



Hanson Concrete and Asphalt Facility

*State Significant
Development
Modification Assessment
(06_0225 MOD 5)*



July 2019

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Glossary

Abbreviation	Definition
Consent	Development Consent
Council	Blacktown City Council
Department	Department of Planning, Industry and Environment
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPL	Environment Protection Licence
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
SSI	State Significant Infrastructure
tpa	Tonnes per annum



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1. Introduction

This report provides an assessment of an application to modify the State significant development consent (06_0225) for a concrete and asphalt facility which is located in the Blacktown local government area (LGA).

The proposed modification application seeks approval to modify Schedule 2, Condition 2 of the the Hanson Concrete and Asphalt Facility (06_0225). This condition currently permits the operation of the asphalt plant until 30 June 2019. Hanson Construction Materials Pty Ltd (the Applicant) has requested this condition be modified to allow the plant to operate for an additional eight months until 29 February 2020.

The application has been lodged by the Applicant pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. The modification request was submitted to the Department prior to the previous sunset clause date for the operation of the asphalt plant.

1.1 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 located 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 DP 1145808.

The site is bound by the Genesis Xero Waste Facility (Dial-a-Dump) and the M4 Western Motorway to the north, there are several warehousing facilities and the M7 Motorway to the east. To the west and south of the site the land is unused industrial zoned land. 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, the Applicant 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 Dial A Dump Industries Pty Ltd (recently acquired by Bingo Industries Pty Ltd), which is now occupied by the Genesis Xero Waste Facility.



Figure 1 | Site Context



Figure 2 | Site Location

1.2 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 the Applicant, for the development of the Hanson Concrete and Asphalt Facility (06_0225).

The Concept Approval (06_0225 Concept) 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 (06_0225 Project) 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 meters cubed (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, the Applicant 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 the Applicant with a fixed period to implement elements of the Concept Plan and modernise the site. This sunset date was extended to 30 June 2019 as part of MOD 4.

Schedule 3, Condition 1 of the Concept Plan requires the Applicant to prepare separate development applications for each of the industrial facilities located on lots 1–6 (see **Figure 3**). In June 2017, Frasers Property Australia (Frasers) commenced scheduled works to the greater site as approved under a modification to the Project Approval (Mod 3) to facilitate the creation of the subdivision. The scheduled works and subdivision undertaken by Frasers was completed in June 2018.

The development consent has been modified on four occasions (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	The modification permitted: <ul style="list-style-type: none">• 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	Department	Section 75(W)	24 October 2013

- 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.

MOD 2	The modification permitted:	Department	Section 75(W)	3 June 2015
	<ul style="list-style-type: none"> • operation of the existing Fulton Hogan asphalt plant until 3 June 2017 to allow it to fulfil its commitments for the supply of asphalt to major infrastructure projects in Sydney. 			
MOD 3	The modification permitted:	Department	Section 75(W)	24 March 2017
	<ul style="list-style-type: none"> • 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. 			
MOD 4	The modification permitted:	Department	Section 75(W)	20 November 2017
	<ul style="list-style-type: none"> • operation of the existing Fulton Hogan asphalt plant until 30 June 2019. 			



2. Proposed Modification

2.1 Proposed Modification

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act to modify the development. The modification is described in the modification application included in **Appendix B** of this report and is summarised below.

The modification includes changes to Schedule 2, Condition 2 of the Hanson Concrete and Asphalt Facility. This condition currently permits the operation of the Fulton Hogan (FH) asphalt plant until 30 June 2019. The Applicant has requested this condition be modified to allow FH to operate the plant for an additional eight months until 20 February 2020.



Figure 3 | Site Plan

2.2 Applicant's justification for the Proposed Modification

The Applicant has indicated the proposed modification is necessary to enable the asphalt plant to continue to operate while a new site is developed and to allow for a period of transition.

In 2015, FH commenced searching for industrial zoned land suitable for asphalt plant manufacturing to relocate its existing businesses located in Eastern Creek. However, the Applicant states that the search was difficult due to limited industrial zoned land available and, of that, less land which could be suitable for an asphalt plant. FH identified an appropriate site on Archbold Road in Eastern Creek in 2017.

Once a new site for the asphalt plant was identified there were delays in the local development process and additional time was required to prepare and obtain drawings and an Aboriginal Heritage Impact Permit (AHIP) as part of the council consent. Additional delays in construction due to wet weather also contributed to FH being unable to relocate within the timescales envisaged.

FH anticipates construction of the new asphalt plant will be completed in November 2019, and the subsequent decommissioning and demolition of the existing asphalt plant would be completed by February 2020. The Applicant will not seek to further extend the continued use of the existing plant (with a production capacity of up to 270,000 tpa) beyond 29 February 2020.



3. Strategic Context

The Department has considered the following strategic documentation relevant to the assessment of the modification application:

- A Metropolis of Three Cities – the Greater Sydney Region Plan
- The Western Sydney District Plan

3.1 A Metropolis of Three Cities – the Greater Sydney Region Plan

The development is consistent with the directions and principles outlined in A Metropolis of Three Cities, specifically the principles for managing industrial land. The site would support appropriate management of industrial land and would accommodate evolving business practices.

3.2 Western Sydney District Plan

The Western City District Plan provides a guide for implementing A Metropolis of Three Cities – the Greater Sydney Region Plan. The proposed modification would assist in meeting one of the priorities of the plan, Planning for a city supported by infrastructure – Planning Priority W1, through maximising the use of existing infrastructure assets.



4. Statutory Context

4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as:

- 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 4.55(1A) 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 consent.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(1) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Industry Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- no public submissions were received objecting to the proposed modification.



5. Engagement

5.1 Department's Engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to State significant development. Accordingly, the application was not notified or advertised.

The modification application was referred to the EPA and Blacktown City Council (Council) for comment. Neither the EPA nor Council objected to the modification. No submissions were received from the public.



6. Assessment

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

- the Modification Application and RTS provided to support the modification (see **Appendix A**)
- the assessment report for the original development application and subsequent modification application(s)
- submissions from the EPA and Council (**Appendix B**)
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act, including the objects of the EP&A Act.

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

6.1 Continued operation of the Fulton Hogan asphalt plant

SSD 06_0225, as modified, allows FH to produce up to 270,000 tpa of asphalt emulsion material until 30 June 2019. The Applicant is now seeking to allow FH to operate in its existing location for an additional eight months until 29 February 2020.

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 Applicant advised the proposed modification does not seek to increase or intensify the current production capacity of the FH asphalt plant. Consequently, it concluded the continued operation of the facility would not result in any additional environmental impacts to neighbouring properties beyond those assessed under the original application.

The Department considers the continued operation of the FH asphalt plant until 29 February 2020 is not likely to result in unacceptable impacts to any neighbouring industrial properties. 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).

Council raised no objection to the proposed continued use of the existing asphalt plant until 29 February 2020. The EPA considered an extension of time was reasonable for the continuation of existing operations and indicated that FH could continue to undertake activities permitted by the current Environment Protection Licence (EPL 494) until the licence was surrendered.

The Department's assessment concludes the continued operation of the FH asphalt plant until 29 February 2020 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 consent.



7. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act.

The Department considers the proposed modification can be undertaken 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 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.



8. Recommendation

It is recommended that the Director, Industry Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application 06_0225 MOD 5 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **modifies** the consent 06_0225 (Project)
- **signs** the attached approval of the modification (Attachment 1)

Recommended by:

Katelyn Symington

Senior Environmental Assessment Officer
Industry Assessments

Recommended by:

Kelly McNicol

Team Leader
Industry Assessments



9. Determination

The recommendation is: **adopted by:**

Chris Ritchie

Director

Industry Assessments

14/8/19.



Appendices

Appendix A – List of Documents

Hanson Concrete and Asphalt Facility Eastern Creek Section 4.55(1A) Planning Assessment Report
Modification 5 dated July 2019 prepared by Hanson Construction Materials Pty Ltd.

Appendix B – Statement of Environmental Effects/ Environmental Assessment

Available on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/16456>

Appendix C – Submissions

Available on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/16456>

Appendix D – Notice of Modification