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7<sup>th</sup> February 2007

Reference: 2051067

**RESPONSE TO SUBMISSIONS**  
**CONCEPT PLAN APPLICATION No. 06-0225**  
**PROPOSED ASPHALT AND CONCRETE PRODUCTION FACILITY, EASTERN CREEK**

ISSUE	CONCERN	RAISED BY	RESPONSE
Infrastructure	Does not make adequate provision for the construction of infrastructure in the area as required by the Precinct Plan	Australand	<p>The proposal continues to use existing infrastructure and services whilst relocating to a smaller portion of the existing site. It enables the existing operation to achieve greater efficiency and to achieve a more orderly use of land and infrastructure in giving effect to SEPP 59 and the Precinct Plan.</p> <p>The proposed uses do not impose any significant impact upon or demand for infrastructure and services than have historically been required as part of past developments associated with existing quarry and concrete related uses. The demand on the local road network when the proposed facilities are operating will remain unchanged. Therefore no road upgrade works are proposed as no additional capital infrastructure is required.</p>
Stormwater Runoff	Proposed sedimentation pond does not accommodate stormwater run-off from sites external to Hanson's boundary. Australand have designed stormwater runoff to collect within the nominated detention basin utilizing existing flow paths on Hanson's property per the Precinct Plan	Australand	A site specific analysis (Concept Stormwater Strategy) of on-site detention requirements was undertaken to design an on-site detention facility which would provide for adequate detention to achieve the objectives of the Section 5.6.5 of the Precinct Plan. The Precinct Plan identifies a need to attenuate post development flows to levels equal to the corresponding frequency run-off event from a "rural" landscape. The Concept Stormwater Management Strategy has undertaken detailed RAFTS modeling to assess and confirm compliance with the requirements for on-site detention.

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Stormwater /Flooding	There is insufficient detail provided to review the feasibility of the complicated and complex arrangements for a combined runoff water quality, water recycling and detention storage ponds. More detail is required to reliably assess the risk to the Jacfin property. The detail required includes typical sections, plan layout, operational water levels, and worst case assessments of water quality and flooding. Sufficient information is required as if the applicant was to apply for a pollution licence from DEC at the same time as this Part 3A application.	JBA on behalf of Jacfin Pty Ltd	<p>Assessment and indication of typical cross sections, plan layout, water quality (MUSIC modeling) and flooding are all provided in the Flood Study. Operational water levels are proposed to be provided at CC stage.</p> <p>EPA (in letter dated 21-12-07) provide “ <i>The DEC has reviewed the information provided and has determined that it is able to vary the existing environment protection licence (No. 5073), issued to Hanson under the Protection of the Environment Operations Act 1997, in relation to the proposal, subject to a number of conditions</i>”.</p>
Stormwater Management	<p>The development is deemed (under Blacktown City Council’s Stormwater Quality Control Policy) to be “Industrial” and therefore the priority pollutants to be treated are fine sediment, hydrocarbons/oils and gross pollutants. Section 3.2.1 of the Stormwater Report (prepared by Martens and Associates) refers to the priority pollutants as coarse sediment, hydrocarbons and litter. The Stormwater concept therefore does not reflect Blacktown City Council’s requirement for a reduction in fine sediment of 50% of the total annual load.</p> <p>MUSIC modeling reduction results for TP and TN seem high</p>	Blacktown City Council	<p>Martens and Associates confirm that their report covered all ranges of sediment sizes including ‘fine sediments’. The terminology ‘litter’ refers to “Gross Pollutants”. Therefore the Report has considered the relevant provisions of the Blacktown City Council’s Stormwater Quality Control Policy.</p> <p>There is a significant improvement in the TP and TN levels as pre-development calculations include contributions from the quarry, whilst for post development calculations the quarry is removed.</p> <p>The Model can be provided to Council.</p>
Noise	Request acoustic walls to prevent transfer of noise to adjoining land	Australand	An Acoustic Assessment has been prepared as part of the Concept Plan application. The Report demonstrates compliance with the Industrial Noise Policy and falls within the acceptable and relevant noise limits. Subsequently, the proposal will not pose any significant impact on the noise amenity of adjoining lands and noise mitigation measures are not required.

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Air Quality (dust)	Request dust control measures to prevent transfer of wind borne dust to adjoining lands	Australand	An Air Quality Impact Assessment has been prepared as part of the Concept Plan application. Additional design and operational safeguards with respect to air emissions have been detailed in Section 7 of the Report. It is considered that these measures will be adequate in abating adverse air quality impacts beyond the site boundary. Further mitigation measures are not required.
	Measurements are reported in the adjacent quarry but this is not acceptable as an indirect measurement for a Major Project. Measurements should be undertaken for the typical operation of the existing facility as has been required for the quarry. Jacfin needs to be assured that this facility will not adversely affect the utility and amenity of the Jacfin land for a wide range of potential users in such close proximity. The receptors for potential impacts therefore should be the adjacent sites and not residential developments some distance from the site.	JBA on behalf of Jacfin Pty Ltd	<p>Air pollutant emission controls associated with the respective plants are documented individually within Section 2 of the Air Assessment. Additional design and operational safeguards with respect to air emissions have been detailed in Section 7.</p> <p>Site specific monitoring at the project boundary is not part of DEC's GTA's</p> <p>Nonetheless, the Assessment confirms that the proposal will improve the air quality adjacent to existing Hanson operations and that the proposed mitigation measurements will be adequate in abating adverse air quality impacts beyond the site boundary.</p>
Contamination	<p>It is imperative that a Phase 2 contamination assessment be undertaken on the site as part of the application.</p> <p>It is not reasonable to leave the Phase 2 investigation to the construction certificate stage when there is limited potential to introduce adequate controls and protections as well as potentially have major implications for the project layout and feasibility.</p>	JBA on behalf of Jacfin	<p>A Stage 1 Contamination Assessment has been completed in accordance with SEPP 55 requirements and those of NSW EPA Contaminated Sites (1998) guidelines for Stage 1 contaminated land Assessments.</p> <p>The Assessment recommends Stage 2 – soil sampling and testing be undertaken in specific areas (marked A on the plan) to confirm if there is any requirement for site remediation. Having regard to the past use and its future use as an industrial development it is appropriate that such sampling, testing and any remediation occur prior to issuing of the construction certificate. This would form part of the conditions of consent.</p> <p>It is noted that the areas recommended for Stage 2 further assessment (marked A on the plan) do not significantly impact the design layout nor the feasibility of the project.</p>

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Heritage Values	The Precinct Plan identifies an approximately 80m wide corridor along the southern boundary of the site as having high archaeological or aboriginal significance and requires these areas to be retained and protected as open space.	JBA on behalf of Jacfin	The proposed development footprint is located on land identified in the Precinct Plan as of the lowest sensitivity for potential indigenous values. The area referred to by JBA (marked 'high sensitivity' on Figure 21 of the Precinct Plan -Existing Indigenous Heritage Values) is outside of the proposed development footprint, at the southern part of the site. The proposal sets aside this area, for potential future expansion, subject to further environmental (including hydrological, ecological and heritage) assessment and for which project approval would be sought.
Traffic	Hanson should be required to contribute to the cost of road upgrades (Archbold, Old Wallgrove Road and the road between Wonderland Drive and Old Wallgrove Road) as well as for RTA regional road and drainage upgrades.	JBA on behalf of Jacfin	The Traffic Impact Assessment provides that <i>'the traffic outcome for the site will only be some 60% of that assessed for the site in the road network planning process. It is also apparent that the directional distribution of movements (ie IN/OUT) will be far more balanced and without the dominant IN(AM) / OUT (PM) characteristics.'</i> The Assessment concludes that 'the traffic outcome will be quite satisfactory both in a 'precinct sense' and in a 'local access' sense.' The proposal utilises the existing access - right of carriage way and does not impose any significant impact upon or demand for infrastructure. Therefore, Hanson should not be required to contribute to the cost of any road upgrades.
Flooding	The proposal redirects the flood hazard to the Jacfin boundary without any acceptable buffer. The studies do not address the increased flooding risk to Jacfin from blockages.  A low height earth mound should be located along the Hanson southern boundary to restrict the extent of adverse flooding impacts.	JBA on behalf of Jacfin	The re-development involves the redirection and construction of a suitable channel to redirect the existing stormwater drain away from the existing toe embankment. This will allow better stabilisation of the embankment while also disconnecting the stormwater drain from the water quality ponds.  The Flooding Report demonstrates that there is no increase in flooding at the Jacfin property. In addition, any flood hazard is contained within Hanson's boundaries. The channel is to be made of gabions and will not result in movement/erosion. A low height earth mound is therefore not necessary.
Sewage	Onsite treatment and disposal of sewage is not appropriate. The effluent disposal system is deficient because:	JBA on behalf of Jacfin	The site is not presently serviced by reticulated sewer, and a temporary on-site sewage management scheme, as is currently in operation, is required until such time as reticulated sewer is brought to the site.

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	<ul style="list-style-type: none"> <li>It is located adjacent to the relocated drainage channel and could flow directly into it;</li> <li>There is no reserve irrigation area as recommended by all the guidelines and hence it is not a sustainable solution;</li> <li>Shallow soil throughflow is ignored</li> </ul>		<p>The STP will provide secondary quality effluent as a minimum. The proposed effluent quality would be categorized as Level A, Low Strength effluent and is suitable for irrigation in open spaces with controlled public access. The onsite disposal system has been modeled (RECYCLE) and is already used on the site with no adverse impacts.</p> <p>Advice from our Hydrological Engineers is that the system drains away from the channel (on ridge line) and no reserve area is needed as the RECYCLE modeling confirms it is ecologically sustainable. Shallow soil through flow has been addressed as it is incorporated in the RECYCLE modeling.</p>
Planning Agreement	<p>Council must be included as a party to the Planning Agreement.</p> <p>Council object to the limitations of the Planning Agreement.</p> <p>Council request contributions for:</p> <ul style="list-style-type: none"> <li>The Old Wallgrove Road Upgrade;</li> <li>The Archbold Road Upgrade;</li> <li>The Link Road Upgrade;</li> <li>Trunk drainage, detention basins and riparian zones;</li> <li>Pay a levy pursuant to Section 94A(1) of the Act</li> </ul> <p>The Planning Agreement does not allow for any contribution towards external works such as the Link Road between Old Wallgrove Road and Wonderland Drive, upgrade of Old Wallgrove Road and upgrade of Archbold Road.</p>	<p>Blacktown City Council</p> <p>Tesrol Group of Companies</p>	<p>The Minister is the relevant planning authority and subsequently the draft Voluntary Planning Agreement (VPA) is between the proponent and the planning authority.</p> <p>The draft VPA provides the opportunity for an agreement to be reached with the Minister as to additional works and actions to be undertaken by the proponent to provide significant public benefits which would not otherwise be legally required.</p> <p>It is open to the Minister to take into account matters raised by the Council or persons making a submission, whilst remaining the signatory.</p>
Building Design and Landscaping	Plans of the building and facilities submitted with the EA are of a conceptual standard only and the applicant should be required to submit more detailed plans which address the design standards and setbacks as stipulated in the	Blacktown City Council	The proponent seeks a determination of the aforementioned boundary realignment and Stage 1 of the project (including ancillary infrastructure) by the Minister under Section 75P(1)(c) and the granting of an approval under Section 75J. Sufficient detail is provided to enable the Minister to determine that no further assessment is required and for

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	Precinct Plan		these two aspects of the project to proceed directly to registration of subdivision and construction certificate application for Stage 1.
Road Alignment	<p>The proposal alters the road alignment as outlined in the Precinct Plan</p> <p>Boundary adjustment and location of collector road not consistent with the adopted Precinct Plan.</p> <ul style="list-style-type: none"> <li>• Curved nature of the proposed road is unsafe;</li> <li>• Location with new boundary line makes an unnecessary bend in the road;</li> <li>• 3 separate access points creates potential points of vehicular conflict</li> <li>• 2 western access roads are too close together;</li> <li>• vehicular safety concerns with T-intersections.</li> </ul> <p>As the future collector road largely follows the alignment of the existing right of carriageway from Old Wallgrove Road, it is considered logical to upgrade this road to the collector road standard of the Precinct Plan</p>	<p>Tesrol Group of Companies</p> <p>Blacktown City Council</p>	<p>The proposed curvature is only minor and is within normal road design tolerances and is not unusual in the context of the road alignments shown on the Precinct Plan (Figure 30). The proposed road alignment is located along the historic right of access and is in accordance with geotechnical analysis (longitudinal, vertical and horizontal). The proposed alignment provides for the grouping of related land uses and avoids the isolation or severance of parcels of land. Satisfactory access to each lot will not be precluded by the concept plan.</p> <p>Three access points onto a collector road for a 27ha site is not unusual particularly if the site were subdivided. The distinctly different site operations (as depicted in the detailed Concept Plan drawings) represent a 'defacto' subdivision.</p> <p>The two western access roads are more than 100m apart and are not considered 'close to each other' as such to become a safety problem.</p> <p>In relation to traffic safety Traffic and Transport Planning provide:  <i>" The contention that there will be increased potential conflicts because of the 3 access points (as compared to all vehicles using 1 access point) is questionable. This is particularly the case where the quantum of large slow moving trucks is emphasised, it is better that these movements are spread in order to facilitate rather than concentrate these movements."</i></p> <p>The proposed layout will not preclude the upgrading of the access to a standard collector road in accordance with the Precinct Plan. A 50/50 split of the subject site does not provide a good planning outcome.</p>
Road Width	<p>The proposal does not provide for an adequate collector road in terms of the Precinct Plan. The proposal only shows a road width of 10 metres as apposed to the Precinct Plan which requires a road width of 23.75 metres</p>	<p>Tesrol Group of Companies</p>	<p>While the proposed width is not that reflected in the Precinct Plan maps, the Hanson proposed width is efficient for the proposed operations and avoids the isolation or severance of parcels of land. Satisfactory access to each lot will not be precluded by the concept plan.</p> <p>The proposed road does not prejudice the future alignment or width of the Precinct Plan's Standard Collector Road as this could be located</p>

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			within an "Area set aside for future expansion subject to further environmental assessment" immediately south of the proposed road (which does not form part of the subject of this application).
Provision of Slip lane and Passing lane	Council will not support the bend and intersections as proposed in the Concept design unless a proper slip lane and passing lane for eastbound traffic along the collector road are provided at both intersections	Blacktown City Council	The concept sketch provided after page 25 of the Traffic Report demonstrates that the accesses: <ul style="list-style-type: none"> <li>• will adopt the profile depicted on the Precinct Plan;</li> <li>• will represent a 'type B' intersection treatment where eastbound traffic can pass waiting right-turn vehicles</li> </ul>
Access to land to the north	Realignment of the collector road should take into consideration future access requirements of land to the north.	Blacktown City Council	The Precinct Plan does not prescribe access points and, as is the norm in developing precincts, subsequent developments need to have regard to established access. Traffic and Transport Planning provide: <i>"Given the nature of the property holdings there appears to be no constraints created in that access to the north could be created as 'T' intersections to the Hanson accesses or sufficiently offset from the proposed accesses in order to accord with normal development criteria."</i>
Setback from quarry	The set back from the proposed road to the top of the quarry does not appear to be 30 metres	Tesrol Group of Companies	The proposed concept plan includes a 30 metre setback from the top of the quarry to all structures and distribution of uses other than the road. Geotechnical analysis of the structural capacity of the road (accompanying the application) confirms that the road can be safely located within this setback.

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Heggies Australia has reviewed the General Terms of Approval provided by the Department of Environment and Conservation and provides the following in relation to Noise Issue:

## Department of Conservation and Environment (DEC)

### Noise Issue

*It is considered that the applicant's concept plan to improve the efficiency of the project site including the introduction new processes will have a negligible noise impact on the surrounding receiver areas and adjacent industrial premises. The noise condition presented in the current licence needs to be altered to reflect the provisions of the NSW Industrial Noise Policy (INP) and the proposal's predicted noise levels.*

*It is noted that the Noise Impact Assessment (NIA) presents precinct amenity criteria based on the SEPP59 - Eastern Creek Precinct Plan. Despite assertions to the contrary in the NIA, the predicted night time noise levels under inversion conditions exceed the precinct plan amenity levels by up to 3dB(A) at Minchinbury (South). It should be noted that the DEC assessment has been based on the INP project specific noise levels.*

## Heggies Response to Noise Issue

The DEC's assertion that the Project does not meet the Precinct Plan 42 dBA amenity criteria at Minchinbury (South) is not correct. The predicted ***intrusive emission*** at MB3 Minchinbury (South) under inversion conditions is 45 dBA and conservatively equivalent to an ***amenity level*** of 42 dBA. The Project noise emissions are therefore consistent with the Precinct Plan as required by the DoP's EA requirements.

The DEC state that any licence amendments are to reflect the INP and yet the proposed GTA's are not consistent with project specific noise levels (PSNLs) or project predicted noise levels. We recommend the GTA be modified as follows:

### LIMIT CONDITIONS

#### L6. Noise Limits

6.1 Noise generated at the premises must not exceed the noise limits presented in the table below. The noise limits represent the noise contribution from the project site



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Location	Noise Limits (dB(A))			
	Day	Evening	Night	
	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>A1</sub> (1 minute)
Minchinbury (South) MB3 Agrafe Place	45	45	45	57
Erskine Park (North) EN1 Warbler Street	35	35	<del>35</del> 37	57
Erskine Park (South) ES2 Fantail Crescent	35	35	<del>35</del> 39	57

6.2 For the purpose of Condition ~~6.2~~ 6.1

- Day is defined as the period from 1am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays;
- Evening is defined as the period from 6pm to 10pm; and
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.

6.3 Noise from the premises is to be measured at the most affected point on or within the residential boundary or at the most affected point within 30m of the dwelling (rural situations) where the dwelling is more than 30m from the boundary to determine compliance with the L<sub>Aeq</sub>(15minute) noise limits in Condition ~~7.2~~ 6.1.

Noise from the premises is to be measured at 1m from the dwelling facade to determine compliance with the L<sub>A1</sub>(1 minute) noise limits in condition ~~7.2~~ 6.1.

Where it can be demonstrated that direct measurement of noise from the premises is impractical, the DEC may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.

The modification factors presented in Section 4 of the NSW Industrial Noise policy shall also be applied to the measured noise levels where applicable.

6.3 The noise emission limits identified in Condition ~~7.2-6.1~~ apply under meteorological; conditions of:

- Wind speed up to 3m/s at 10 metres above the ground; or
- Temperature inversion conditions of up to 3°C/100m and wind speeds up to 2m/s at 10 metres above the ground.
- Where the wind velocity and temperature gradients are determined to be relevant to the project site in accordance with the NSW INP.