 March 2017, a section 75W modification to the Project Approval (MOD 3) and Concept Approval (MOD 2) was granted by the Director, Industry Assessments. The modification permitted:

- amendment of the approved Plan of Subdivision
- relocation of the approved re-vegetation area
- minor realignment of the precinct collector road
- amendments to retaining wall locations and heights.

4. PROPOSED MODIFICATION

The Proponent has lodged a modification request under section 75W of the EP&A Act to modify Schedule 2, Condition 2 of the Hanson Concrete and Asphalt Facility. This condition currently permits the operation of the FH asphalt plant until 3 June 2017. Hanson has requested this condition be modified to allow FH to operate the plant for an additional two years until 30 June 2019. The modification request was submitted to the Department prior to the previous sunset date for the operation of the asphalt plant.

The existing asphalt plant employs six production staff providing product to up to three transient road crews of 30 employees. The facility also utilises 14 haulage companies for its requirements, which have transported 200,000 tonnes of material to and from the site in the previous year.

The modification request is essential to allow FH to satisfy the current demand for its products. The company currently supplies asphalt products to a variety of private businesses, including local councils, Roads and Maritime Services, property developers and construction contractors. FH has also entered into a number of supply agreements for major infrastructure works in Sydney, including the delivery of asphalt products for sections of the WestConnex project.

In addition, the Proponent has indicated it would not seek to extend the continued use of the existing FH asphalt plant beyond 30 June 2019. The modification is described in full in the Environmental Assessment (EA) included in **Appendix B** and is illustrated on **Figure 4**.

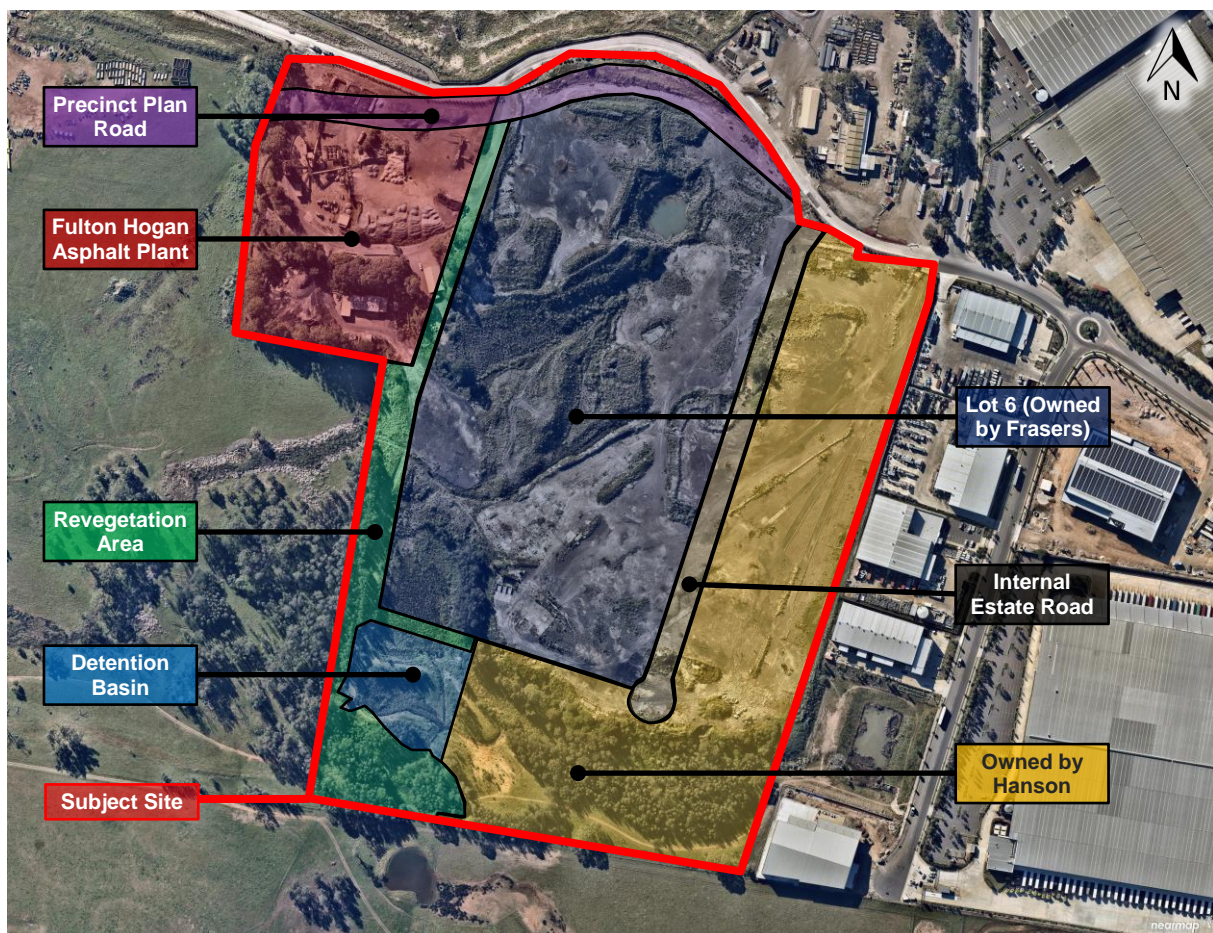


Figure 4: Overview of the Proposed Modification, Highlighting the Location of the FH Asphalt Plant (red shading) and the Precinct Plan Road (purple shading)

5. STATUTORY CONTEXT

5.1 Approval Authority

The Minister for Planning is the approval authority for the request. Under the Minister's delegation of 11 October 2017, the Director, Industry Assessments, may determine the request under delegation as:

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

5.2 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.

The Department notes that:

- the primary function and purpose of the approved project would not change as a result of the proposed modification
- the modification is of a scale that warrants the use of section 75W of the EP&A Act
- the approved production rates of products including asphalt would remain unchanged as a result of the proposed modification
- any potential environmental impacts would be appropriately managed through the existing or modified conditions of approval.

Therefore, the Department is satisfied the proposed modification is within the scope of section 75W of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the request should be assessed and determined under section 75W of the EP&A Act rather than requiring a new development application to be lodged.

6. CONSULTATION

Under section 75W of the EP&A Act, the Department is not required to notify or exhibit the modification request. Upon receipt, the request was placed on the Department's website and following a review of the documentation, the Department did not consider that further consultation was necessary. Notwithstanding, the Department sought comments from Blacktown City Council (Council) and the Environment Project Authority (EPA).

Council did not object to the modification, however it raised concern regarding the relationship between the asphalt plant's operation and the delivery of the Precinct Plan Road. In particular, Council highlighted it did not oppose the continued operation of the FH asphalt plant, but stressed this could not impact upon the timely delivery of the Precinct Plan Road. Council requested the Proponent provide evidence the Precinct Plan Road can be delivered if the FH plant was to continue operating, including specific evidence of any structures/elements which would require relocation to accommodate the road.

The **EPA** did not object to the modification, and indicated it had no comments in relation to the continued operation of the facility until 30 June 2019.

The Department requested the Proponent address matters raised within Council's submission, and provide details as to how the FH asphalt plant would operate concurrently with the delivery of the Precinct Plan Road.

In response, the Proponent provided details of the equipment located within the Precinct Plan Road corridor which would require relocation prior to the commencement of construction works (see **Figure 5**). An indication of the timeframe for their removal/relocation was also provided.

On 21 September 2017, the Proponent advised the work zone indicated on the plan would be a temporary curtilage to allow Frasers to construct the Precinct Plan Road with minimal impact upon the operation of the FH asphalt plant. The Proponent also indicated the shipping containers being used by FH as static stockpile bins had been removed from the site. On 9 October 2017, the Proponent confirmed the Precinct Plan Road corridor through the FH site had been cleared, pending construction of the road.

The Department has considered the issues raised in submissions and the Proponent's response in its assessment of the proposed modification.

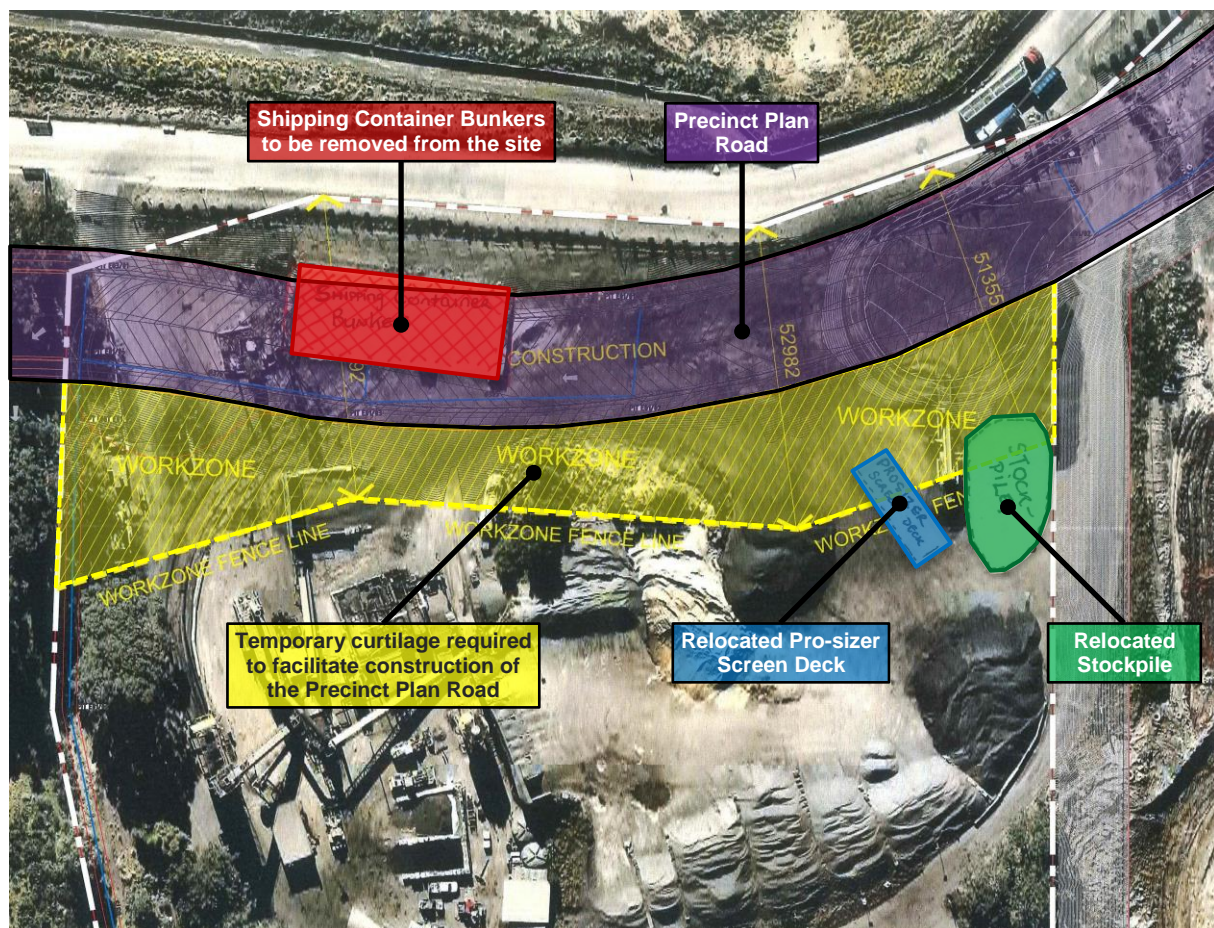


Figure 5: Additional Plan Provided by the Proponent, Highlighting the FH Infrastructure that will be Relocated to Facilitate the Construction of the Precinct Plan Road

7. ASSESSMENT

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

- EA and assessment report for the original application
- existing conditions of approval/consent (as modified)
- the EA supporting the proposed modification (**Appendix B**)
- submissions from State government authorities and Council (**Appendix C**)
- the Proponent's response to issues raised in submissions
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issue to be the continued operation of the Fulton Hogan asphalt plant.

7.1 Continued operation of the Fulton Hogan asphalt plant

The Project Approval (as modified) allows FH to produce up to 270,000 tonnes per annum of asphalt emulsion material until 3 June 2017. The Proponent is now seeking to allow FH to operate in its existing location for an additional two years until 30 June 2019.

The asphalt plant has the potential to impact upon nearby sensitive receivers in relation to odour, dust and noise impacts. The development also has the potential to impact upon the surrounding road network, as a result of the traffic to and from the site during operation.

The Proponent's EA highlights that the proposed modification does not seek to increase or intensify the current production capacity of the FH asphalt plant. Consequently, it concludes the continued operation of the facility would not result in any additional environmental impacts to neighbouring properties beyond those assessed under the original major project application.

Both Council and the EPA indicated that they did not have any objections to the continued operation of the facility until 30 June 2019. However, Council raised concerns regarding the location of FH equipment within the Precinct Plan Road corridor, and the potential for this to impact upon the construction and delivery of the Precinct Plan Road.

In its response, the Proponent provided details of the FH equipment which would require relocation to facilitate the construction of the Precinct Plan Road, and provided an indicative timeframe for its removal (see **Figure 5**). On 9 October 2017, the Proponent confirmed the equipment identified had been relocated, and the corridor was clear for construction of the road to commence. Council confirmed it had no further issues with the extension, provided the Proponent continues to ensure the operation of the asphalt plant does not impact upon the delivery of the Precinct Plan Road.

The Department notes the continued use of the asphalt plant can be facilitated during the construction of the Precinct Plan Road using a temporary site access and the relocation of all stockpiles and plant outside the required temporary curtilage area for the road.

The Department considers the continued operation of the FH asphalt plant until 30 June 2019 is not likely to result in unacceptable impacts to any neighbouring properties which are all industrial in nature. The likelihood of the continued operation of the asphalt plant impacting on any sensitive receivers is also considered low due to the separation distance of 1.2 km to the nearest sensitive receiver (Minchinbury residential area).

The Department acknowledges the concerns of Council regarding the impact of this extension upon the construction and delivery of the Precinct Plan Road. The Department has therefore recommended the inclusion of a new condition within the Project Approval, requiring the Proponent to ensure the continued use of the FH asphalt plant does not impact upon the timely completion of the Precinct Plan Road.

The Department's assessment concludes the continued operation of the FH asphalt plant until 30 June 2019 would not result in any additional environmental impacts beyond those assessed under the original major project application. In addition, the continued operation of the plant would not impact upon the timely completion of the Precinct Plan Road, subject to the implementation of the recommended conditions of approval.

8. CONCLUSION

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed modification is appropriate on the basis that:

- the FH asphalt plant would be able to continue to support the development of new infrastructure in and around Sydney through the provision of its products
- the continued operation of the FH asphalt plant would not impact upon the timely completion of the Precinct Plan Road
- it would not result in any additional environmental impacts beyond those assessed under the original major project application.


The Department is satisfied that the modification should be approved, subject to conditions.

9. RECOMMENDATION

It is recommended that the Director, Industry Assessments, as delegate for the Minister for Planning:

- Consider the findings and recommendations of this report
- Determine that the modification request MP 06_0225 MOD 4 (Project Approval) falls within the scope of section 75W of the EP&A Act
- Modify the project approval MP 06_0225
- Sign the attached modification of approval (see **Appendix A**).

Recommended by:


14/11/17.
Kelly McNicol
Team Leader
Industry Assessments

Prepared by:

Patrick Copas
Student Planner
Industry Assessments

DECISION

The recommendation is: Approved by:


20/11/17.
Chris Ritchie
Director
Industry Assessments
as delegate of the Minister for Planning.

APPENDIX A MODIFICATION OF APPROVAL

APPENDIX B – ENVIRONMENTAL ASSESSMENT

APPENDIX C – SUBMISSIONS

APPENDIX D – CONSOLIDATED APPROVAL