

**MODIFICATION OF A DEVELOPMENT CONSENT UNDER SECTION 96 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

(R93/00077, DA 14/96-M1 MOD 11-99)

I, the Minister for Urban Affairs and Planning, pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979, modify the development consent referred to in Schedule 1 in the manner set out in Schedule 2.



Andrew Refshauge MP
**Deputy Premier,
Minister for Urban Affairs and
Planning,
Minister for Aboriginal Affairs and
Minister for Housing**

Sydney, **7 APRIL** 2000

SCHEDULE 1

Development consent granted by the Minister for Urban Affairs and Planning on 6 September, 1996 to a development application (DA 14/96) submitted by Boral Resources (NSW) Pty Ltd for the construction and operation of a concrete batching plant, an asphalt plant and associated materials handling facility at Burrows Road South, St Peters, as amended by the consents granted by the Minister on 12 May 1997, pursuant to section 102 of the unamended Environmental Planning and Assessment Act 1979 (the Act), 8 December 1998 and 25 June 1999, pursuant to section 96 of the Act.

SCHEDULE 2

The development consent is modified by replacing the words in Conditions 2(i), 39 and 40 with those given below.

2. The development shall be carried out :
 - (i) as described as option "A" in the Environmental Impact Statement (EIS), as modified by supplementary material prepared by S A Smits and Associates Pty Ltd, dated April 1996 and June 1996, 21 September 1998 and 25 September 1998, 22 March 1999, 7 May 1999 and 21 May 1999, and details of the alterations to the layout of the materials handling facility prepared by the applicant dated 17 November 1999 and clarifications provided in letters dated 26 November 1999 and 1 March 2000.

39. The applicant shall use rail freight for quarry product delivery including cement delivery, to the extent set out for Option A in the EIS and as modified by supplementary material prepared by S A Smits and Associates Pty Ltd, dated 17 November 1999 wherever reasonably practicable. The applicant shall submit to Council quarterly reports on rail quarry product delivery tonnage including cement delivery tonnage and road quarry product delivery tonnage including cement delivery tonnage indicating how rail has been used during that quarter.

The report should include justification where rail has not been used to the extent set out for Option A in the EIS and as modified by supplementary material prepared by S A Smits and Associates Pty Ltd, dated 17 November 1999.

40. Council may require at the applicant's expense, an independent audit of rail use for quarry product delivery including cement, if it considers that the report has not justified that rail use has been used wherever reasonably practicable.