

SECTION 1 INTRODUCTION

This introductory section provides a general introduction to the proponent, the proposed development, the Environmental Assessment Report (EAR) and the associated environmental assessment process. It provides an overview of the proposed development, identifies the regulatory requirements and outlines the consultative process undertaken. A guide is also provided to the content and structure of the EAR.

1.1 THE PROPONENT

The proponent, Rinker Australia Pty Ltd (Readymix), is a division of the Rinker Group Limited, which is an Australian owned, international construction materials group of companies. The Rinker Group was established following the demerger of the heavy building materials businesses of CSR Limited in April 2003. Rinker is a focussed construction materials group, one of the top 10 in the world, comprising Rinker Materials Corporation in the United States (US) and Readymix and Humes businesses in Australia and Asia.

Ready Mixed Concrete (RMC) was established in 1939. In 1964, CSR acquired 50 percent (%) of equity in RMC. This was increased to 100 % in 1981 and the name was changed to CSR Readymix in 1988. In April 2003, the CSR Group demerged to form the CSR Group and the Rinker Group. Rinker Australia Pty Ltd is now a subsidiary of the Rinker Group together with companies which have operations in Australia, the US and China.

In Australia, Readymix operates an integrated construction materials business. It is one of the leading producers of aggregate, ready mixed concrete, concrete pipe and other concrete products through its Humes businesses. Readymix also holds substantial joint venture interests in cement and asphalt operations.

Readymix operates 14 concrete batching plants and 2 quarries in Sydney, being a major supplier of concrete and aggregates within Sydney, New South Wales (NSW) and Australia (refer Figure 1.1). Products include an array of premix products each designed to achieve specific properties based on their application, transportation and construction requirements.

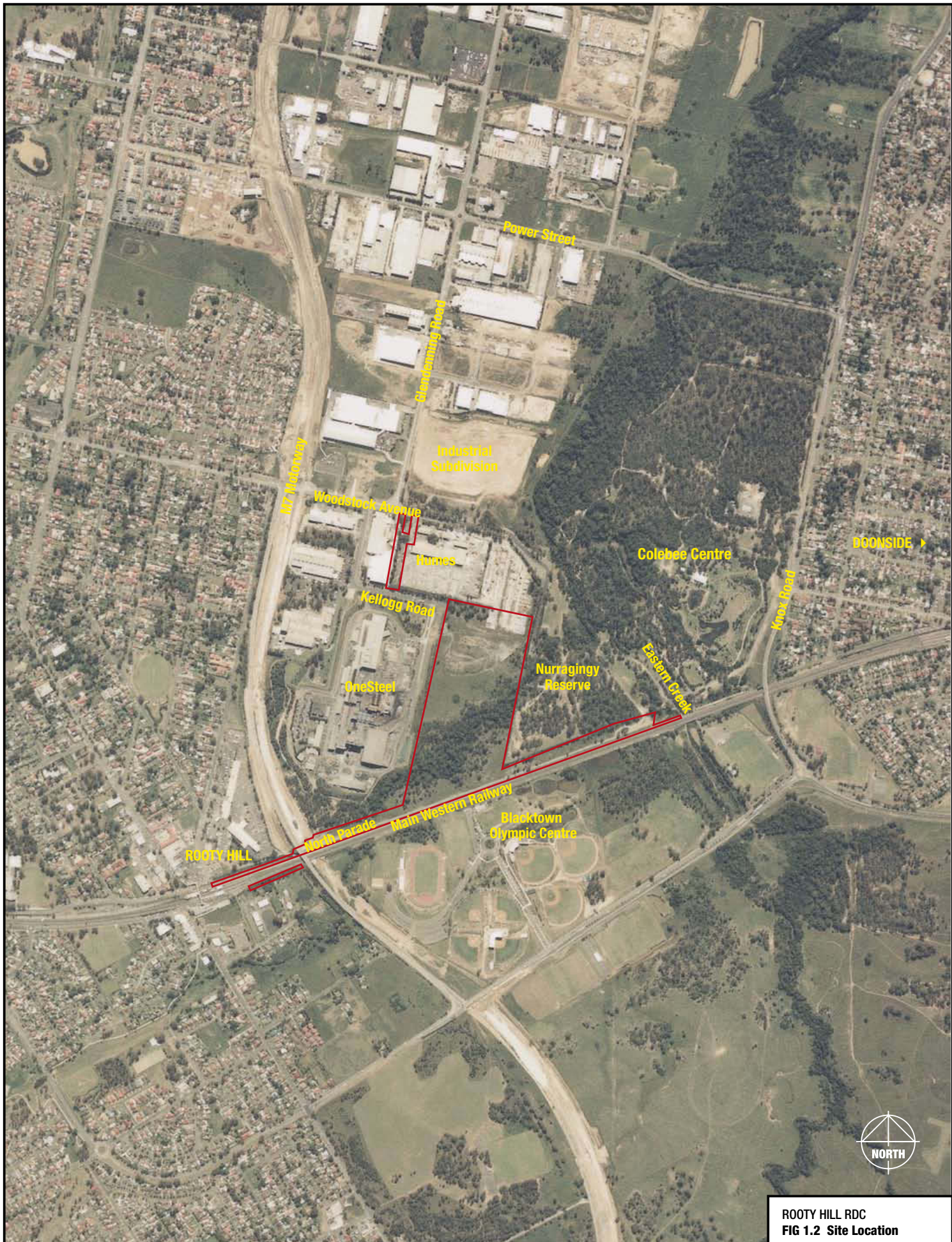
1.2 KEY ELEMENTS OF THE PROPOSAL

1.2.1 Project Overview

Readymix proposes to construct and operate a Regional Distribution Centre (RDC) at Kellogg Road, Rooty Hill. The location of the site for the proposed RDC is shown in Figure 1.2. The RDC would allow Readymix to receive, store and distribute construction materials to meet customer requirements in the Sydney region.

Construction materials such as sand and aggregate would be transported by rail to the RDC from quarries outside of the Sydney Basin. These materials would be blended by equipment at the RDC as required to suit customer specifications, and distributed by road to the Sydney market. The proposed RDC would be capable of handling up to 4 million tonnes per annum (Mtpa) of product. It would commence operation handling 2 to 2.5 Mtpa increasing to a projected full capacity of about 4 Mtpa as dictated by the construction materials market. The materials are typically used for the manufacture of concrete and asphalt. They also have a variety of other uses in the civil and construction industries.





ROOTY HILL RDC
 FIG 1.2 Site Location



KEY

— Development Site Boundary



Readymix currently supplies the bulk of these materials through the company's Penrith Lakes Development Corporation (PLDC) operations. The resource at the PLDC is nearly depleted and the facility will wind down with closure by 2010-2012. The company also operate a quarry at Albion Park to the south of Sydney which supplies material to the Sydney market.

The RDC would comprise:

- A regional office building and quarry materials and concrete testing laboratory;
- A rail siding with aggregate unloading facility;
- Storage bin area and load out facilities;
- Ground storage and reclaim facilities;
- Blending Plant/Pug Mill;
- A conveyor system linking the unloading station to the storage and truck load out facilities;
- Workshop, stores, site offices and amenities facilities, truck washdown facilities, truck refuelling, weighbridges, truck and car parking;
- Concrete Batching Plant;
- Bridges at two locations over Angus Creek; and
- Realignment of North Parade.

Figure 1.3 shows the overall site development plan.

The location of the proposed RDC at Kellogg Road, Rooty Hill would allow the company to receive materials by rail using a purpose built siding adjacent to and including the Main Western Railway corridor and to distribute the materials by road in the Sydney Metropolitan area using the new M7 Motorway.

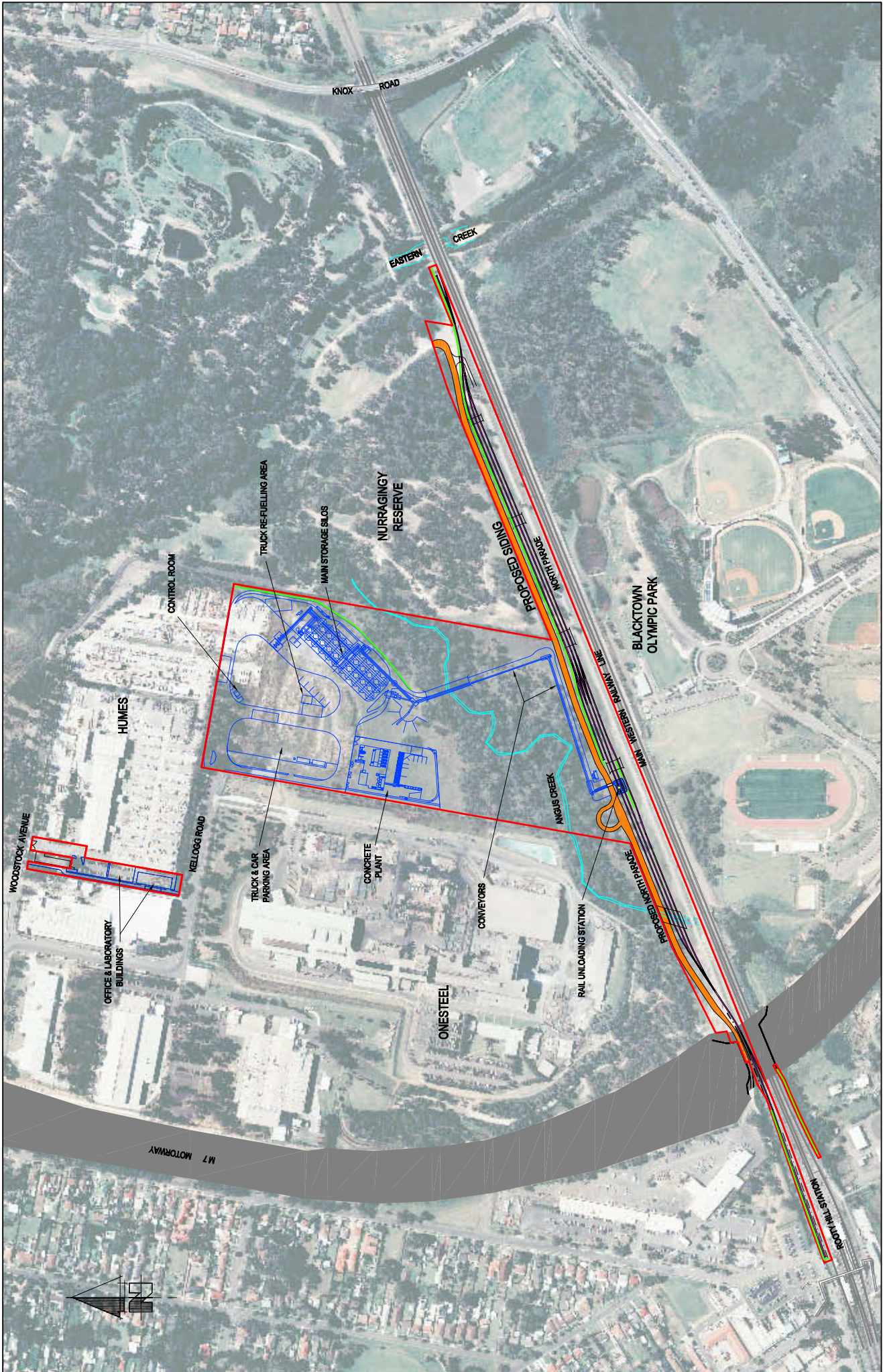
1.2.2 The Site

The proposed development site is located at Kellogg Road and Woodstock Avenue, Rooty Hill within the Blacktown Local Government Area (LGA) (refer Figure 1.2). Readymix owns 24 hectares (ha) of land within the existing industrial area which includes a vacant block of 15 hectares and the adjoining Humes site. The site of the Application of the Part 3A approval comprises Lot 5 DP 255515 and Part Lot 1 DP 582388, Part Lot 3 DP 1042577 and Part Lot 2 DP 582388. In addition the development site includes Lot 1 DP 607084, Part VIDE GAZ No 145 of 30/10/1942 and Part GovGaz.5/7/1859 Folio 1500 comprising, the Main Western Railway Line Corridor, Part Lot 15 DP 806053 and Council Road Reserve - North Parade comprising North Parade. Part of the project involves the construction of a rail siding on part of North Parade which is owned by Blacktown City Council.

The rail siding can be constructed either by Readymix as part of the RDC or by RailCorp as part of the Main Western Railway Line corridor.

The boundaries of the proposed development site are shown in Figure 1.4.

Lot 1 DP 582388 is occupied by Humes which is a division of Rinker Australia Pty Ltd. Humes operate a concrete pipe and precast concrete manufacturing complex on the site. The area on this Lot on which part of the RDC is to be developed is currently used for vehicle parking and storage.



ROOTY HILL R.D.C.
 SITE DEVELOPMENT PLAN
 FIG. 1.3

CONCEPT ONLY



- LEGEND:-
- SITE DEVELOPMENT AREA
 - PROJECT INFRASTRUCTURE
 - PROPOSED RAIL SIDING
 - PROPOSED NOISE WALL

It is proposed to construct the regional office and laboratory buildings on this portion of the Humes site.

The Main Western Rail Line Corridor, Lot 1 DP 607084, Part VIDE GAZ No 145 of 30/10/1942, Part Lot 15 DP 806053 and the Council Road Reserve would be utilised for the proposed rail siding and associated facilities and works.

The development site is bounded by the Main Western Railway Line to the south, the Nurragingy Reserve to the east, the OneSteel Mini Mill and other industrial developments to the west and industrial land including Humes to the north. Access to the site is currently available from Kellogg Road, Woodstock Avenue and North Parade.

Angus Creek, a tributary of Eastern Creek flows through the southern portion of the site into the Nurragingy Reserve.

1.2.3 Site History

In 1976 Humes were granted development consent for the construction and operation of a Concrete Pipe and Precast Manufacturing complex on Lot 1 DP 582388. The company currently operate on the site in accordance with an Environment Protection Licence issued by the NSW Department of Environment and Conservation (DEC). Part of this Lot would be occupied by the regional office building and laboratory components of the RDC.

Lot 5 DP 255515 was previously owned by BHP Steel Limited which developed the existing Mini Mill on land adjoining the site to the west. In 1993, BHP was granted approval under the *EP&A Act 1979* to use an area of the northern portion of this Lot as a repository for excess spoil generated from excavation associated with the construction and development of the Mini Mill. This was completed by 1994. A preliminary assessment undertaken in 2000 (CH2MHill, 2000) indicated that the Lot was undeveloped with only the deposition of excavated spoil on the site in the 1990s. Further analysis confirmed the material was not contaminated and consisted of the excavated spoil (Johnstone Environmental Technology, 2000).

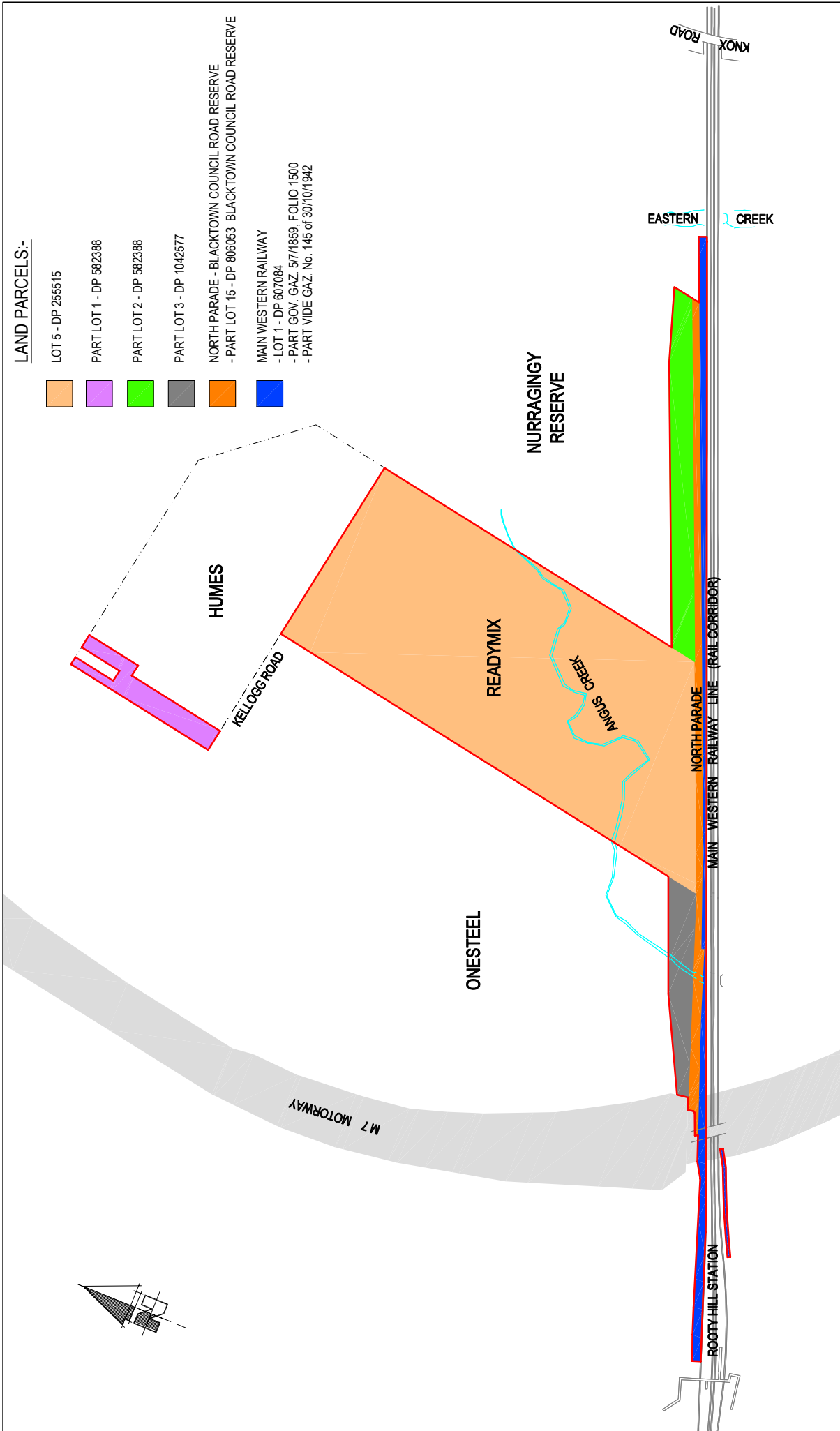
Lot 5 DP 255515 was acquired by CSR Readymix in 2000. In July 2004, Readymix was granted development consent by Blacktown City Council to construct and operate a Concrete Batching Plant on land to the north of Angus Creek. This plant has not been constructed and has been incorporated into the proposed RDC and has been assessed as part of this project.

Lot 3 DP 1042577 is owned by OneSteel Limited and includes the Mini Mill. The part of this Lot included in the development site is vacant land located between the mill and North Parade.

Lot 2 DP 582388 is within the Regional Parklands under Sydney Regional Environmental Plan (SREP) No 31. The northern portion of the Lot is occupied by part of the Nurragingy Reserve administered by Blacktown City Council. The part of this Lot included in the development site is vacant land situated between the southern fenceline of the Reserve and North Parade and owned by the Department of Planning (DOP). The land is currently occupied by a Railcorp power easement.

North Parade is a local road which is partially closed to through traffic on this area. The land on which the road is located is within the Council Road Reserve and Part Lot 15 DP 806053. This section of North Parade provides access between the Blacktown City Council depot at Rooty Hill and the Nurragingy Reserve during hours when the Reserve is open. This road is also used for pedestrian access from the Nurragingy Reserve to Rooty Hill.

Lot 1 DP 607084, Part VIDE GAZ No 145 of 30/10/1942 and Part GovGaz.5/7/1859 Folio 1500 is the Main Western Railway Line Corridor. It is crossed by an overbridge of Phillip Parkway/M7 Motorway.



ROOTY HILL R.D.C.
 DEVELOPMENT APPLICATION AREA
 FIG. 1.4

CONCEPT ONLY

1.2.4 Development Programme

The proposed Regional Distribution Centre would be constructed over an approximate two year period, with construction anticipated to begin in 2006.

1.3 APPROVAL REQUIREMENTS

The development site is the subject of a number of different zonings under the Blacktown Local Environmental Plan ('the LEP') which are outlined as follows:

- Lot 5 DP 255515, Part Lot 1 DP 582388 and part Lot 3 DP 1042577 (refer Figure 1.4) are zoned 4 (a) – Industrial General. Under this zoning the proposed development, including railway and road construction, is permissible with development consent under Part 4 of the *EP&A Act*. The Concrete Batching Plant is properly characterised as development for the purposes of industry and is permissible in the 4(a) zone. In 2004 Council approved a development application for a Concrete Batching Plant on this land. The major components of the proposed development would be located on this land;
- Part Lot 2 DP 582388 (refer in Figure 1.4) is Regional Parkland under SREP No 31 ('the SREP'). The LEP does not apply to this land. Road construction is permissible without consent under the SREP. Railway construction, not being a public utility undertaking, and other works associated with the proposed development is not permissible under the SREP;
- North Parade and Part Lot 15 DP806053 is zoned 5(c) – Special Uses – Local Road and Local Road Widening. Road construction within this zone is permissible with consent. Because the LEP adopts Clause 35 of the *Environmental Planning and Assessment Model Provisions 1980* construction of the proposed rail siding is permissible with consent on this land irrespective of the zoning of the land;
- Lot 1 DP 607084, Part VIDE GAZ No 145 of 30/10/1942 and Part GovGaz 5/7/1859 Folio 1500 is zoned 5(a) – Special Uses General; nominated as the Main Western Railway Line and purposes normally associated with and ancillary to this use are permissible with consent.

The proposed development is classified as a Project to which Part 3A of the *EP&A Act* applies. The proposed development is identified in Schedule 1 of State Environmental Planning Policy (SEPP) (Major Projects) 2005 as a project to which Part 3A of the *EP&A Act* would apply as it is development for the purpose of extractive industry related works that have a capital investment value of more than \$30 Million. The approval of the Minister for Planning is required before a Project to which Part 3A applies can be carried out.

This EAR has been prepared as the mandated environmental assessment under the provisions of Section 75F of the *EP&A Act*. In accordance with the savings and transitional provisions at Clause 8J of the Regulations, the environmental assessment requirements issued by the Director General on 26 May 2005 have been adopted as the environmental assessment requirements for the Project as required by Section 75F of the *EP&A Act*.

On 2 October 2005, Readymix received formal confirmation from the DOP that the Director-General's requirements could be adopted as the environmental assessment requirements for the Project with the addition of two requirements, being:

- (a) Preparation of a Draft Statement of Commitments; and
- (b) Preparation of an environmental risk analysis to address the following issues:

- Identification of potential environmental impacts associated with the Project (construction and operation);
- Proposed mitigation measures;
- Potentially significant residual environmental impacts after the application of proposed mitigation measures; and
- An impact assessment of additional key environmental impacts identified as a result of the environmental risk analysis.

The response to these additional requirements has been prepared in consultation with the DOP and is included in Appendix A.

While some components of the development are not permissible development under the relevant Blacktown LEP zonings and SREP, Section 75J (3) of the *EP&A Act* provides that the Minister can approve a Part 3A project so long as it is not wholly prohibited.

1.4 RELATIONSHIP WITH OTHER PLANNING POLICIES

There are three types of Environmental Planning Instruments (EPIs) used in NSW:

- State Environmental Planning Policies (SEPPs) which address matters of State-wide significance;
- Regional Environmental Plans (REPs) which enable the resolution of State and Regional issues; and
- Local Environmental Plans (LEPs) which are the instruments used by Local Councils.

Environmental planning instruments (other than SEPPs) and Development Control Plans (DCPs) will also not apply to Part 3A (Section 75R(2) and (3)). An exception to this is that EPIs (other than SEPPs) do apply for the purposes of determining the permissibility of a Project.

Notwithstanding the inapplicability of the EPIs (other than SEPPs), the relevant provisions of other EPIs and DCPs have been considered for the completeness of the assessment.

1.4.1 State Environmental Planning Policies

The SEPPs which apply to this proposed development are:

State Environmental Planning Policy No. 11 – Traffic Generating Developments (SEPP 11)

SEPP 11 applies to development as specified in Schedules 1 or 2 of the policy. This policy contains provisions designed to ensure that the Roads and Traffic Authority (RTA) is consulted in regards to Development Applications (DAs) for a range of different types of development which generate traffic (refer Schedules 1 and 2 of the policy). The proposed development is classified as a transfer terminal and bulk store under Schedule 1, paragraph (j) and under Schedule 2, paragraph (q) in relation to vehicle parking. As such this SEPP applies to the proposed development. The policy requires that a consent authority must forward a copy of the DA application for development specified in Schedule 1 to the RTA within 7 days of the receipt of the application. This provides opportunity for the RTA to submit comments in relation to the DA to the consent authority.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

This SEPP aims to protect and preserve bushland within urban areas (as specified within Schedule 1 of the policy) zoned or reserved for public open space purposes, as part of the natural heritage, or for aesthetic, recreational, educational and scientific purposes.

The proposed development site occurs within the Blacktown LGA which is listed under Schedule 1 of the policy as one of the areas to which SEPP No. 19 applies. The SEPP applies to land which comprises or adjoins bushland zoned or reserved for public open space. It does not apply to Regional Parklands under SREP No 31. It consequently does not apply to the proposed development site.

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

This SEPP requires the consent authority in considering DAs to assess whether the proposed development is hazardous and/or offensive, as defined under the policy. Under SEPP No. 33, the consent authority also has the power to impose conditions as required to reduce or minimise any possible adverse impacts associated with the proposal. This may involve the preparation of a Preliminary Hazard Analysis (PHA).

In determining a DA, the consent authority must consider:

- Any current circulars or guidelines published by the Department relating to hazardous or offensive development;
- Whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply;
- In the case of development for the purpose of a potentially hazardous industry – a PHA prepared by or on behalf of the applicant;
- Any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location of the subject of the application); and
- Any likely future use of the land surrounding the development.

The proposed development has the potential to fall within the scope of SEPP No. 33. This is assessed further within Section 7.13 of the EAR.

State Environmental Planning Policy (Major Projects) 2005

This SEPP was gazetted on 25 May 2005 and aims to provide consistent and comprehensive assessment and decision for making development of economic, social or environmental significance to the State. It also aims to identify development to which Part 3A of the *EP&A Act* applies.

As described in Section 1.3, the proposed RDC is classified as a Project to which Part 3A of the *EP&A Act* applies due to the fact that the proposed development is for the purpose of extractive industry related works which consists of facilities for storing, loading or transporting construction materials and has a capital investment value of more than \$30 million. It is also a 'Rail and related transport facility' requiring the laying of heavy railway lines associated with extractive industries as described in Clause 23 (1) (a) of Schedule 1 to the Major Projects SEPP.

The consent authority for the proposed development is the Minister for Planning.

State Environmental Planning Policy No. 55 – Remediation of Land

This SEPP provides planning controls for the remediation of contaminated land for the purpose of reducing risks to human health and the environment. Under the policy, contaminated land must not be developed if it is unsuitable for a proposed use unless remediation takes place prior to land development. The policy specifies when consent is required for remediation work, requires all remediation work to comply with certain standards and notification requirements, and ensures that land is investigated if contamination is suspected.

Managing Land Contamination: Planning Guidelines have been prepared by the then DIPNR, in conjunction with the NSW Environment Protection Authority (EPA now the NSW DEC), in accordance with SEPP No. 55. These guidelines are in force under the *Contaminated Land Management Act 1997* and require that the history of a site proposed for development be considered as an indicator of potential contamination.

The historical use of the proposed development site and the results of a preliminary soil contamination assessment have been evaluated (refer Section 7.1) and it is concluded that there is no evidence that the land might be contaminated. On this basis, the planning process and development assessment should proceed in the normal way.

Other Planning Instruments

The Certificates provided under Section 149 (2) of the *EP&A Act* list SEPP No 64 – Advertising & Signage as applying to Lots zoned 4(a) – Industrial General. The Policy aims to encourage that signage is compatible with the desired amenity and visual character of the area, provides effective communication in suitable locations and is of high quality design and finish.

1.4.2 Regional Environmental Plans

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 – 1997)

This REP while not formally applying to the development is relevant to the proposal as the proposed development site is within the nominated catchment. This plan aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The consent authority under this instrument must take into account matters listed under Part 2 of the REP. Matters to be considered are:

(1) *Total Catchment Management*

Total catchment management is to be integrated with environmental planning for the catchment.

(2) *Environmentally Sensitive Areas*

The environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and (where necessary) remediation of existing uses.

(3) *Water Quality*

Future development must not prejudice the achievement of the goals of use of the river for primary contact recreation (eg. swimming) and aquatic ecosystem protection in the river system.

(4) *Water Quantity*

Aquatic ecosystems must not be adversely affected by development which changes the flow characteristics of surface or groundwater in the catchment.

(5) *Cultural Heritage*

The importance of the river in contributing to the significance should be recognised, and these items and places should be protected and sensitively managed and, if appropriate, enhanced.

(6) *Flora and Fauna*

Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.

(7) *Riverine Scenic Quality*

The scenic quality of the riverine corridor must be protected.

(8) *Agriculture/Aquaculture and Fishing*

Agriculture must be planned and managed to minimise adverse environmental impacts and be protected from adverse impacts of other forms of development.

(9) *Rural Residential Development*

Rural residential development should not reduce agricultural sustainability, contribute to urban sprawl, or have adverse environmental impacts (particularly on the water cycle or on flora or fauna).

(10) *Urban Development*

All potential adverse environmental impacts of urban development must be assessed and controlled.

(11) *Recreation and Tourism*

The value of the riverine corridor as a significant recreational and tourist asset must be protected.

(12) *Metropolitan Strategy*

Development should complement the vision, goal, key principles and action plan for the Metropolitan Strategy.

Part 3 of the SREP sets out the development controls applicable to specified items or types of development. The proposed development and the development site are not included as an item under Clause 11 of the SREP except that hazardous and offensive development, as defined in SEPP No 33, is prohibited. Other than this requirement there are no development controls specified for the proposed development.

Sydney Regional Environmental Plan No. 31 – Regional Parklands

This REP applies to designated land in the LGAs of Blacktown, Fairfield and Liverpool. The aims of this REP are:

- (a) *to promote the consistent planning and management of the Regional Parklands by replacing the existing planning controls with a single regional environmental plan;*
- (b) *to strengthen the perception of the Regional Parklands as a unit that is a focus for the conservation of natural systems and a diverse range of recreational uses in Western Sydney;*
- (c) *to enhance the ability of the Regional Parklands to meet the needs of the residents of Sydney for:*
 - *high quality open space;*
 - *a range of recreational opportunities; and*
 - *a visual and physical break between areas of urban development;*
- (d) *to maintain, enhance and rehabilitate the natural systems of the Regional Parklands, particularly those that include threatened species, populations or ecological communities, or their habitats;*
- (e) *to preserve, care for and manage the cultural assets of the Regional Parklands;*
- (f) *to improve management of the Regional Parklands by all those responsible for land within the Regional Parklands; and*
- (g) *to protect the quality of the water in Prospect Reservoir, its Upper Canal and other bulk water supply infrastructure.*

The Nurragingy Reserve, the land included in part Lot 2 DP 582388 (refer Figure 1.4) and land south of the Main Western Railway Line form part of the Regional Parklands.

The elements of proposed development within Part Lot 2 DP 582388 are not permissible development under Section 7 of the SREP if not a public utility undertaking. This land is a small area located between the southern fenceline of the Nurragingy Reserve and North Parade / Main Western Railway Line.

The Certificates provided under Section 149 (2) of the *EP&A Act* list SREP No 9 – Extractive Industry Sydney Region as applying to Lots zoned 4(a) – Industrial General. This Plan aims to protect the viability of extractive resources in the Sydney Metropolitan Area. The proposed development site is not an extractive resource site and no extractive industry is proposed on the site.

1.4.3 Local Environmental Plans

The Blacktown LEP applies to the proposed development site however does not apply to the proposed development except for the purposes of determining permissibility. Lot 5 DP 255515, Part Lot 1 DP 582366 and Part Lot DP 1042577 are zoned 4(a) Industrial General under the LEP.

The objectives of the zone are:

- (a) *To provide areas for accommodating both traditional and modern forms of industrial warehousing and like development outside areas used or zoned for residential or business purposes and so encourage economic and employment growth in Blacktown;*
- (b) *To encourage the establishment of new industry and other compatible, large-scale activity in appropriate locations;*

- (c) *To accommodate large industrial, warehousing and like developments such as auction rooms, plant and equipment hire establishments, timber yards and the like, but to prohibit offensive or hazardous industries;*
- (d) *To enable development for the purposes of retailing only where it is associated with, and ancillary to, manufacturing purposes on the same land or where it serves the daily convenience needs of the local workforce;*
- (e) *To enable development for the purposes of commercial offices only where it is associated with, and ancillary to, industrial, warehousing or like purposes on the same land or where it serves the daily convenience needs of the local workforce;*
- (f) *To ensure permitted development creates areas which are pleasant to work in and are safe and efficient in terms of transportation and land utilisation;*
- (g) *To enhance and improve the physical environment of the City of Blacktown by minimising disturbances caused by air pollutants, water pollutants, other pollutants and noise pollution; and*
- (h) *To enable development for the purposes of community facilities such as child care facilities either in association with or independent of other permitted development to serve the needs of the workforce of the area.*

The proposed development is permissible with development consent provided it is not a hazardous or offensive industry.

Part Lot 1 DP 607084, Part VIDE GAZ No 145 of 30/10/1942 and GovGaz.5/7/1859 Folio 1500 is zoned 5 (a) Special Uses – General and comprises the Main Western Railway Corridor. Purposes normally associated with and ancillary to this use are permissible with consent.

As described in Section 1.3, land comprising North Parade and Part Lot 15 DP806053 is zoned 5 (a) - Special Uses – Local Road and Local Road Widening Zone under the LEP. Road construction within this zone is permissible with consent. Because the LEP adopts Clause 35 of the *Environmental Planning and Assessment Model Provisions 1980* construction of the proposed rail siding is permissible with consent on this land irrespective of the zoning of the land.

1.4.4 Development Control Plan

DCPs do not apply to Projects to which Part 3A of the *EP&A Act* applies however the requirements of the Blacktown DCP 1992 have been addressed below as a matter of completeness.

The Blacktown DCP 1992 provides details of the various standards, policies and guidelines adopted by Blacktown City Council for development in the LGA. It sets out the procedures to be followed and the standards to be met.

Part A of the DCP provides general guidelines for development. Part E provides guidelines for development in Industrial Zone lands.

Part A Guidelines include:

- Soil Conservation – Details to be provided of soil erosion control and sedimentation control measures;
- Tree Preservation – Consent required for the removal of trees;
- Cultural Heritage – Protection of items of environmental heritage;

- Pollution Control; and
- Noise Reduction.

Car parking requirements are specified in Part A of the DCP and in Part E. Parking requirements for the proposed development are not specified except for the commercial/office component. This requires one parking space per 40 square metres of floor area. Design guidelines for vehicle parking are provided.

Part E of the DCP provides guidelines for drainage, landscaping, consideration of adjoining land, building design and construction, open storage areas, vehicle access and circulation.

Clause 8 of Part A of the DCP provides information in relation to development on Flood Prone Land. Flood maps are not available from Council for Angus Creek which flows through the development site. Standards are provided for development in floodways and within the flood fringe.

The requirements and guidelines of the DCP have been incorporated in the planning of the proposed RDC and the assessment undertaken in the EAR.

1.4.5 Other Instruments

Habitat Protection Plan No 3 – The Hawkesbury – Nepean River System

To assist in the protection of key fish habitats, the *Fisheries Management Act 1994* enables the Minister for Fisheries to make Habitat Protection Plans (HPP) for the protection of any fish habitat. Once gazetted the Minister and Public Authorities must have regard to any HPP that is relevant to the exercise of their functions.

HPP No 3 applies to the Hawkesbury-Nepean River System and its catchment and includes Eastern Creek and Angus Creek and their catchments. The objectives of the Plan include mitigating habitat degradation within the Hawkesbury-Nepean Catchment. It applies to all activities within the catchment. Specifically in relation to the proposed RDC it applies to:

- Pollution – Requiring the application of best management practice to pollution control;
- Erosion and Sedimentation – Requiring the application of best management practice to erosion control to protect fish habitats;
- Dredging and Extraction – Effort to be made not to interfere with fish habitat corridors and sensitive habitats;
- Construction of Bridges – Structures not to alter natural sediment transport or impede fish passage and be designed to minimise shading of aquatic plants;
- Clearing of Riparian or Floodplain Vegetation – Native vegetation should be retained where possible particularly where it is within 50 metres of a stream;
- Removal of snags – Snags not to be removed unless essential; and
- Water regulation – Ensure the maintenance of stream flows.

These requirements have been incorporated as far as possible in the design of the proposed RDC.

1.5 REGULATORY REQUIREMENTS

1.5.1 Australian Government Legislation

Environment Protection & Biodiversity Conservation Act 1999

This Act is administered by the Australian Government Department of Environment & Heritage (DEH). Under the Act approval by the Minister for the Environment & Heritage is required for any proposed action that may have a significant impact on matters of National Environmental Significance. The requirements of this Act in relation to the proposed RDC are dealt with further in Section 1.6.1.

Native Title Act 1993

The objectives of this Act are:

- To provide for the recognition and protection of native title;
- To establish ways in which future dealings affecting native title may proceed and to set standards for these dealings;
- To establish a mechanism for determining claims to native title; and
- To provide for, or permit, the validation of past acts, and intermediate period acts invalidated because of the existence of native title.

The Act is administered by the National Native Title Tribunal. The Tribunal is responsible for maintaining a register of native title claimants and bodies to whom native title rights have been granted. The Darrug Tribal Aboriginal Corporation is a claimant in respect of lands within the Sydney Region including the Blacktown LGA. The claim is subject to mediation.

The *Native Title Act 1993* provides that native title can be extinguished under certain circumstances. Privately owned land, land covered by residential and commercial leases, areas on which public works have been undertaken and some Crown reserves are lands on which native title is extinguished. The site of the proposed RDC development is comprised of lands on which native title has been extinguished.

1.5.2 NSW Acts and Regulations

A number of NSW Acts (and their corresponding Regulations) apply to the proposed development which include:

- *Contaminated Land Management Act 1997*

This Act provides guidelines for managing land contamination (refer Section 1.4.1, SEPP No. 55).

- *Dangerous Goods Act 1975*

This Act is administered by Workcover. Licences under the Act must be held for the storage and use of dangerous goods. The storage of diesel fuel and other materials used at the proposed RDC would require a Licence.

- *Noxious Weeds Act 1993*

This Act provides for the mandatory control and eradication of weeds in prescribed circumstances.

- *Occupational Health and Safety Act 2000*

This Act aims to secure the health, safety and welfare of persons at work.

- *Protection of the Environment Operations Act 1997*

This Act aims to protect the environment and introduces a schedule of activities, which requires licencing by the NSW EPA. It repeals and combines into one statute the *Clean Air Act 1961*, the *Clean Waters Act 1970*, the *Environmental Offences and Penalties Act 1989*, the *Noise Control Act 1975* and the *Pollution Control Act 1970*. It enables the procedures for the issuing of Environment Protection Licences for activities listed in Schedule 1 of the Act. Concrete works and storage of extractive materials are listed in the Schedule. A Licence under the *POEO Act* would be required subsequent to approval of the application to construct and operated the RDC.

- *Roads Act 1993*

This Act required proponents to obtain consent to carry out works in, on or over a public road. An application under Section 138 of the *Road Act 1993* to carry out works on a public road, cannot be refused if it is necessary for the carrying out of a Project approved under Part 3A of the *EP&A Act* (Section 75V).

- *Soil Conservation Act 1938*

This Act provides for measures to promote, coordinate and research the conservation of soil resources and mitigation of erosion.

- *Threatened Species Conservation Act 1995*

This Act replaces the *Endangered Fauna (Interim Protection) Act 1991* and amends the *National Parks and Wildlife Act 1974*. The Act provides for the protection of all threatened plants and animals native to NSW (excluding fish and marine vegetation) and introduces recovery and management strategies for the protection of these species. Section 7.4 and Technical Report No 3 address the requirements of this Act.

- *Waste Avoidance and Resource Recovery Act 2001*

This Act seeks to encourage the most efficient use of resources and to reduce environmental harm in accordance with the principles of ecologically sustainable development. In addition, the Act seeks to ensure that resource management options are considered against the waste hierarchy.

- *Water Act 1912*

The principal objectives of the *Water Act 1912* are to control the extraction and use of water, the construction of works such as dams and weirs and undertaking activities in or near water sources throughout NSW. This is primarily achieved by issuing licences and permits for these matters.

1.6 DEVELOPMENT APPROVAL AND CONSENT PROCESS

1.6.1 Australian Government

Environment Protection & Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation (EPBC) Act 1999* identifies six matters of National Environmental Significance:

- World Heritage properties;
- Items of National Heritage
- Ramsar wetlands of international importance;
- Listed threatened species and communities;
- Migratory species protected under international agreements;
- Nuclear actions; and
- The Commonwealth marine environment.

Under the *EPBC Act* actions that are likely to have a significant impact on a matter of National Environmental Significance are subject to the Commonwealth assessment and approval process. Areas of remnant vegetation on the site have been identified as Cumberland Plain Woodland. Cumberland Plain Woodland is listed as an endangered ecological community under the *EPBC Act*. Under the provisions of the *EPBC Act*, this proposal has been referred to the Commonwealth Department of Environment and Heritage who have since advised that the proposed RDC is not a controlled action.

1.6.2 New South Wales

Section 75F(2) of the *EP&A Act* provides that where an application is made for the Minister's approval for a Project, the Director General is to prepare environmental assessment requirements.

Clause 8J(1) of the Regulations provides that the Director General may adopt as environmental assessment requirements for a Project, environmental assessment requirements that were issued by the Director General under Part 4 of the *EP&A Act* with respect to any development before it became an approval to which Part 3A of the *EP&A Act* applies.

In addition Clause 8J(2) of the Regulations provides that the Director General may adopt as environmental assessment for a Project, an environmental assessment that was prepared by the Proponent for the Director General under Part 4 of the Act with respect to any development before it became an approval to which Part 3A of the *EP&A Act* applies.

On 26 May 2005, the Director General issued requirements for the preparation of an EIS. These requirements have been relied upon by the Proponent (pursuant to Clause 8J (1) of the Regulations) as environmental assessment requirements for a Project to which Part 3A of the *EP&A Act* applies. Further the EAR is relied upon (pursuant to Clause 8J(2) of the Regulations) as an environmental assessment for a Project to which Part 3A of the *EP&A Act* applies.

1.6.3 Purpose of the Environmental Assessment Report

The EAR covers the matters referred to in the requirements issued by the Director-General in respect to the proposed development. The EAR has addressed these requirements.

An Environmental Management Plan (EMP) would be prepared for the proposed development and would incorporate the commitments made in this document. The EMP would be prepared on receipt of conditions of development consent and the relevant licences and permits. The EMP would continue to be updated periodically in accordance with the requirements of the RDC and overall site management.

1.7 CONSULTATION

1.7.1 Government Agencies

A planning focus meeting was held on 9 January 2003 and relevant government bodies were provided with the opportunity to respond with their concerns and requirements. These were incorporated in the Director General's Requirements.

Subsequently consultations were undertaken with all public authorities with an interest in the proposed development. These included:

- Agility (a subsidiary of AGL);
- Blacktown City Council;
- Department of Environment and Conservation;
- The then DIPNR;
- Department of Primary Industries (DPI previously NSW Fisheries);
- Integral Energy;
- NSW Rural Fire Service;
- Railcorp;
- Roads and Traffic Authority (RTA); and
- Sydney Water.

The Director General's Requirements and copies of relevant correspondence from these agencies are provided in Appendix A. Table 1, Appendix A provides a summary of the requirements and issues and where they are addressed in the EAR. In addition consultation has been undertaken with the Australian Government Department of Environment and Heritage.

1.7.2 Community Consultation Program

A community consultation programme was initiated during preparation of the EAR. The programme was managed by Twyford Consulting for Readymix. The objectives of the consultation programme were:

- To build positive relationships with key local stakeholders;
- To provide clear, accurate and objective information on the proposed RDC;
- To listen to issues and concerns expressed by the local community; and
- To encourage improved understanding of the project and the way Readymix intends to manage and minimise impacts to the local community.

Phase 1

The initial phase of the consultation programme involved identifying the community potentially impacted by the project and the social and development issues of concern to this community. A

social profile of the Blacktown Council LGA was prepared (Coakes Consulting 2005). The key findings of the study were:

- Blacktown was originally established as a population area around a railway station in the 1880s. It was established as a Shire in 1906. It became a Municipality in 1961 and declared a City in 1979;
- There has been a strong theme of growth and infrastructure development in the area since the 1970s, and a steady population increase. In 2001 the population of the Blacktown LGA was 256,364;
- This infrastructure has fuelled some of this growth. The city is linked to both the M2 and M4 motorways. The main Western rail line provides transportation for commuters as well as for freight in and out of Sydney to the West;
- Blacktown City Council provides services to 45 suburbs. It has 5 Wards and 15 Councillors. The suburbs closest to the proposed RDC site in Kellogg Road are: Rooty Hill, Mt. Druitt, Plumpton and Doonside;
- A high percentage of those living in the area were born in countries other than Australia, particularly in Asia. However, among those born overseas a relatively high percentage speak another language and English either “very well” or “well”; and
- In summary, Rooty Hill and surrounding suburbs have a relatively stable and young population, dominated largely by couple families with children. Residents are largely employed, with a medium to high level of weekly income. The area has a high proportion of residents from other countries, though proficiency in English is quite good.

The key development and social issues within the Blacktown LGA identified in the Social Profile included:

- Concern for environmental issues, particularly conservation of bushland areas and open space for community recreation;
- Concern for increasing levels of industrial development in the area and increasing density of population; and
- A sense of community spirit, combined with some degree of tension due to the multi-cultural mix of population.

Other local issues included:

- Rapid growth and development of the Blacktown/Rooty Hill area;
- Previous active community opposition to the construction and operation of the OneSteel Mini Mill and other local infrastructure projects;
- Increasing community focus on environmental and development issues;
- Concern within the community about rapid change and the impacts of industry on the health of the community; and

- The rapidly advancing construction of the M7 motorway and its current and future impact on the local community at Rooty Hill.

Key stakeholders identified included:

- Residents of Rooty Hill particularly those living in proximity to the proposed development site;
- Residents of some areas of Doonside and Plumpton;
- Local community groups including the Rooty Hill Progress Association;
- Operators of local businesses particularly those in the industrial area;
- Local business groups;
- Blacktown City Council Councillors and Council Officers;
- State Government members for the local area;
- State government agencies;
- Users of the Nurragingy Reserve including the operators of the Colebee Centre; and
- The broader Blacktown LGA community.

Phase 2

The key components of the community consultation programme were developed based on the findings of Phase 1 and included:

- Use of the existing Readymix website to provide specific information on the proposed development via a Rooty Hill Web Page. Visits to the Web Page during the period December 2004 to April 2005 totalled 95;
- Presentations to elected representatives at state and local government level;
- Preparation and distribution of Newsletters to the local community;
- A survey of community attitudes to the proposed development;
- Briefings and site inspections for key stakeholders and other interested parties;
- Identification of issues and concerns raised by stakeholders;
- Establishment of a Community Information Office at Rooty Hill;
- Communication of Readymix responses to issues and concerns; and
- Establishing and building relationships with stakeholders.

Newsletters

Initially a newsletter was distributed by mail and letterbox drop to all residences and businesses within 1km of the development site (refer Appendix B). This was undertaken in November 2004.

The 1 km radius was selected as being representative of the proximate community. Approximately 2000 newsletters were distributed. The newsletter covered aspects of the proposed development including:

- Background to Readymix and the proposal;
- Description of a RDC;
- Why Rooty Hill has been selected as a site;
- The need for the development;
- How it will affect the local area;
- What the benefits are;
- The approval process;
- Readymix's commitment to consultation; and
- Ways to access further information.

The newsletter content referred to the Readymix website where information on the project including the newsletter was available. In addition an invitation was provided to visit the site.

A second newsletter (approximately 2000) was distributed in February 2005. It was distributed to residences and businesses who received the first newsletter and in addition it was forwarded to other residents who had indicated an interest in the proposal. A copy of the newsletter was also forwarded to 38 community organisations, interest groups and local schools with an invitation to visit the Community Information Office and the development site. The newsletter responded to the concerns and issues raised by the community and included a Fact Sheet with updated information regarding the proposal (refer Appendix B).

At the time of the distribution of each of the newsletters a media release was circulated and articles about the project were included in the Mt Druitt St Marys Standard, the Blacktown Advocate and the Blacktown City Sun. Readymix provided additional information to the newspapers in response to the initial articles.

Site Inspections and Meetings

- A number of stakeholders visited the site including three Blacktown City Councillors, the Economic Development Officer from Blacktown Council, the State Member for Mt Druitt, local business operators including managers from OneSteel and the Colebee Centre (located within the Nurragingy Reserve). Four local residents also visited the site. Issues raised during the site visits were documented.

A meeting was held with the Rooty Hill Progress Association on Wednesday December 15, 2004 to identify the issues and concerns held by representatives and members of the association. Between 25 and 30 members of the group attended.

Residences in Mavis Street, Rooty Hill to the south of Rooty Hill Station were door knocked during April 2005 to ensure they were aware of the proposed RDC and associated rail siding. These residents were identified as those living closest to the railway station.

Community Awareness Survey

In order to establish the level of community awareness, interest or concern about the proposed development a random community telephone survey was undertaken in January 2005. The results

of the survey indicated that about a third of the people interviewed were aware of the proposed RDC and of those who had not heard of it most were not interested in obtaining more information.

Community Information Office

As a result of the information received from the Community Awareness Survey a Community Information Office was established in Rooty Hill Plaza in the Rooty Hill Shopping Centre. A physical model of the proposed development site was on display in the office with maps, plans and diagrams.

The Community Information Office is staffed and is open during normal working hours each weekday. The office was opened in February 2005. The Community Information Officer is available to provide information and discuss issues with members of the community. The Readymix Project Officer was available on appointment to take community members on site visits and provide more detailed information and respond to community issues. Over 75 people had visited the office in the period to June 2005.

Phase 3

The consultation process will continue during the period of public review of the EAR. The Community Information Office will have copies of the EAR including Technical Reports available for interested parties to review.

Outcomes of Community Consultation Programme

One important objective of the community consultation programme was established as building ongoing relationships with stakeholders. Initially most of the responses from stakeholders to the information about the proposed RDC were negative. During the course of the consultation process, while people have raised issues, the fact that Readymix has worked hard to encourage people to find out more about the proposal rather than making assumptions about it, has assisted in developing more positive relationships with individuals and groups.

A database has been created of over 100 names of individuals and groups who have indicated an interest in continuing to receive information about the project. Readymix is continuing to expand the list of people and groups who receive ongoing information to ensure an iterative and responsive process.

Individuals who have visited the site or the Community Information Office have said that they are impressed with Readymix's willingness to listen to them and to spend time providing them with up to date and objective information.

The focus on relationship building for the long term will continue throughout the project.

The consultation undertaken between November 2004 and July 2005 has achieved many of the initially stated objectives.

- Positive relationships have been established with many key local stakeholders however this is an ongoing process that will continue throughout the life of the project;
- Clear, accurate and objective information on the proposal has been provided through a range of communication tools including the Community Newsletter, the Community Information Office and briefings and interviews. All are on-going;
- Readymix has listened to and responded to comments from the local community about the project; and

- The information provided by Readymix has contributed to an improved understanding of the project and the way impacts to the local community will be managed.

An ongoing consultation process will be undertaken by Readymix to build on the work done during the EAR process. The process will ensure the local community continues to be fully informed on the proposed RDC development and opportunities are provided for their input to be gathered and heard by Readymix.

The issues raised by the community and other stakeholders up to the time of compilation of this EAR are summarised in Section 4.2.

1.8 STRUCTURE OF THE ENVIRONMENTAL ASSESSMENT REPORT

This EAR has been prepared on the basis of extensive studies that have been undertaken on the site. Where necessary, studies have been conducted specifically for the preparation of the EAR. The major studies involved in the preparation of the EAR were:

- *Air Quality Study*

Holmes Air Sciences were commissioned to assess the impact of the proposed development on air quality, particularly in relation to dust emissions. Associate Professor David McKenzie of the Chest and Sleep Centre at Prince of Wales Private Hospital has reviewed the air quality study and provided a report on any potential health effects associated with dust emissions from the proposed RDC.

- *Archaeological Study*

Navin Officer Heritage Consultants were commissioned to undertake an indigenous archaeological survey of the proposed development site. The survey was undertaken in consultation with representatives of the local Aboriginal community.

- *Biological and Aquatic Ecology Assessment*

National Environmental Consulting Services (NECS) undertook an assessment of the existing flora and fauna on site and Biosis Research undertook terrestrial, aquatic and biological impact assessments of the proposed RDC.

- *Water Quality and Water Management*

NECS has undertaken a baseline water quality monitoring programme as a basis for assessing the existing condition of Angus Creek. Bewsher Consulting have undertaken a flooding assessment for the proposed development. GW Engineers have prepared concept drainage plans for the proposed RDC.

- *Noise Study*

Richard Heggie Associates have assessed the ambient noise levels and the potential impact of noise generated from the proposed construction and operational activities to be undertaken on site. The study has involved identification of mitigation measures to reduce noise emissions from the proposed RDC.

- *Economic Assessment*

Impact Eco-fin Australia have undertaken an economic assessment of the proposed development. Both a multiplier approach and a cost benefit analysis have been utilised to assess the impact of the development on the local community and the regional economy.

- *Geology and Groundwater*

Douglas Partners have undertaken an assessment of the geology and groundwater conditions of the proposed development site. The assessment involved review of available information and site testing.

- *Traffic Study*

Irwin Consult have undertaken an assessment of existing traffic conditions and have assessed the impact of the project in terms of potential and existing users of the local and regional traffic network. A separate construction traffic report has been prepared.

- *Visual Assessment*

Context Landscape undertook an assessment of the visual impacts of the proposed development of the RDC. Mitigation measures have been developed and incorporated in a site Landscape Plan and site Master Plan.

The EAR is presented in eleven sections:

- *Section 1 – Introduction*

This introductory section provides a general introduction to the proponent, the proposed development, the EAR and the associated environmental assessment process. It provides an overview of the proposed development, identifies the regulatory requirements and outlines the consultative process undertaken. A guide is also provided to the contents and structure of the EAR.

- *Section 2 – Need for the Proposed Development and Alternatives*

This section provides a description of the need for the proposed RDC and the alternatives considered. Alternatives include transportation modes, site location, design and layout. It also evaluates the proposal in terms of site suitability criteria.

- *Section 3 – Location and Site Description*

This section provides a general description of the proposed development site in terms of land ownership, zoning and existing use. In addition it provides details of land use activities within the surrounding area.

- *Section 4 – Issues Identification and Prioritisation*

This section provides an outline of the consultation program undertaken as part of the environmental assessment process.

- *Section 5 – Project Description*

The following section provides a description of the proposed RDC including earthworks, construction and operational aspects of the development. It describes the various components of

the RDC and the activities to be undertaken on site including operation of the Concrete Batching Plant.

- *Section 6 – Environmental Management and Mitigation Measures*

This section identifies the environmental management practices to be undertaken on the site for all aspects of the proposed RDC. An outline of the proposed Environmental Management System and associated site Environmental Management Plan is provided.

- *Section 7 – Environmental Assessment*

This section describes the existing environment of the site in terms of the physical, biological and socio-economic environment and assesses the impact of the proposed development.

- *Section 8 – Ecologically Sustainable Development*

This section assesses the proposed development in terms of the principles of ESD.

- *Section 9 –Matters for Consideration*

This section documents the matters specified in the EP&A Amendment (Infrastructure & Other Planning Reform) Regulation for environmental assessment and Ministerial consideration.

- *Section 10 - Justification for the Proposed Development*

This section provides a justification for the proposed RDC in terms of the need for construction materials, the suitability of the site, economic and environmental considerations.

- *Section 11 – References*

This section lists the references used to prepare the report.

1.9 HOW TO READ THIS ENVIRONMENTAL ASSESSMENT REPORT

This EAR presents the environmental assessment of the proposed development and describes the environmental management practices proposed. The EAR documentation includes:

- EAR – This document includes the main text of the EAR and refers to additional documents which are either provided as appendices or technical reports.
- Summary – This document is available to interested individuals and groups who require an overview of the EAR and may not necessarily need to, or wish to, review the content of the EAR.
- Appendices – These documents form part of the EAR and contain additional information which has been referred to in the EAR, for example, copies of relevant correspondence received from Government departments and authorities.
- Technical Reports – A series of specialist technical studies have been conducted to assist in the preparation of the EAR. These studies are included in the EAR. The Technical Reports include:
 - Technical Report No 1 : Geology and Groundwater ;
 - Technical Report No 2 : Water : Flooding & Drainage;

- Technical Report No 3 : Terrestrial Biology;
- Technical Report No 4 : Aquatic Biology;
- Technical Report No 5 : Air Quality and Health;
- Technical Report No 6 : Noise;
- Technical Report No 7: Landscape/Visual;
- Technical Report No 8 : Traffic;
- Technical Report No 9 : Economics; and
- Technical Report No 10 : Archaeology.

For a reader interested in specific issues, reference should be made to the sections where those issues of interest are addressed. It may be helpful if the reader initially reads the description of the proposed development in Section 5 of the report.

After reading Section 5, the reader should then refer to the Table of Contents, which provides direction to other relevant sections of the EAR.

If the reader is interested in a particular environmental aspect, for example noise or air quality, reference should be made to Section 7 of the EAR, which provides a description of the existing environment. Section 7 also provides the assessment of the impacts of the proposed development on each of those environmental aspects, including the physical, biological, social and economic environments.

An overview of the EAR is provided in the Executive Summary.