

JRPP No:	2010SYW038
DA No:	DA0230/10
PROPOSED DEVELOPMENT:	Construction and operation of a concrete batching plant Lot 178 DP752032 306 Racecourse Road, South Windsor NSW 2756
APPLICANT:	Glenella Quarry Pty LTD
REPORT BY:	Adam Sampson, Senior Town Planner, Hawkesbury City Council

Assessment Report and Recommendation

Executive Summary

The applicant proposes the construction and operation of a concrete batching plant, with the construction of associated infrastructure to support the new plant.

The concrete batching plant is proposed to be constructed on a 6,260m² leased land holding within a larger site on which the landowner currently undertakes the business of storage, processing and on-selling of recycled construction and associated materials. The existing premises is a licensed waste storage, waste processing (non – thermal treatment) and resource recovery facility for which an Environment Protection Licence 4849, issued by the Department of Environment, Climate Change and Water exists.

The assessment of the proposal highlights the following relevant issues for consideration in the determination of the application:

- Noise
- Non-compliance with AS2890.2 – 2002
- Impact upon the critically endangered ecological community Cumberland Plain Woodland
- Insufficient information providing details in respect to a rear all traffic entry gate, fencing, lighting, signage
- Analysis of alternatives

As the application is designated development, the applicant submitted an Environmental Impact Statement (EIS) following consultation with the Director General. The EIS contains the following expert reports:

- Traffic and parking assessment
- Air quality assessment report
- Noise impact assessment report
- Surface water assessment and plan
- Geotechnical investigation

This matter is being reported to the Joint Regional Planning Panel as the concrete batching plant is a designated development under Section 77A of the Environmental Planning and Assessment Act, 1979 with a capacity to produce more than 30,000 tonnes per annum of concrete.

The application was advertised from 3 June 2010 to 3 July 2010. One submission of objection was received.

Due to outstanding information requested by the applicant to address issues raised and the significant time that has elapsed to provide the requested information, it is recommended that the application be refused.

Description of Proposal

The applicant proposes the construction and operation of a concrete batching plant, proposing to produce 25,000m³ per annum of pre-mixed concrete within the first two years of operation, increasing to 50,000m³ per annum within 5 years. Thirteen (13) full time staff would be employed for the duration of the project.

The development will involve the construction of associated infrastructure, which includes the following works:

four overhead storage silos, eight in ground aggregate storage bins, aggregate weigh bins, covered conveyors, office and amenities building, water storage tanks, bunded and covered additive/chemical and fuel storage areas, transit mixer and vehicle parking areas, and a water management system.

The plant is proposed to operate generally between the hours of 5:00am to 6:00pm, Monday to Friday and 5:00am to 3:00pm Saturdays. However, the applicant seeks the flexibility of operating 24 hours a day to supply concrete to out of hours infrastructure construction projects such as road works. It is also proposed to arrange and accept the delivery of raw materials to the plant 24 hours a day, seven (7) days a week, with materials proposed to be sourced from the applicants quarry in Cowra.

At a production rate of 25,000³ / per year, the average daily truck movements would be approximately 38 (including dispatch of pre-mixed concrete and raw material delivery). At a production rate of 50,000m³ / per year, the average daily truck movements would be approximately 76 (including dispatch of pre-mixed concrete and raw material delivery). There will also be up to 26 light vehicle movements per day.

Description of the Site and Surrounds

The site is located on Racecourse Road and is zoned 4(a) Industry General. All surrounding land is zoned 5(a) Special Uses ("A "), with rural living zoned land in the vicinity of the development to the east. The site connects to Blacktown Road to the south and to Hawkesbury Valley Way to the north, which are both state roads under the control of the Roads and Traffic Authority. The nearest residential receiver is approximately 660 metres east from the project site, 800 metres to the south west and approximately 1 kilometre to the north east.

The concrete batching plant is proposed to be constructed on a 6,260m² leased land holding within a larger site on which the landowner currently undertakes the business of storage, processing and on-selling of recycled construction and associated materials. The site has vehicle access from Racecourse Road and is currently vacant. To the immediate east and north of the site, Shale Plains Woodland exists, which forms part of remnant Cumberland Plain Woodland, a listed critically endangered ecological community under Commonwealth and State legislation.

Site Background

The development site has had a range of approvals issued upon the land, including a concrete batching from the period 1970 to 1992. The applicant claims that each of the approved and operated land uses have now ceased.

Relevant Policies, Procedures and Codes

State Environmental Planning Policy No. 33 – Hazardous and Offensive development
Sydney Regional Environmental Plan No 20
Hawkesbury Local Environmental Plan 1989
Draft Hawkesbury Local Environmental Plan 2009
Hawkesbury Development Control Plan 2002
Section 94A Contribution Plan

Section 79C Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

a. The provisions (where applicable) of any:

i. Environmental Planning Instrument:

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

SEPP No. 33 Hazardous and Offensive development aims to identify proposed developments with the potential for significant off site impacts, in terms of risk and/or offence (odour, noise) etc. A development is defined as potentially hazardous and / or potentially offensive if, without mitigating measures in place, the development would have a significant risk and / or offensive impact on off site receptors.

The proposal involves the use of diesel fuel and would require the storage of approximately 10,000 litres, Class 3 C1 Combustible liquid, and small amounts of other hydrocarbons including lubricating oils and grease, Class 3 C2 Combustible liquids. As the diesel fuel and lubricating oils and greases would not be stored adjacent to any other hazardous materials of the same class, Applying SEPP 33 Hazardous and Offensive development application guidelines does not require these to be considered further. Accordingly, the proposal is not considered to constitute a potentially hazardous or offensive development.

However, the concrete batching plant is proposed to be constructed upon a 6,260m² leased land holding within a larger site on which the landowner currently undertakes the business of storage, processing and on-selling of recycled construction and associated materials. The existing premises is a licensed waste storage, waste processing (non-thermal treatment) and resource recovery facility for which an Environmental Protection Licence 4849 issued by the Department of Environment, Climate Change and water exists. Advice from the Department suggests that the licence may need to be amended if the application is approved.

Sydney Regional Environmental Planning Policy No. 20 (No.2 – 1997) – Hawkesbury – Nepean River (SREP No. 20)

It is considered that the proposed development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and that the development is not inconsistent with the general and specific aims, planning considerations, planning policies and recommended strategies.

The proposal is consistent with the aims and objectives of SREP No. 20.

Hawkesbury Local Environmental Plan 1989

The following clauses of the Hawkesbury Local Environmental Plan 1989 were taken into consideration:

Clause 2 – Aims, objectives, etc

The proposed development is considered to be consistent with the general aims and objectives as outlined in Clause 2 of Hawkesbury Local Environmental Plan 1989.

Clause 5 – Definitions

Clause 5 of Hawkesbury Local Environmental Plan 1989 provides definitions to define land use and development, including the definition of ‘ industry ‘.

‘ Industry ‘ means:

- a) any manufacturing process within the meaning of the Factories, Shops and Industries Act 1962, or*
 - b) the breaking up or dismantling of any good or any article for trade or sale or gain or as ancillary to any business,*
- but in the Land Use Matrix at the end of clause 9 but does not include an extractive industry, home industry, light industry or rural industry.*

The proposed use is considered to be ‘ industry ‘ as defined within the Hawkesbury Local Environmental Plan 1989 and is a permissible land use within the 4(a) Industry General zone.

Clause 8 – Zones indicated on the map

The subject land is within the 4(a) Industry General zone.

Clause 9 – Carrying out of development

The proposed development is considered to be defined as ‘ industry ‘ and therefore is permissible with consent within the 4(a) Industry General zone.

Clause 9A – Zone objectives

Clause 9A states that consent shall not be granted for a development unless, in the opinion of Council, the carrying out of development is consistent with the objectives of the zone.

The objectives of the 4(a) Industry General zone are:

- a) set aside certain land for the purposes of general industry within convenient distances of the urban centres of the City of Hawkesbury,
- b) allow commercial and retail development involving:
 - i) uses ancillary to the main use of the land within the zone,
 - ii) the display and sale of bulky goods, and
 - iii) the day-to-day needs of the occupants and employees of the surrounding industrial area, and
- c) ensure that industrial development creates areas which are pleasant to work in and safe and efficient in terms of transportation, land utilisation and services distribution.

It is considered that the proposal is consistent with the objectives of the zone.

Clause 18 – Provision of water, sewerage etc services

Services are available to the site. It is considered that available services are satisfactory for the development.

Clause 25 – Development of flood liable land

The subject land is entirely inundated by the 1 in 100 year flood level of 17.3 metres AHD. Clause 25 of Hawkesbury Local Environmental Plan 1989 provides development standards for development proposed within land located in flood prone areas, which state:

- (2) *A building shall not be erected on any land lying at a level lower than 3 metres below the 1-in-100 year flood level for the area in which the land is situated, except as provided by subclauses (4), (6) and (8).*
- (4) *Notwithstanding subclauses (2), (3), (10) and (11), a building that was lawfully situated on any land at 30 June 1997 may, with the consent of the Council, be extended, altered, added to or replaced if the floor level of the building, after the building work has been carried out, is not more than 3 metres below the floor height standard for the land immediately before the commencement day.*
- (5) *The council shall, in the assessment of a development application, consider the flood liability of access to the land and, if the land is within a floodway, the effect of isolation of the land by flooding, notwithstanding whether other aspects of this clause have been satisfied.*
- (6) *Minor structures such as outbuildings, sheds, and garages may be erected on land below the 1-in-100 year flood level, with the consent of the Council. The Council shall, in the assessment of a development application for such a structure, consider the likely frequency of flooding, the potential flood damage and measures to be taken for the evacuation of the property.*
- (7) *Any part of a building below the 1-in-100 year flood level is to be constructed of flood compatible materials.*

A concrete batch office and amenities building are the only structures, apart from the plant infrastructure proposed to be erected upon the site. The applicant proposes to erect the batch office to a height of 14.3 metres AHD, which is 3 metres below the 1 in 100 year flood event of 17.3 metres AHD.

The batch office and amenities building are considered to be minor structures and thus satisfy the requirements of Clause 25(6) of Hawkesbury Local Environmental Plan 1989.

However, a bunded diesel tank is proposed to be located below the 1 in 100 year flood event. The tank is not considered to be a minor structure as it contains 10,000 litres of diesel fuel, with the ability to pollute the flood plain. In correspondence issued to the applicant dated 24 September 2010, it was advised that the diesel tank shall be raised above the 1 in 100 year flood event. No response was received by the applicant.

Clause 37A – Development on land identified on Acid Sulfate soils planning map

The land affected by the development falls within class 5 as identified on the Acids Sulphate Soils Planning Map. The proposed development does not include any works which are likely to lower the water table below 1 metre AHD on any adjacent class 1, 2, 3 or 4 land. Accordingly, no further investigations in respect to acid sulphate soils are required.

ii. Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:

Within Draft Hawkesbury Local Environmental Plan 2009, the subject site is zoned IN1 General Industrial. The subject development is defined as ' industry '. The subject development is considered to be consistent with the relevant provisions of Draft Hawkesbury Local Environmental Plan 2009, including the IN1 General Industrial zone objectives.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) 2002

The Hawkesbury Development Control Plan applies to the proposal. An assessment of the proposal against the relevant provisions of this plan follows:

Part A Chapter 3 – Notification

Adjoining, adjacent and neighbours selected in the vicinity of the development were notified as per the requirements of this chapter. One submission of objection was received.

Part C Chapter 2 – Carparking and Access

The development provides provision for separate carparking and agitator truck parking on site located at the south eastern corner of the site. Fourteen (14) carspaces are provided and nine (9) agitator truck spaces are provided. No defined carparking rate for a concrete batching plant exists within Hawkesbury Development Control Plan 2002, apart from the carparking rate for industry, factory, warehouse and bulk stores which require four (4) spaces for all development up to 300m² of GFA. The proposed development seeks to erect two buildings (batch office and an amenities building) which will have a cumulative GFA of 54m².

An estimation of the traffic generation was prepared by Traffic Solutions Pty Ltd on the worst case scenario of producing 50,000m³ (optimum production) a year. The modelling assumed that thirteen (13) staff vehicles and four (4) heavy vehicles would approach

and depart in the morning peak hour and the situation would reverse in the evening peak hour. Accordingly, the internal layout of the development has been designed to cater for thirteen (13) carparking spaces to satisfy employee demand on the site.

Part D Chapter 2 – Industrial Development

Element	Rules	Proposed	Complies
Building Setback	(b) On all other streets, buildings are to be setback 10 metres from the front property boundary. Consideration will be given to reducing the setback to 4 metres where the proposal demonstrates a high level of design and architectural treatment plus suitable landscaping. This setback can also apply to buildings that are projected at first floor level over car parking areas.	> 35 metres to nearest structure – concrete batch office	Yes
	(d) The area between the street frontage and the minimum required building setback is to be reserved for landscaping and access. The provision of carparking spaces within this setback area will be considered provided the car spaces are not within 5m of the front boundary and are suitably screened by landscaping	10 metres	Yes
Relationship to adjacent development	(a) The applicant may be required to indicate how the industrial land could be developed and also show the location of landscaping, building and other site planning techniques with the aim of minimising impact of adjoining commercial, residential and/or rural uses	Doesn't adjoin residential, commercial or rural use	Yes
Building design and construction	(a) Building facades to street frontages are to be constructed predominantly of face brick, concrete panels or pre-coloured masonry blocks (not standard concrete blocks) or glazing. Partial use of pre-coloured metallic sheeting for the street façade will be considered where it enhances the architectural merit of the building.	Minor structures only	Yes
	(b) Front elevations provided with visual relief by varying the façade alignment, incorporating an entrance treatment, and/or orientating office facilities along the front façade. Roller shutters and loading docks should generally not be located on the principal street frontage.	Minor structures only	Yes
	(c) Walls separating factory units constructed in masonry where required by the Building Code of Australia, carried to the underside of the roof and sealed to Council's satisfaction. Sections of units may be partitioned with suitable materials.	Factory units are not proposed	NA
	(d) Where a lot contains a number of buildings, a colour scheme or design feature should be used to unify all buildings on the lot.	Only two detached buildings are proposed	NA
	(e) The maximum reflectivity index permissible for any external glazing is 20%.	Could be imposed as a Condition of consent	NA
Fencing	a) Fencing located behind the landscaped area only. Decorative open style fencing will be considered forward of the building line.	No details provided of fencing proposed	No
	(b) Prepainted solid material fencing is not acceptable		

Element	Rules	Proposed	Complies
Open storage areas	(a) Open storage areas are to be screened from the road and adjoining land by screen walls or other approved measures.	Storage bins located at the rear of the site and screened by plant infrastructure	Yes
	(b) Storage areas are to be located behind the building line	As above	Yes
Environmental Issues	(a) An acoustic report prepared by a qualified acoustic consultant submitted prior to the approval of any noise generating development. The report shall include background noise measurements, suitable noise criteria, an assessment of noise and any noise control measures.	An acoustic assessment has been prepared for the development	No
	(b) Any machinery or activity considered to create a noise nuisance adequately soundproofed in accordance with the provisions of the Protection of the Environment Operations Act 1997.		No
	(c) All chemical storage areas designed and maintained in accordance with Work Cover Authority guidelines		Yes
	(d) Liquid waste sampling points provided for each industrial development in an easily accessible location above ground.		Yes
	(e) All roofing provided with adequate gutter and down pipes connected to the roof water drainage. Down pipes discharging to an open grated surface inlet pit.		Yes
	(f) No industrial pollutants discharged to the stormwater and sewer without entering into a Trade Waste Agreement with either Council or Sydney Water.	Bunded and collected by a licenced contractor	Yes
	(g) The discharge of any pollutants into water courses as defined under the POE Act, controlled to the satisfaction of Council and EPA at all times.	As above	Yes
	(h) Depending on the size, nature of use of the building, particular structures such as bund walls, oil or grit separators, neutralisers, drainage provisions and the like may be required.	Bunding provided	Yes

As detailed above, the development is consistent with the rules for industrial development as per Hawkesbury Development Control Plan 2002.

iiia. Planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F:

There are no planning agreements applicable to the proposed development.

iv. Matters prescribed by the Regulations:

The applicant has failed to provide sufficient information as itemised in Council's letter dated 24 September 2010, to enable an assessment of the application to be finalised, specifically noise assessment and flora and fauna impacts. In addition, an analysis of alternatives to consider the following:

- no other options are provided of alternative locations for a concrete batching plant
- sources of alternative raw materials, including fly ash
- whether the location of alternative raw materials would better serve the development if located in the Sydney basin to reduce transport costs, greenhouse gases, time and resources
- is the development only feasible with 24 hour operation

was not provided by the applicant. In this respect, the application is inconsistent with Clause 54 of the Regulations.

b. The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:

Context & Setting

The site is currently isolated from other industrial zoned land within the Hawkesbury Local Government Area and stands alone surrounded by land zoned special uses. Due to the site's isolation and current activity as a licensed waste storage, waste processing (non – thermal treatment) and resource recovery facility, the site is considered to be appropriately located in the context of its proposed use.

In respect to the four (4) silos, proposed to be erected in the centre of the development, the silos are considered to be adequately setback well within the site to limit any adverse visual impact via their form, height and structure as viewed from Racecourse Road. The applicants proposed to create a 10 metre wide landscape strip across the frontage of the site, containing existing mature trees, which will partially shield the silos.

Access, Transport & Traffic

A traffic and parking assessment was prepared by Traffic Solutions Pty Ltd, dated September 2009 was submitted in support of the application. The traffic report concludes that the development is satisfactory in respect to the following:

Good sight distance is provided to both directions from the access driveway within Racecourse Road, carparking on site is considered to be more than sufficient for day to day activities of the site, good level of service is provided at the intersections of Racecourse Road with Blacktown and Richmond Road, additionally traffic demand on the intersections modelled will only alter marginally the degree of saturation and total average delays and it is considered that the proposal does not warrant the provision of traffic calming in the surrounding road system.

However, the consultant details that the proposed access driveway width of the development, currently fails to comply with AS 2890.2 – 2002, which the RTA have requested must be satisfied.

Utilities

The adjoining site has previously been developed and sufficient utilities exist for the development to proceed. No further demand beyond the current supply of utilities is expected.

Heritage

The development site does not contain items of heritage significance, nor is it located adjacent or adjoining sites containing items of heritage significance.

Air & Micro-climate

An air quality assessment was prepared by PAEHolmes, dated September 2009 and submitted with the application. The report concludes that air quality impacts based on the operations of the concrete batching plant would be acceptable levels, with predicted levels below DECCW assessment criteria.

Flora & Fauna

To the immediate east and north of the site, Shale Plains Woodland exists, which forms part of remnant Cumberland Plain Woodland, a listed critically endangered ecological community under Commonwealth and State legislation.

The Environmental Impact Statement fails to address the impacts of the development beyond the boundaries of the site, which is surrounded by Cumberland Plain Woodland a listed critically endangered ecological community as per the Threatened Species Conservation Act, 1995. The EIS fails to address the potential impacts of the development upon the surrounding Cumberland Plain Woodland or measures to mitigate the impact of the development upon this endangered ecological community.

Waste

The operation will generate waste in the form of excess concrete being brought back to concrete batching plant in the transit mixers. Other wastes include waste slurry from the wedge pits and from tank clean-outs, packaging, used drums and containers as well as waste oil and general waste from the lunchroom. It is proposed that any waste concrete not needed on the destination site would be returned to the project site and then made into concrete blocks for use at the proponents quarry. Wastes from the clean out of wedge pits and tanks would be transferred to the adjacent waste recycling facility. Waste oils and chemicals will be stored in containers in a bunded storage area and disposed of by a licenced contractor.

Noise & Vibration

The application was referred to DECCW in accordance with Section 77 of the Environmental Planning and Assessment Regulation, 2000 for comment. In their letter of reply dated 2 July 2010, DECCW expressed significant concern in respect to the acoustic modelling conducted and the ability of mitigation measures and how they would realistically be implemented. The concerns raised by DECCW, including those raised by Council Officers were raised with the applicant who have failed to respond to address the issues raised or justify the noise assessment modelling.

Natural Hazards

The development site is entirely bushfire prone land and is entirely inundated by the 1 in 100 year flood event. The site constraint of bushfire is unlikely to affect the construction of the concrete batching plant and associated plant infrastructure. In respect to the flooding impacts upon the development, Clause 25(6) of Hawkesbury Local Environmental Plan 1989 permits minor structures to exist upon land within flood affected areas. As the concrete batch office and amenities building are considered to be minor structures, the development can satisfy the requirements of Clause 25(6) of Hawkesbury Local Environmental Plan 1989.

However, a bunded diesel tank is proposed to be located below the 1 in 100 year flood event. The tank is not considered to be a minor structure as it contains 10,000 litres of diesel fuel, with the ability to pollute the flood plain. In correspondence issued to the applicant dated 24 September 2010, it was advised that the diesel tank shall be raised above the 1 in 100 year flood event. No response was received by the applicant.

Technological Hazards

No technological hazards are present in the locality.

Site Design and Internal Design

The internal site design demonstrates that the development has the ability to satisfy AS2890.2 – 2002 and AS28901.1 -2204, with the exception of the proposed access driveway.

Cumulative Impacts

The application was referred to DECCW in accordance with Section 77 of the Environmental Planning and Assessment Regulation, 2000 for comment. In their letter of reply dated 2 July 2010, DECCW advised:

The noise impact assessment appears to have assessed the combined noise of the proposed batching plant and the existing recycling activities on the premises (for which Environmental Protection Licence (EPL) 4849 applies) against the amenity criteria instead of the intrusive criteria. As the proposed batching plant is proposed to be co-located within the EPL 4849 premises, the combined activities should be assessed against the intrusive criteria. Accordingly, the full cumulative impact of the development in respect to acoustic modelling has not been considered.

c. Suitability of the site for the development:

In the absence of any flora and fauna assessment prepared by the applicant, it is unclear what level of harm or potential impact may occur upon the surrounding Cumberland Plain Woodland. In addition, in the absence of a response to clarify acoustic concerns raised by DECCW and Council Officers, it is unknown whether the development is able to satisfy the Industrial Noise Policy. In the absence of critical information to make an informed assessment of the impacts of the proposal, it is considered that the site is not suitable to support the proposed development in its current form.

d. Any submissions made in accordance with the Act or the Regulations:

The application was advertised for the period 3 June 2010 to 3 July 2010. One submission of objection was received, raising the following concerns: access and traffic, hours of operation and the impact on Cumberland Plain Woodland

Department of Defence

The application was referred to the Department of Defence for comment. In their letter of reply dated 13 July 2010, the Department of Defence advised:

Structural height

The proposed concrete batching plant has been checked against the Obstruction Clearance surfaces (OCS) for RAAF Base Richmond. Given a total structure height of 20 metres above ground level in the proposed location, Defence can advise that the concrete batching plant will not infringe any fixed winged OCS at RAAF Base Richmond.

Dust generation

As dust can pose a potential hazard to the safety of aircraft, Defence notes the importance of ensuring the proposal is not a significant generator of dust.

Roads and Traffic Authority (RTA)

The application was referred to the RTA in accordance with Section 77 of the Environmental Planning and Assessment Regulation, 2000 for comment. In their letter of reply dated 25 June 2010, the RTA advised:

The information provided has been reviewed and the RTA has no objection in principle to this development application subject to the following comments being included in Council's conditions of consent:

1. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 -2004 and AS 2890.2 – 2002 for heavy vehicle usage.
2. The type BAR Right Turn Treatment on Racecourse Road shall be designed to meet Council's requirements, and endorsed by a suitably qualified and chartered Engineer (i.e. who is registered with the Institute of Engineers, Australia).

The design requirements shall be in accordance with Austroads and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to Council for consideration and approval prior to the release of Construction Certificates.

3. It is noted that the sight distance requirements are obscured to the south by trees. To minimise the intermittent restriction to these sight lines and to improve safety for vehicles exiting the site it is recommended that consideration be given

to the removal of some of these trees (subject to expert consideration) at full cost to the developer.

4. All works associated with the proposed development shall be at no cost to the RTA.

Department of Environment, Climate Change and Water (DECCW)

The application was referred to DECCW in accordance with Section 77 of the Environmental Planning and Assessment Regulation, 2000 for comment. In their letter of reply dated 2 July 2010, DECCW advised:

Currently the Premises is a licensed waste storage, waste processing (non-thermal treatment), and resource recovery facility (Environmental Protection Licence 4849). The proposed batching plant is proposed to be co-located within the Environment Protection Licence 4849 Premises. The licence may therefore may need to be amended if the development application is approved.

DECCW has reviewed the documentation submitted by Hawkesbury City Council and advises that further information and clarification is required before development consent could be issued. In particular, DECCW requests that the EIS and Noise Impact Assessment (“ NIA “) be update to address the following issues.

1. The loudest activities on a concrete batching plant have not been included in the NIA, namely the delivery of cementitious materials (cement and flyash) and delivery of aggregate:
 - Cementitious materials are usually pneumatically transferred from an articulated tanker using a compressor powered either by a Power Take Off (PTO) from the tanker engine, or by a dedicated engine mounted on the tanker. Generally this is louder than a concrete agitator truck operating at high revs when being loaded or at the slump stand. In addition, transfer typically takes about 30 minutes with the engine continuously at high revs whereas batching and slump stand operation usually take a couple of minutes only per truck. Whilst batching may be restricted, deliveries of cementitious materials are proposed to take place at any time of the day or night, including the early hours of the morning when the potential for impact is greatest;
 - Delivery of aggregate is usually by articulated truck (semi trailer) which tips to unload. A short duration, loud noise (much louder than for sand) is generated at the point of tipping when the aggregate overcomes friction and slides from the truck tray and into the bin or hopper. This is proposed to take place at any time so could occur in the early hours of the morning, with the potential for sleep disturbance. Noise from this activity should therefore at least be assessed against the 65dBA Lmax limit.
2. The Land use (LEP) zoning for the areas surrounding the site have not been provided, so it is not possible to confirm the appropriateness of the receiver categorisation (noise limits).
3. The sign posted speed on Racecourse Road is 60km/hr, however the Noise Impact Assessment has assessed noise from trucks on the basis that they will be negotiating a bend and travelling at 40km/hr only. A desktop assessment by

DECCW indicates the bend is not sufficient to require a truck to slow from 60km/hr to 40km/hr.

4. There is inconsistency between the executive summary and the noise impact assessment in relation to road traffic noise. The noise impact assessment indicates that four trucks per hour would travel on Racecourse Road between 5am and 7am, whereas the executive summary states that only one truck would travel on Racecourse Road.
5. The executive summary states that control measures to be implemented would include the restriction of truck movements, and the use of alternative routes, between 5am and 7am. These measures are not included in the main text of the EIS or in the noise impact statement, nor has the EIS or noise impact assessment identified how they would realistically be implemented.
6. The noise impact assessment appears to have assessed the combined noise of the proposed batching plant and the existing recycling activities on the premises (for which Environmental Protection Licence (EPL) 4849 applies) against the amenity criteria instead of the intrusive criteria. As the proposed batching plant is proposed to be co-located within the EPL 4849 premises, the combined activities should be assessed against the intrusive criteria.

e. The Public Interest:

Without sufficient information to fully assess the application to determine the potential impact of the development upon surrounding Cumberland Plain Woodland, and concerns of the acoustic modelling conducted and the ability of mitigation measures and how they would realistically be implemented, the application is considered not to be within the public's interest.

Conclusion:

In the absence of any flora and fauna assessment prepared by the applicant, it is unclear what level of harm or potential impact may occur upon the surrounding Cumberland Plain Woodland. In addition, in the absence of a response to clarify acoustic concerns raised by DECCW and Council Officers, it is unknown whether the development is able to satisfy the Industrial Noise Policy. In the absence of critical information to make an informed assessment of the impacts of the proposal, it is considered that the site is not suitable to support the proposed development in its current form.

Developer Contributions

Section 94A Development Contribution Plan

A contribution plan applies to the land under Section 94A of the Environmental Planning and Assessment Act, 1979 and requires a levy of 1% to be imposed on development. In this instance, as the recommendation is for the refusal of the application, no contributions have been levied against the development.

RECOMMENDATION:

That development application DA0230/10 at Lot 178 DP 752032, 306 Racecourse Road SOUTH WINDSOR NSW 2756 for construction and operation of a concrete batching plant - be refused for the following reasons:

Reason for Refusal

- 1) Insufficient information was supplied to enable a full assessment of the application.
- 2) The proposed development does not satisfactory address all likely impacts of the development upon the natural and built environment, specifically the issues of noise and flora and fauna.
- 3) The proposed development does not satisfactorily demonstrate the suitability of the site for the proposed land use, given the inability to assess the potential impacts of the development upon surrounding Cumberland Plain Woodland and the location of a diesel tank below the 1 in 100 year flood event.
- 4) Due to the above reasons, the proposal is considered to not be in the general public interest.

ATTACHMENTS:

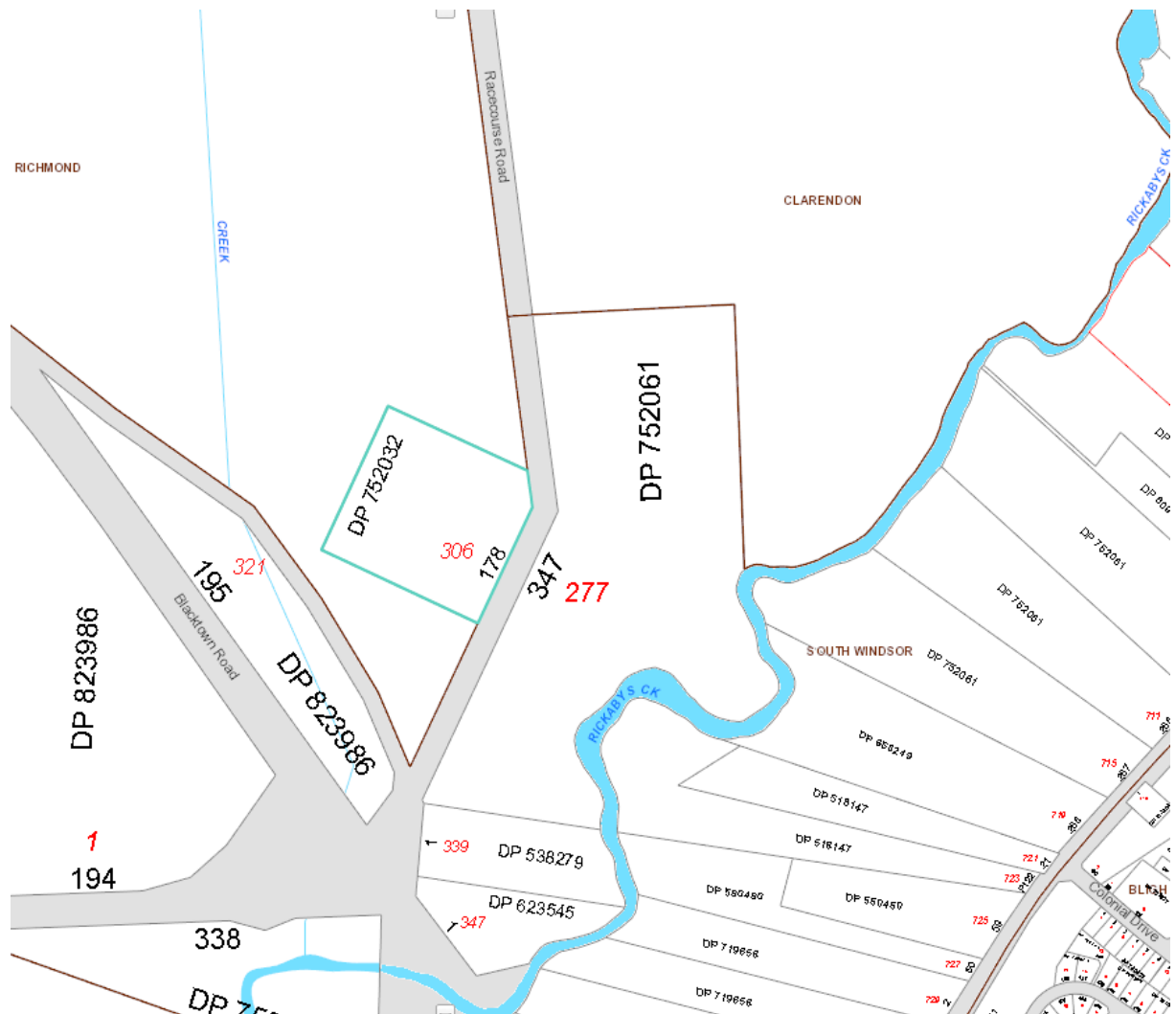
AT - 1 Locality Plan

AT - 2 Project site layout

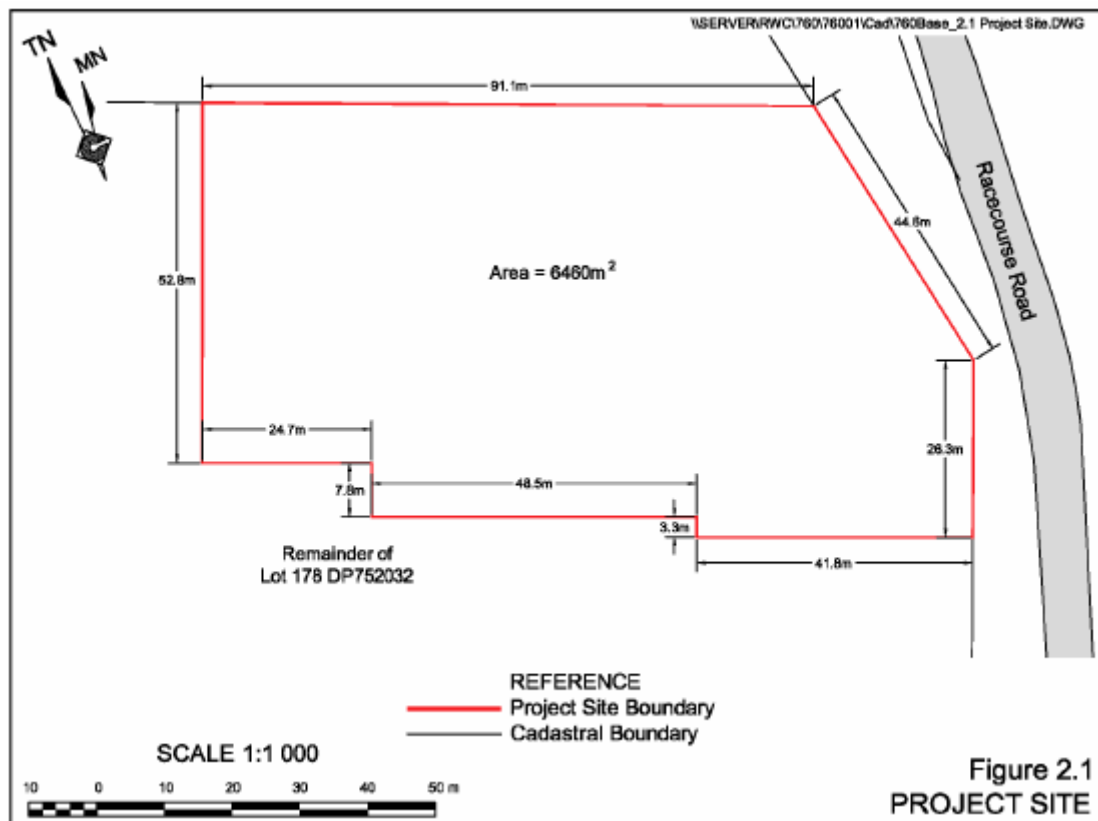
AT - 3 Site Layout

AT - 4 Batching plant front and side elevations

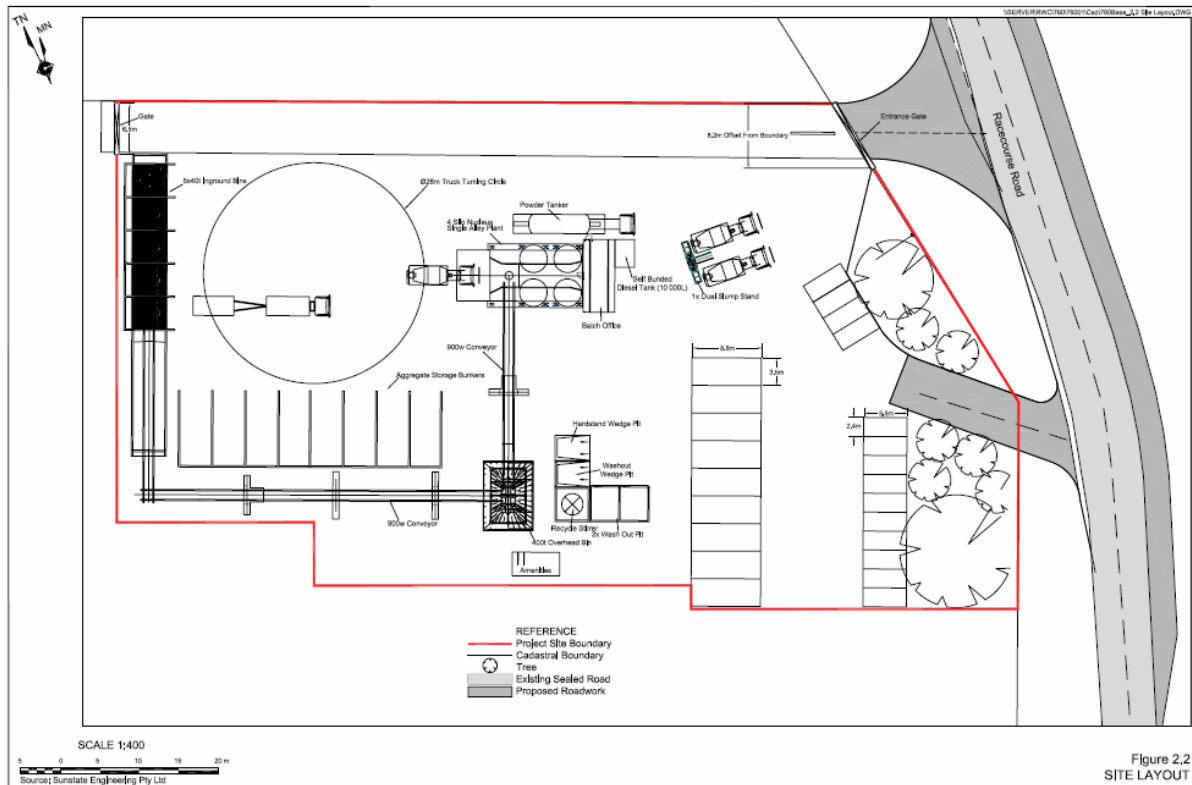
AT - 1 Locality Plan



AT - 2 Project site layout



AT - 3 Site Layout



AT – 4 Batching plant front and side elevations

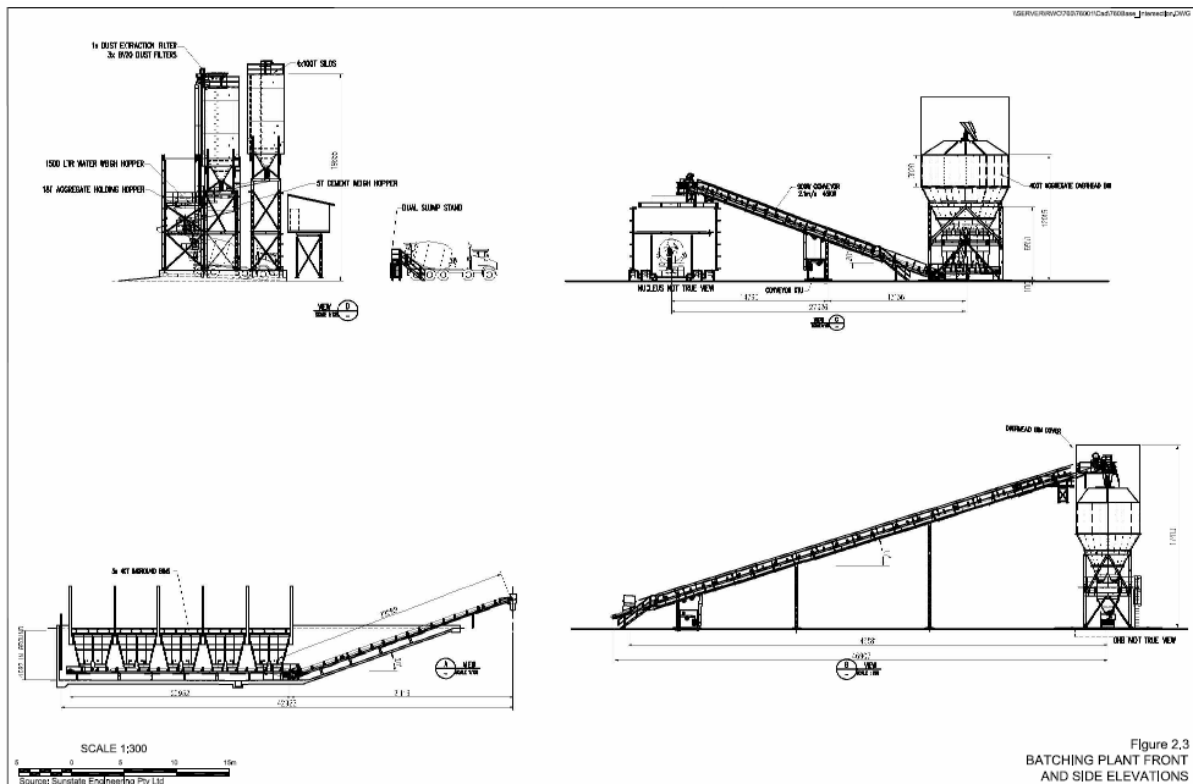


Figure 2.3
BATCHING PLANT FRONT
AND SIDE ELEVATIONS