

<b>JRPP No:</b>	2010SYE045
<b>DA No:</b>	2010/104
<b>PROPOSED DEVELOPMENT:</b>	Construction and operation of a concrete batching plant - Lots 18, 19 & 20 Bellfrog Street Greenacre (previously known as 1 - 7 Juno Parade, Greenacre)
<b>APPLICANT:</b>	Stephen Leathley
<b>REPORT BY:</b>	Warwick Stimson, Planning and Development Consultant

## Assessment Report and Recommendation

### SUMMARY

<b>PROPERTY:</b>	Lots 18, 19 & 20 Bellfrog Road, Greenacre (previously 1-7 Juno Parade), Lots 18, 19 and 20 DP 1133214
<b>DA NO.:</b>	2010/104
<b>APPLICATION TYPE:</b>	Concrete Batching Plant
<b>REPORT BY:</b>	Warwick Stimson – Consultant Planner
<b>RECOMMENDATION:</b>	Approval
<b>SUBMISSIONS:</b>	Fourteen submissions were received including a petition with some sixty five signatures.
<b>ZONING:</b>	Industrial 4
<b>DATE APPLICATION LODGED:</b>	14 July 2010
<b>APPLICANT:</b>	Insite Planning Services Pty Ltd
<b>OWNER:</b>	Hanson Construction Material

### INTRODUCTION

Approval is sought for the construction of a concrete batching plant. The application also seeks approval for twenty-four hour operation, associated car parking and landscaping. Fourteen submissions, one (1) of which includes a petition with some sixty-five signatures, have been received in response to the exhibition period.

A number of consultants have been engaged by Council to independently review the proposal and supporting documentation. Council's acoustic consultant has advised that the applicant has not satisfactorily addressed the issue of noise generation and impact through the night time period (10pm to 7am). Consequently, Council is not in a position to support the approval of plant operation for a twenty four hour period. Therefore a condition of consent limiting the hours of operation to between 7am and 10pm has been included.

Approval of this matter is recommended.

### DESCRIPTION OF THE SITE AND LOCALITY

The subject site is within a newly created industrial subdivision that is currently vacant and clear of any vegetation. Industrial and residential land uses surround the site, including the Enfield Intermodal Facility to the north. Some 11,057m<sup>2</sup> in area, the subject site is relatively flat with a gentle slope from east to west.

Previously used as a quarry, then subsequently a land fill, a thick layer of compacted fill caps the site varying in depth from between 2m to 7m.

The site shares a boundary to the east of the site with Cox's Creek and also shares a boundary to the north-east with Lot 25 which contains a conservation area for the Green and Golden Bell Frog.

Residential land uses are situated to the west of the site.

## **PROPOSAL**

The application seeks Council approval for the construction of a concrete batching plant and is classed as *designated development*. The proposed plant, valued at \$4 million, is intended to replace an existing (to be decommissioned) concrete batching plant at Enfield which has operated for over 20 years.

The detailed elements of the proposal are:

- The construction of the concrete batching plant including office building, driver's room and amenities and plant control centre.
- Four (4), 120 tonne cement storage silos, plant building and monorail crane.
- An 1800 tonne underground aggregate storage area.
- Eight (8), 225 tonne ground level bin stores.
- Twin fully enclosed drive through agitator load bays.
- Four (4) truck wash out pits, two (2) wedge pits and three (3) truck wash bays.

The application seeks consent for 24 hour operation 7 days per week to enable the plant to respond to demand or contractual arrangements. However, the application states that the plant will generally operate between 6am and 6pm, with the delivery of raw materials often occurring between 4pm to 2am.

The application states that the proposed development would employ some 22 drivers and four (4) full time staff.

Given the proximity of Cox's Creek and the construction of some elements within 40m of the creek, the proposal is regarded as *integrated development* with an approval under Section 91 of the Water Management Act 2000 being required by the NSW Office of Water.

### ***Alternative Site and Process Assessment***

The application details a range of alternative options that have been considered including:

#### **No Development Option**

Hanson as a major concrete supplier to the development industry needs to be able to respond to the strong demand for the supply of concrete, particularly given the residential growth areas of the north and south west of Sydney. The 'no development' option would result in a range of lost economic and employment opportunities in the local area and to the

company generally considering the decommissioning of the Enfield operation. The subject site is zoned appropriately and the proposed development is permissible with consent.

### Alternative Sites

A number of sites were investigated at Enfield, Chullora, Riverwood, south Granville, Punchbowl and South Strathfield but were not pursued due to a range of reasons. The subject site was chosen given that:

- The site is vacant and constraint free and is of a configuration that would allow for the construction of a concrete batching plant.
- The site is subdivided in such a way that is suitable for the proposed use.
- The site is situated within existing employment lands and is well connected to the road network.
- The site is suitable for B-Double access.
- Close proximity to existing customer markets.

### Alternative Methods of Concrete Manufacturing

The proponent has submitted that the process proposed to be used is preferred over a wet batch plant due to there being significantly less noise generation, greater plant efficiency and better product offering to the market. The facility is to incorporate the latest technology available for concrete manufacturing.

The proposal has been developed in consultation with a number of stakeholders including the NSW Department of Planning, NSW Department of Environment and Climate Change and Water, and Strathfield Council.

## **PLANNING ASSESSMENT**

The following Acts are applicable to the proposed development.

### **Threatened Species Conservation Act 1995**

Consideration of the Threatened Species Act is required to identify the potential affectation on threatened species, populations and ecological communities or their habitats. The locality is a known habitat of the Green and Golden Bell Frog and the adjoining site to the north east (lot 25) is a dedicated conservation area for that species.

An impact assessment on the Green and Golden Bell Frog has been undertaken and accompanied the application. The assessment concluded:

*The proposed redevelopment of Lots 18, 19 and 20 and the construction and operation of a concrete batching plant will not result in the loss of habitat or impact directly on Green and Golden Bell Frogs in the Frog Habitat Area at Juno Parade.*

*Overall, the proposed works will not have a significant impact on the Bell Frogs on the site or in the Greenacre area.*

In the assessment of the application Council engaged the services of an independent consultant to review the applicant's submission. The conclusion of the independent consultant stated:

*Based on the Biosphere seven part test and with respect to the TSC Act 1995, WSP supports the EIS conclusion that the project will not adversely affect the GGBF.*

...

*The approval authority should condition all of the migration measures in the EIS in the approval (if it is to be approved) and also provide conditions that ensure the mitigation measures are undertaken in practice.*

Appropriate conditions of consent are recommended.

### **Protection of the Environmental Operations Act 1997**

The proposed operation will require licensing under the POEO Act and a formal application is proposed to be made by the proponent prior to the commencement of any site works.

### **Water Management Act 2000**

An approval under section 91 of the Water Management Act 2000 is required since the proposal is considered *integrated development* given the proximity of development to Cox's Creek. In this regard, the NSW Office of Water has provided General Terms of Approval that have been appended to this report.

### **Environmental Planning and Assessment Act 1973**

The proposed development is defined as *concrete works* in accordance with Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*. Given that the proposed concrete batching plant will produce up to 110,000m<sup>3</sup> of concrete per annum, the *designated development* provisions of the Regulations apply. Accordingly, an Environmental Impact Statement has been lodged with the application.

The application has been assessed pursuant to the heads of consideration of Section 79C of the Environmental Planning and Assessment Act and the relevant matters described in Sub-section (1)(a), (b), (c), (d) and (e) of Section 79C have been considered within this report.

#### **(a) (i) Environmental Planning Instruments:**

##### **Strathfield Planning Scheme Ordinance, 1969**

The subject site is identified as being within the Industrial 4 zone under Strathfield Planning Scheme Ordinance, 1969 (SPSO). *Light industry* developments are identified as permissible within the Industrial zoning pursuant to the provisions of Clause 22 of the SPSO.

There are no development standards that are specific to the proposed development.

##### **Section 94 Contributions**

Section 94 Contributions are not applicable for the proposed development.

#### **(ii) Draft Environmental Planning Instruments:**

##### **Draft Strathfield Local Environmental Plan, 2008**

The proposed development is situated within the proposed Industrial 4 zoning under the Draft LEP. *Light industry* is similarly used in the draft and is a permissible use with consent. The proposed development meets the objectives by providing an industrial development in an area established for such land uses.

### **Draft Local Environmental Plan No. 105**

The subject property is not identified as an item of heritage significance and is not located within a heritage conservation area under Council's Draft LEP No. 105.

### **(iii) Development Control Plans:**

### **Strathfield Development Control Plan 2005 Part D – Industrial Development**

The proposed development has been assessed against the provisions of Part D of the DCP as follows.

<b>Element</b>	<b>Requirement</b>	<b>Compliance/Comment</b>
2.2 - Contamination	A preliminary investigation is to be submitted to Council for consideration in order to satisfy the provisions of <i>State Environmental Planning Policy No 55 Remediation of Land</i> (SEPP 55).	A Stage 1 Contamination Assessment accompanied the EIS that concluded by saying that as a result of the site history analysis, there was no need to undertake a Stage 2 Contamination Assessment and that the site is fit for use for the purposes of SEPP 55.
2.4 – Development adjoining residential areas	The DCP requires a range of considerations. Relevant to this proposal is the need to consider context and relationship with adjoining properties, visual impact, noise impact and traffic levels.	<p>It is acknowledged that the proposal has been designed specifically mindful of nearby residential land uses. The bulk of the development including the large silos is situated towards the front of the site. All noise generators are positioned so as to minimise any potential noise spill.</p> <p>Whilst traffic movements will be discussed later in the report, an Operational and Construction Noise Assessment accompanied the EIS.</p> <p>Matters relating to noise impact and twenty four hour operation are discussed later in this report.</p> <p>Construction Noise and Vibration Management Plans are recommended to be enforced throughout the construction period.</p>
2.5 – Density, bulk and scale	<p>A height limit of 10m applies. Council is satisfied that the objectives of the DCP have been met.</p> <p>A maximum Floor Space Ratio of 1:1 applies.</p>	<p>The maximum height of the silos is 12m with the remainder of the site being well under the 10m limit. The variation is considered acceptable on the basis that the objectives of the DCP have been met.</p> <p>A Floor Space Ratio of 0.025:1 is proposed.</p>

Element	Requirement	Compliance/Comment
2.6 – Setbacks	Minimum 10m front setback.  Side and rear boundaries adjoining residential development considered on merit.	A 23m setback is proposed.  A 3m rear setback is proposed. A total setback of 4.5m from the top of the bank of Cox's Creek is also proposed.  Development is proposed in this vicinity however included in the scheme is an elevated hard stand to accommodate the underground aggregate bins as well as to assist in stormwater management on site. There are numerous examples of other industrial development in the locality that have rear setbacks of less than 10m
2.7 – Buildings requirements and materials	Ensure that industrial development is of a high standard and appearance including the use of a mix of materials and the articulation of buildings.	The buildings that comprise the batching plant are functional and not inconsistent with other industrial development in the area. The nature of the buildings and their designs presents a high level of articulation and elements of visual interest when viewed from the public domain.
2.8 – Energy efficiency and water conservation	Maximise energy efficient aspects of a development. Rainwater tanks to be included.	Energy and water saving fittings and features will be installed in the proposed development. Furthermore, all surface water is to be collected and reused in the concrete process, landscaping and for serving amenity facilities.
2.9 – Parking, access and manoeuvring	Sufficient parking and manoeuvring areas to be provided for both employees and delivery vehicles to and from the site.	A Traffic Impact Assessment was submitted with the application that submits that there is adequate parking for employees and visitors, as well as accommodation for delivery vehicles stored on site.  The report also submits that there are adequate manoeuvring areas for larger articulated vehicles entering and egressing the site and that the local road network can accommodate the proposal.
2.10 – Landscaping and Fencing	To provide landscaping that enhances the surrounding area and streetscape. A landscape plan is to be submitted for approval.  Security fencing is to be powder coated steel post/picket with landscaping used to soften its appearance.	Whilst some landscaping has been drawn on the plans submitted to Council, they are not to the level of detail required by the DCP. Given that there is only a small opportunity for some quality landscaping on site, it is considered that an appropriate landscape plan should be submitted for approval. A condition has been recommended.
2.11 – Signage	Prevent a proliferation of signage on the site while encouraging signage which complements the character of the area.	Standard Hanson corporate signage is proposed to be used and this is considered acceptable.
2.12 – Site drainage and water management	Ensure that potable water use and stormwater quantities are reduced whilst stormwater quality is improved.	Site drainage and water management has been reviewed by an independent consultant and is found to achieve compliance with the DCP.
2.13 – Utilities	Ensure a development is satisfactorily serviced by all utilities.	The site is serviced by all of the required utilities.
2.14 – Air, noise and water pollution	Ensure that industrial developments do not create a pollution problem by the discharge of an unacceptable level of air, noise and/or water emissions.	Matters relating to air, acoustic and water impacts are discussed later in this report.

### **Strathfield Development Control Plan 2005 – Part H Waste Management.**

A Waste Management Plan accompanied the application and is considered to adequately address the requirements of the DCP. Moreover, it is noted that the site

will be subject to ongoing environmental reporting as part of its licensing requirements,

**iiia) PLANNING AGREEMENTS (OR DRAFT AGREEMENTS)**

The proposed development is not subject to a planning agreement pursuant to Section 93F of the Environmental Planning and Assessment Act 1979.

**(b) Likely Impacts:**

**Context and Setting**

The subject site is situated within an established industrial area, and also adjacent to the Enfield railway marshalling yards. In this regard it is consistent with the character and land uses of the area.

The site however is adjacent to residential land and the relationship between the two (2) land uses is of significant importance. The proposed development has been specifically designed with the bulk of its buildings and processes to be situated at the front of the site and away from the adjoining residential areas. It is considered that the two (2) land uses can sit comfortably within the same locality.

**Visual Impact**

The proposed development is consistent in design with that of existing residential development. A variation of 2m is sought to the height limit in the DCP and this is supported on the basis that the silos (four of them that exceed the limit) are located towards the front of the site and will add a necessary element of visual interest to the site. It is also noted that the remainder of development on the site is well below the DCP height limit.

**Access**

Accessibility requirements of the Building Code of Australia will apply to the development at construction certificate stage.

**Acoustic Impact**

An acoustic impact assessment accompanied the application. Council engaged the services of an independent acoustic consultant to review that submission. The acoustic consultant has advised that the proponent has failed to demonstrate what the anticipated noise levels might be through the night time period (10pm to 7am). Council is therefore unable to adequately assess this specific aspect of the proposal. A condition of consent is therefore recommended limiting the operation of the plant to between the hours of 7am and 10pm.

**Air Quality**

An air quality impact assessment was submitted with the application. Council engaged the services of an independent consultant to review that submission. The review concluded as follows:

*It is considered that on the basis of the information provided, the plant may be operated in a manner that ensures no adverse air quality impacts arise beyond the site boundary.*

It is noted that the operation will be the subject of ongoing monitoring as part of its licensing requirements that will obligate the Plant to operate within strict environmental guidelines.

### **Stormwater Management**

An independent consultant was engaged by Council to review the Stormwater Management Plan submitted as part of the application. The consultant concluded that:

*The EIS meets the requirements to:*

- *Undertake and submit a water harvesting and recycling proposal and management plan*
- *Prepare on site detention and drainage plans in accordance with Council's stormwater Code.*

*The Wastewater Management Plan seeks for reduction in reliance on town water supply and maximum recycling with discharge only when OSD capacity is exceeded and as such is considered good practice.*

### **Hazard Analysis**

The proponent has confirmed that the operation does not involve the storage of any dangerous goods. Consequently a preliminary hazard analysis prepared in accordance with *State Environmental Planning Policy No 33 Hazardous and Offensive Development* is not required.

The subject site is however subject to flooding noting the proximity of Cox's Creek at the rear of the site. The 1 in 100 year flood level is 16.0m AHD and the proposed development is to be constructed above this level at 17.0m AHD. As a result, flooding is not considered to pose a significant threat to the operation of the batching plant.

### **Parking and Traffic Impact**

The applicant submitted a traffic impact assessment with the application. The study made the following conclusions:

- There is sufficient capacity in the surrounding road network to cater for the additional increase in traffic movements.
- The intersection of Roberts and Norfolk Roads is due to be upgraded as a result of the Enfield Intermodal Logistics Centre. This would improve operating efficiencies of the network.
- Traffic modelling on the Roberts and Norfolk Roads intersection shows that the proposal would have a negligible impact on the operation of this intersection.
- Excellent access and circulation is proposed to the site.
- Adequate truck parking is provided on site.
- Parking is proposed in accordance with the relevant Australian Standard.

Council engaged the services of a traffic consultant to undertake a review of that report. Additional information was requested of the applicant to clarify some queries



the consultant had made and this was subsequently provided. The response from the applicant is considered acceptable as it clarifies these questions.

A large number of concerns raised by residents relate to the performance of the Roberts Road/Norfolk Road intersection. It is noted that this intersection is due to be upgraded as a result of the development of the Enfield Intermodal Logistics Centre.

### **Flora and Fauna**

A Seven Part Test was carried out by the proponent on the potential impact on the Green and Golden Bell Frog and submitted for consideration. The report concluded that

*The proposed development is not a threatening process.*

Council engaged the services of an independent consultant to review the proponent's submission in relation to the impact on the Green and Gold Bell Frog community. The independent review concluded that

*Based on the Biosphere Seven Part Test and with respect to the TSC Act 1995, WSP supports the EIS conclusion that the project will not adversely affect the GGBF.*

*The approval authority should seek further information in respect to properly responding to the requirements to address the EBPC 1999 (Refer EIS Section 5.1 and Attachment 3).*

*For all of the above, the approval authority should condition all of the mitigation measures in the EIS in the approval (if it is to be approved) and also provide conditions that ensure the mitigation measures are undertaken in practice.*

Accordingly, appropriate conditions have been recommended.

#### **(c) Suitability of the Site:**

The subject site is zoned for industrial uses and the proposed use is a permissible land use with consent.

Technical issues raised in the assessment of the application have been adequately reviewed and addressed through the engagement of independent consultants. The proposed operation has been physically designed on the site to minimise the potential impact on adjoining residential areas.

Given the above, and the industrial nature of the locality, it is considered that the site is suitable for the proposed development.

It is noted though that based on the information currently before Council, twenty four hour operation of the plant cannot be supported. A condition of consent limiting the operating hours has been recommended.

#### **(d) Submissions:**

**DCP Part L - Public Notification Requirements for Development and Complying Development Applications.**

The application and plans were notified in accordance with Part L of the Strathfield Development Control Plan (SCDCP) 2005 from 4 August 2010 to 3 September 2010. Fourteen (14) written submissions were received, one of which includes a petition with some sixty five (65) signatories to it.

The common concerns raised in the submissions are outlined and discussed below.

Noise:

Matters relating to acoustic impact have been addressed in this report. An independent review of the proponent's submission was undertaken and found to be acceptable. The operation of the batching plan will be subject to both conditions of approval and the licensing conditions received from the relevant Government authority.

Twenty four hour operation of the plant is not supported based on the information currently before Council so there would be no sleep disturbance through the night time period (10pm to 7am).

Traffic:

Whilst the issue of traffic impact has been discussed in the report, it is recommended that an operational Traffic Management Plan be produced prior to the commencement of operation to address the ongoing management of traffic in an effort to minimise any potential impacts.

Dust/Air Quality:

An independent air quality assessment was undertaken that concluded the plant would operate in a manner that would ensure no adverse air quality impacts arise beyond the property boundary.

Property Values:

There is no evidence to suggest that property values would be directly impacted on as a result of this application. The land on which the development is proposed is zoned for industrial purposes and a concrete batching plant is a permissible use in the zone.

Vibration:

The process utilised in the batching plant does not generate any significant levels of vibration.

Water supply contamination:

The independent advice received by Council concluded that the proposal was satisfactory in this regard.

Hours of Operation:

The application seeks consent for a 24 hour operation, despite citing that it would normally operate between the hours of 6am and 6pm. Hanson have indicated that this

plant is expected to provide a pivotal service in the provision of concrete to the development industry in Sydney. This extends to providing materials for construction projects that require night concrete pours such as large commercial projects. Such arrangements are not required regularly however this application is seeking flexibility in the hours of operation for the company to be able to respond to those opportunities.

The main impact of night time operation obviously relates to noise generation and the potential impact on nearby residential dwellings. Council's acoustic consultant has advised that the applicant has not satisfactorily identified the potential noise levels and sources that would exist through the night time period (10pm to 7am). Without this information Council is unable to support the notion of twenty four hour operation. Consequently, a condition of consent has been recommended limiting the operation of the plant to between 7am and 10pm.

#### Waste Management:

A Waste Management Plan has been submitted with the application that adequately addresses the requirements of the relevant section of the DCP.

#### Health Concerns:

There is no evidence to suggest that the concrete batching plant would negatively impact on the health of nearby residents. The operation of the batching plan will be subject to both conditions of approval and the licensing conditions received from the relevant Government authority.

#### **(e) Public Interest:**

The proposed development is a permissible land use in the Industrial 4 zone. The operation of a concrete batching plant is a regulated activity undertaken pursuant to a licensing regime with strict environmental controls. Various independent consultants have been engaged to undertake reviews of the proponent's submission with no issues being raised that would warrant refusal of the application. On this basis, it is considered that the public interest would not be diminished through the approval of the application.

### **INTEGRATED DEVELOPMENT**

General Terms of Approval have been received from the NSW Office of Water and are attached to this report.

### **REFERRALS**

Various aspects of the development have been independently reviewed by consultants engaged by Council. As a result of that process, no issues have been raised that would warrant refusal of the application.

External comments have been received from RailCorp, Roads and Traffic Authority and the NSW Department of Environment Climate Change and Water. No significant issues of concern have been raised that are not addressed through recommended conditions of consent.

### **CONCLUSION**

The proposed development generally complies with the controls of the DCP and is permissible in the zone pursuant to the SPSO.

A detailed assessment of the proposal and the potential impacts has been undertaken. This has included independent reviews of a range of aspects relating to how the facility would operate and relate to adjoining landowners. No issues have been raised that would warrant the refusal of the application.

The independent reviews have also addressed the issues raised by residents in the submissions received. However the issue of operating hours has been addressed through a recommended condition of consent restricting the operation of the plant to between the hours of 7am and 10pm.

## **RECOMMENDATION**

That DA2010/104 for the construction of a concrete batching plant at Lots 18, 19 & 20 Bellfrog Road, Greenacre be approved subject to the following conditions:

## **CONDITIONS OF CONSENT**

Conditions of Consent are yet to be finalised.

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