



**SECTION 75W PLANNING ASSESSMENT REPORT  
MODIFICATION 4- CONCEPT AND PROJECT  
APPROVAL 06\_02225**

# Wallgrove Redevelopment

## Eastern Creek NSW

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Date: May 2017



Report prepared by	
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Qualifications	B.Eng (Civil), MBA (PM)
Address	Level 18, 2-12 Macquarie Street, Parramatta NSW
In respect of	The subdivision and redevelopment of the Hanson Concrete and Asphalt Facility Eastern Creek.
Development application	DP&E Reference PA & CP 06_0225
Applicant name	Hanson Construction Materials Pty Ltd
Applicant address	Level 18, 2-12 Macquarie Street, Parramatta NSW 2150
Land to be developed	Honeycomb Drive, Eastern Creek NSW
Lot number DP/MPS vol./fol., Etc of Proposed development	Site is defined as Lot 5 in DP1145808  City of Blacktown Parish of Melville County of Cumberland
Planning Assessment Report	Hanson Concrete and Asphalt Facility, Eastern Creek
Certificate	<p>I certify that I have prepared the contents of this Statement and to the best of my knowledge.</p> <p>This submission has being prepared as the mandated environmental assessment under the provisions of Section 75W of the EP&amp;A Act 1979.</p> <p>It contains all available information that is relevant to the environmental assessment of the development to which the statement relates</p> <p>It is true in all material particulars and does not, by its presentation or omission of information, materially mislead.</p>
Signature	
	
Name	Andrew Driver
Date	May 2017

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## **1 THE PROPONENT**

Hanson is a major supplier of aggregates, sands and premixed concrete to the civil, industrial, residential, and commercial construction industries. Hanson and its subsidiaries operate over 70 quarries and more than 300 concrete plants throughout Australia, employing over 3000 people nationwide.

## **2 BACKGROUND**

Hanson Construction Materials Pty Ltd (Hanson) has prepared this submission under the Section 75W Planning Assessment Report which accompanies an application made pursuant to Section 75W of the Environmental Planning and Assessment Act 1979 to modify Concept and Project Approval CP 06\_0225. According to a Fact Sheet entitled “Arrangements for projects remaining under Part 3A pending its repeal”, of May 2011 (Source: Department of Planning & Infrastructure website, 16 November 2011):

“Projects which have been determined under Part 3A can continue to be modified under section 75W of the EP&A Act.”

This Concept and Project Approval was issued by the Minister on the 3rd June, 2010 under Section 75J of the Environmental Planning and Assessment Act 1979 in respect to a project known as Hanson Asphalt and Concrete Facility.

In late 2010, Hanson sold part of its business in asphalt manufacturing to Fulton Hogan (FH). The FH asphalt plant is the only plant still operating on the site in its existing location (see Figure 1).

In accordance with the Project Approval, by the end of 2012, Hanson had decommissioned and removed the remainder of the operations on the site, including the concrete crushing and screening plant.

The subdivision defining the alignment of the Precinct Road was also been completed and the entire site including the proposed Precinct Road has been consolidated onto land that is owned by Hanson (Lot 5 in DP 1145808).

## **3 THE SITE**

The site is located within the Western Sydney Employment Area (WSEA), 36km west of the Sydney CBD and close to the M4 and M7 Motorways. Access is via Honeycomb Drive and Wallgrove Road. The nearest residential dwellings are approximately 800m to the west at Erskine Park and 1 km to the north of the site in the suburb of Minchin bury. The development site is depicted in Figure 1 on the following page. The site is formerly identified as Lot 5 in DP1145808.





#### 4 CURRENT APPROVAL- MODIFICATION 3 (MOD 3)

In March 2017, the delegate for the Minister for Planning, under the Instrument of Delegation, approved the modification of the concept approval referred to in Schedule 1, subject to the conditions approved Hanson's Concept Plan (06\_0225) was granted for:

- a) *subdivision of lots 1-5 and 7-10;*
- b) *residual subdivision and future development of Lot 6;*
- c) *bulk earthworks across the site;*
- d) *provision of the Precinct Plan collector road and Internal Estate Road;*
- e) *provision of a range of associated infrastructure to provide essential services to the site;*
- f) *development of an Asphalt and Concrete Production & Recycling Facility, consisting of:*
  - i. *Maintenance and Fuel Depot and Workshop;*
  - ii. *Asphalt/Emulsion Plant with a production capacity up to 360,000 tonnes per annum.*
  - iii. *Concrete Recycling Facility importing and processing up to 100,000 tonnes per annum; and*
  - iv. *Concrete Batch Plant with a production capacity up to 144,000m<sup>3</sup> per annum; Office and Laboratory; and*
  - v. *Materials Storage Depot (with import up to 36,000 tonnes of material per annum).*

The general scope of this approval is depicted in the modified concept master plan (see Figure 2).

And Project Application (06\_0225) was granted for:

- a) *continued use of the existing Fulton Hogan Asphalt I Emulsion Plant with a production capacity of up to 270,000 tonnes per annum until 3 June 2017;*
- b) *subdivision across the site (23.3595 hectares) to create 10 Lots (refer to Appendix 2);*
- c) *earth works, civil works, and servicing; and*
- d) *construction of the Precinct Plan Road and Internal Estate Road*

A separate approval is required to operate the new asphalt plant in the Concept Plan.

#### 5 PROPOSED MODIFICATION

It is proposed to amend PA 06\_0025 MOD1 condition 2 in Schedule 2 with the following:

- a) *continued use of the existing Fulton Hogan Asphalt I Emulsion Plant with a production capacity of up to 270,000 tonnes per annum until **30 June 2019**;*
- b) *subdivision across the site (23.3595 hectares) to create 10 Lots (refer to Appendix 2);*
- c) *earth works, civil works, and servicing; and*
- d) *construction of the Precinct Plan Road and Internal Estate Road*

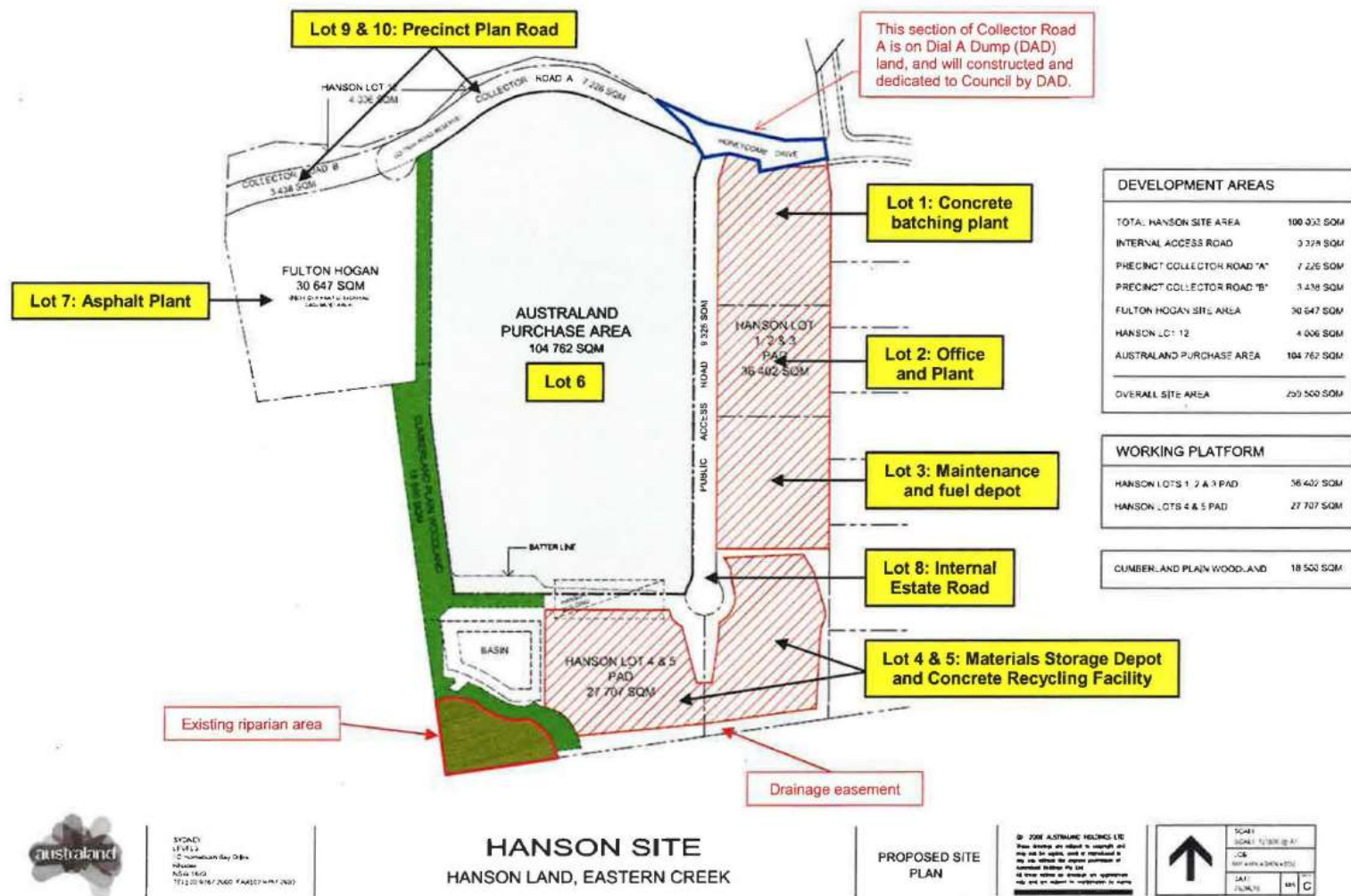


Figure 2- Modified Concept Plan (MOD 3)



## 6 REASONS FOR THE MODIFICATION

This modification application has been triggered following outcomes of extensive commercial investigations and contractual negotiations with Frasers Property Australia (Frasers), Hanson and the operators of the asphalt plant, Fulton Hogan. One of the conditions of the dealings was the requirement for Frasers to lodge a modification (MOD 3) to facilitate the creation of a subdivision suitable to their requirements. This modification was lodged July 2016 and approved in March 2017.

Site works are scheduled to commence June 2017 and be completed mid-2018. The site works will be carried out across the entire site with the exception of the asphalt plant area, as the re-development of the asphalt plant area was not the subject of works approved under MOD 3. The Project Approval, in accordance with the existing Concept Approval, for the re-development of the asphalt plant site will be required to be lodge while MOD 3 site works are taking place.

This process is anticipated to take up to 12 months from initiation to development consent. Similarly on Project Approval for the re-development of the asphalt plant the construction time to deliver the new facility is anticipated to be 12 months. However during this period there is a strong need to keep the asphalt plant operational for the continued supply of asphalt for Sydney's major infrastructure work currently underway.

The proponent will not seek to further extend the continued of the existing Fulton Hogan Asphalt and Emulsion Plant with a production capacity of up to 270,000 tonnes per annum beyond 30 June 2019.

## 7 JUSTIFICATION FOR THE MODIFICATION

### 7.1 New South Wales Government- Rebuilding NSW

The NSW Government will turbocharge the NSW economy by investing \$20 billion in infrastructure through its Rebuilding NSW Plan.

Following the State Infrastructure Strategy's recommendations, the plan will reserve:

- An additional \$1.1 billion to invest in the northern and southern extensions to WestConnex along with the Western Harbour Tunnel.
- An extra \$7 billion for Sydney Rapid Transit, to fully fund a second harbour rail crossing.
- \$2 billion for schools and hospitals.
- \$4.1 billion for regional transport.
- \$1 billion for regional water security.
- \$300 million for regional tourism and the environment.
- More funds to Sports and Cultural infrastructure, up from \$500 million to \$1.2 billion.

In particular major urban road projects include:

- Reserve \$400 million to progressively implement Smart Motorways.

- Reserve \$300 million to unblock critical constraints, creating a Gateway to the South.
- Reserve \$300 million for the Urban Roads Pinch Points program.

The Fulton Hogan Asphalt Plant at Wallgrove (Eastern Creek) is needed for the supply of asphalt to ensure that the NSW Government can deliver on its Rebuilding NSW Plan.

## **7.2 Fulton Hogan**

Fulton Hogan is a multi-disciplinary company that employs 5500 people across Australasia. Fulton Hogan specialises in building and maintaining transport and civil infrastructure, and are industry leaders in civil construction, asphalt surfacing and long term asset maintenance specialising in:

- Civil Construction
- Road Maintenance
- Asphalt Production and Supply
- Asphalt Laying
- Light Rail Construction and Maintenance
- Bridge Construction
- Water Infrastructure
- Airport Pavement
- Port Pavement
- Traffic Management

## **7.3 Employment**

In NSW Fulton Hogan employs in excess of 200 employees in NSW Industries who have the opportunity to rotate throughout the business and develop skills at all levels to provide opportunity for growth and succession planning.

The Wallgrove facility employs six production employee's permanently based at that site which supply, at any time, up to three of our transient crews of 30 employees.

The Wallgrove facility utilises 14 haulage companies for their requirements who YTD have transported from, and into, the facility in excess of 200,000 tonnes of material.

## **7.4 Existing Customers and Contractual Commitments**

Approximately 45% of asphalt manufacture & supply from the Wallgrove facility is undertaken for Government organisations. Asphalt supply is primarily to Roads & Maritime Services, Local Government, Property developers, and Various Construction Contractor:

This financial year supplies have been made from the Wallgrove Plant to the following 19 Councils:

- Ashfield Municipal Council
- Blacktown City council

- Blue Mountain City Council
- Boorowa Shire Council
- Camden Municipal council
- Campbelltown City council
- Fairfield City Council
- Hawkesbury City council
- Hornsby Shire council
- Liverpool city works Dept.
- Parramatta City council
- Penrith City council
- Ryde City Council
- Sutherland Shire Council
- The Hills Shire Council
- Wollondilly Shire Council

In addition to:

- RMS Mittagong
- RMS Panel
- Sydney Water Corp
- Lend Lease Building Contractors
- CPB Contractors
- Burton Contractors
- TRN
- BMD

Fulton Hogan has existing supply agreements that need to be maintained. These supply agreement include the recent award of the WestConnex Stage 2 - M5 East Airport Link, Beverley Hills to St Peters (Value = \$3-4bn) which was recently announced by NSW Minister for Roads Duncan Gay. Asphalt for this contract will be supplied from the Wallgrove Production facility.

## 8 CONSULTATION

### 8.1 Blacktown City Council

Blacktown City Council (BCC) was consulted about the proposed modification. BCC response is as follows:

*“...proposed an alternate approach to construct the Precinct Road in full now, with the allowance to continue the operation of the Asphalt and Concrete Facility. You advise that access to the Facility can be maintained via the right of way via the Dial-a-Dump site until the completion of the Precinct Road.*

*We advise that provided the road construction is not impeded by the continued operation of the asphaltic plant and WHS requirements are met, this approach is acceptable as it ensures that the Precinct Road is completed in a timely manner to council and DPE satisfaction and in accordance with the development consent as modified.*

*A s75W modification application is required to fully address the works proposed and their timing/scheduling, and any environmental and operational impacts on your development site and nearby properties."*

## **8.2 Environment Protection Agency**

The asphalt plant operated by FH is required to have an Environment Protection Licence (EPL). FH have been issued with EPL No. 494. This licence has been subject to a number of variations through consultation in the past with the most recent being on 11 January 2017 resulting in a variation to the EPL dated 4 April 2017. A summary of consultation with the EPA is listed below:

- A. On 27 July 2015 the Environment Protection Authority ("EPA") received an application for the variation of the licence. Fulton Hogan advised that due to roadworks undertaken in the area, the premises address should be amended to Honeycomb Drive, Eastern Creek NSW 2766 and additionally requested that the scheduled activity of crushing, grinding and separating be removed and the scheduled activity of resource recovery added.
- B. As a result of changes to the scheduled activities, the premises is now waste levy liable and Fulton Hogan were asked to nominate an 'authorised amount' being the total amount of waste material that can be stored at the premises at any one time.
- C. On 25 October 2016 Fulton Hogan nominated the amount of 50,000 tonnes. The EPA determined that this amount was appropriate. The address and Lot and DP reference have been
- D. Condition O4.1 has been added to the licence "By 30 January 2017 the licensee must prepare, maintain and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. NOTE: The licensee must develop their PIRMP in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations Act 1997 (the POEO Act) and the POEO Regulations".



## 9 WORK UNDERTAKEN IN RELATION TO THE CONCEPT & PROJECT APPROVAL

### 9.1 Detailed Survey

In accordance with conditions of consent a detailed site survey was submitted to the Minister for Planning and Environment (Minister).

### 9.2 Environmental Management Plans

In accordance with conditions of consent Environmental Management Plans including; Noise, Air Quality, Water, Soil and Erosion were submitted to the Minister.

### 9.3 Environment Management Strategy

In accordance with conditions of consent an Environmental Management Strategy was submitted to the Minister.

### 9.4 Demolition and Decommissioning

In accordance with conditions of consent the existing quarry crushing, screening, processing plant, office was demolished. The concrete plant was also decommissioned and relocated.

## 10 NO CHANGE TO EXISTING ENVIRONMENTAL IMPACTS

The propose modification does not seek to increase or intensify the current approved asphalt plant operations. As such the extension of the continued of the existing Fulton Hogan Asphalt and Emulsion Plant with a production capacity of up to 270,000 tonnes per annum to 30 June 2019 will not change the existing environmental impacts operational impacts on development site and nearby properties.

## 11 COMPLIANCE WITH DEVELOPMENT APPROVAL

Compliance with the Project Approval is detailed in Table 1 below.

<u>Schedule 2</u>	<u>Condition</u>	<u>Compliance</u>
1	Replace land to which this project applies to reflect updated land title details as registered by the Land and Property Management Authority:  Land: Lot 5 in DP1145808	Noted.
	Terms of Approval  Replace condition 2 in Schedule 2 with the following;	Current Recycling and Concrete Production operations have

2	<p>2. The Proponent has Project approval for:</p> <p>(a) continued use of the existing Fulton Hogan Asphalt / Emulsion Plant with a production capacity of up to 270,000 tonnes per annum until 3 June 2015;</p> <p>(b) subdivision across the site (23.3595 hectares) to create 14 Lots (refer Appendix 2);</p> <p>(c) earth works, civil works, and servicing; and</p> <p>(c) construction of the Precinct Plan Road and Internal Estate Road.</p> <p>Note: A separate approval is required to operate the new asphalt plant in the modified concept plan.</p>	<p>ceased.</p> <p>Asphalt/Emulsion plant is still in use.</p>
3	<p>The proponent shall submit a detailed site survey to the Minister within 4 months of commencement of this approval. The site survey shall include:</p> <ul style="list-style-type: none"> <li>▪ The location of the land, area, boundaries and adjoining properties</li> <li>▪ Location, size and position of all plant and infrastructure so labelled</li> <li>▪ Location of all buildings, offices and structures, accordingly labelled</li> <li>▪ Position, location and volume of any stock piles, areas of storage of any materials</li> <li>▪ Position, location and volume of any combustible or flammable material</li> <li>▪ Access to/ from the site and internal road circulation</li> <li>▪ Water-bodies, dams, water tanks of any kind, and</li> <li>▪ Significant vegetation</li> </ul>	Submitted 01/10/2010.
4	<p>The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:</p> <p>a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this approval; and</p> <p>b) the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.</p>	As required.
5	<p>Liability to Lapse</p> <p>With the exception of subdivision and construction of the Precinct Plan Road, this approval shall lapse if the Proponent does not physically commence the proposed development contained within the concept plan approval (06_0225 Concept) within three (3) years of the date of this approval.</p>	Refer to Modification 24/10/2013.

6	<p>Existing Development Consents and Rights</p> <p>The Proponent shall surrender all previous development consents and / or existing and /or continuing use rights for the land referred to in Schedule 1, within 12 months of this approval.</p>	Existing use rights under EPA Act 1979 were replaced by the approval granted in June 2010.
7	<p>Structural Adequacy</p> <p>Within 6 months of this approval, the Proponent shall apply for all necessary building certificate(s) from Blacktown Council for existing building and structures on the site. The Proponent shall provide copies of the building certificate(s) to the Director-General once they have been received.</p>	Application was submitted to BCC and fee was paid 07/10/2010. Council responded in July 2012 to follow up on status. Hanson advised that structures were planned to be demolished (currently completing demolition process). BCC to refund application fees.
8	<p>The Proponent shall ensure that any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> <li>• <i>Under Part 4A of the EP&amp;A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.</i></li> <li>• <i>Part 8 of the EP&amp;A Regulation sets out the requirements for the certification of the project.</i></li> </ul>	Not required. Refer condition Sch 2 Pt 7
9	<p><b>Demolition</b></p> <p>The Proponent shall ensure that all demolition work is carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures, or its latest version.</p>	Demolition completed with relevant Australian Standard.
10	<p><b>Protection of Public Infrastructure</b></p> <p>Within 6 months of this approval, the Proponent shall:</p> <p>prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters, footpaths, etc) in consultation with Council; and</p> <p>submit a copy of this report to the Director-General.</p>	Council advised that a dilapidation report is not required at this time as the site is currently accessed via a private road of Old Wallgrove Road.
11	<p>The Proponent shall:</p> <ul style="list-style-type: none"> <li>(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and</li> <li>(b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.</li> </ul>	Not required. Refer to condition Sch 2 Pt 10.

12	<p>Operation of Plant and Equipment</p> <p>The Proponent shall ensure that all plant and equipment used on site is:</p> <p>maintained in a proper and efficient condition; and</p> <p>operated in a proper and efficient manner.</p>	Vehicles and machines are maintained and serviced as per OEM (Original Equipment Manufacturers) requirements.
13	<p><b>Contributions</b></p> <p>Replace condition 13 in Schedule 2 with the following:</p> <p>13. The Proponent must enter into a VPA under section 93F of the EP&amp;A Act with the Minister as set out in Appendix 3 of this approval within fourteen (14) days of the last day of public exhibition of the draft voluntary planning agreement.</p>	<p>VPA executed 18/09/2013.</p> <p>Revised VPA on exhibition March 2017.</p>
14	<p>Replace condition 14 with the following:</p> <p>14. The Proponent shall contribute \$4,204,710 payable to the Minister for Planning in accordance with the payment schedule detailed the VPA in Appendix 3 of this approval, for the provision of regional infrastructure within the broader Western Sydney Employment Area. This contribution would be made available to such works as:</p> <ul style="list-style-type: none"> <li>a) the upgrade of Old Wallgrove Road;</li> <li>b) the upgrade of Archbold Road;</li> <li>c) signalisation of intersections along Old Wallgrove; and</li> <li>d) the upgrade of the intersection of Wallgrove and Old Wallgrove Road.</li> </ul>	<p>VPA executed 18/09/2013.</p> <p>Revised VPA on exhibition March 2017.</p>
15	<p>Insert new condition 15 in Schedule 2 as follows;</p> <p>15. The Proponent must not apply for a subdivision certificate or a construction certificate in relation to any development on the subject land unless the Proponent can supply written confirmation from the Department that the VPA referred to in Condition 13 has been entered into and has been registered on the title of the subject land.</p>	Noted.
<u>Schedule 3</u>	<u>Condition</u>	<u>Compliance</u>
1	<p>Replace Condition 1 in Schedule 3 with the following:</p> <p>Subdivision Certificate</p> <p>1. The Proponent shall carry out the subdivision in accordance with the</p>	Noted.



	Plan of Subdivision at Appendix 2, titled "Plan of Proposed Subdivision in Lot 5 in DP 1145808", dated 13 October 2011, prepared by Land Partners.	
2	<p>Replace Condition 2 in Schedule 3 with the following:</p> <p>2. The Proponent shall register easements, positive covenants and restriction to user preventing building works on the Site pursuant to Section 88B of the Conveyancing Act, 1919 and to the satisfaction of Council, within three months of the completion of earthworks over the following:</p> <p>(a) all pipelines and structures collecting discharge from public roadways;</p> <p>(b) all stormwater quality improvement devices including the OSD;</p> <p>(c) the riparian area shown in the figures in Appendices 1 and 4, which includes the 1 in 100 year flow extents of the Ropes Creek Tributary.</p>	Noted.
3	<p>A drainage easement across the southern portion of the site shall be created and granted in favour of the adjoining landowner to the East, 'Australand' to allow for overland flows from their site.</p> <p><i>Note: Any easements in the subdivision plan must nominate Council as the authority to release, vary or modify the easement. The form of the easement must be in accordance with Council's standard recitals for terms of easements, or the standard form for easements accepted by the Department of Lands.</i></p>	Noted.
4	<p><b>Documentary evidence of restrictions on title</b></p> <p>Prior to the issuing of the subdivision certificate, the Proponent is to provide documentary evidence of the proposed easements to the accredited certifier or Council.</p>	Noted.
5	<p><b>Costs to be borne by the Proponent</b></p> <p>All costs associated with the preparation and registration of any covenant or restriction on title, whether directly or indirectly, will be borne solely by the Proponent.</p>	Noted.
6	<p><b>Drainage Plans</b></p> <p>Insert new condition 6 in Schedule 3 following condition 5:</p> <p>6. The Proponent shall provide revised Drainage Plans to the satisfaction of Council, prior to the commencement of earthworks to be undertaken as part of MOD1. The revised plans shall include, but not be limited to, the following requirements:</p> <p>(a) the road, interallotment and internal pipe network shall be designed to carry the 20 year ARI storm flows and justified through DRAINS modelling;</p> <p>(b) the proposed channel through Lots 4 and 5 is to be designed to carry the 1 in 100 year upstream flows assuming no detention;</p>	Noted.

	<p>(c) drainage pits and pipelines within the proposed public roads, are to be revised in accordance with Council guidelines.</p> <p>Note: The approved plans shall be submitted to the Department for record keeping purposes.</p>	
7	<p>Insert new condition 7 in Schedule 3 following condition 6:</p> <p>7. Where Council is not the certifying authority, an independent engineering consultant is required to assess the final drainage plans and to ensure that the modelling and water quality requirements meet Council's Engineering Guide for Development 2006 and the conditions of this approval.</p>	Noted.
8	<p><b>Retaining walls</b></p> <p>Insert new condition 8 in Schedule 3, following condition 7:</p> <p>8. Revised conceptual contour plans are to be provided to the satisfaction of Council for approval prior to the commencement of earthworks. The revised plans shall demonstrate that retaining wall heights are no higher than 6m, with a 1.5m vegetated setback in between any terraces. Any terraced area must be landscaped to provide screening of the retaining wall.</p>	Noted.
9	<p><b>Bulk earthworks</b></p> <p>Insert new condition 9 in Schedule 3, following condition 8:</p> <p>9. The Proponent shall undertake bulk earthworks in accordance with MOD 1 and specifically the CEMP dated 23 March 2012, including the following sub-plans and specific requirements detailed below, to the satisfaction of the Director-General:</p> <p>(a) Noise, Dust and Vibration Management Plan (dated 7 June 2012);</p> <p>(b) Erosion and Sediment Management Plan (dated 7 June 2012);</p> <p>(c) Vegetation, Clearing and Grubbing Protocols (dated 15 May 2012).</p> <p>(d) instant notification to the Department, if, during the construction or earthworks period there are any dust complaints, or exceedances of fine particulate matter (PM10) short and long term investigation and action levels, as identified by Plan (a) above. This notification to the Department should include any actions proposed to mitigate dust impacts;</p> <p>(e) cease or modify works should the recorded 15-minute average PM10 concentrations exceed the action level of 200 µg/m3 and meteorological conditions suggest that site activities are the dominant contributor;</p> <p>(f) develop a community engagement plan for provision to all businesses within 1km of the site which describes the works proposed, expected timeframes and contact numbers for complaints and/or enquiries; and</p> <p>(g) install signage at the site access throughout the earthworks and construction period which identifies the site and general activities. The signage shall include a contact phone number for a site manager able to</p>	Noted.

	discuss complaints and enquiries.	
10	<p><b>Stormwater Quality Improvement Devices</b></p> <p>Insert new condition 10 in Schedule 3 following condition 9:</p> <p>10. The stormwater, wetland and bioretention systems shall be constructed in accordance with MOD 1, specifically Appendix 1 of the RTS titled "Revised Stormwater Plan Set" and "Revision 3 Revised Draft – Amendments Following Council Review".</p>	Noted.
11	<p>Insert new condition 11 in Schedule 3 following existing condition 10:</p> <p>11. At the completion of earthwork, the Proponent shall consult with Council to determine a suitable time frame for installation of the plants and filter media in the wetland and bioretention area, to the satisfaction of Council.</p>	Noted.
12	<p>Insert new condition 12 in Schedule 3 following existing condition 11:</p> <p>12. The Prior to planting in the bioretention (wetland) area, certification shall be provided to Council demonstrating that the bioretention filter media meets the soil specification provided in the BFMG.</p>	Noted.
13	<p>Insert new condition 13 in Schedule 3 following condition 12:</p> <p>13. Within three months of the completion of construction of the SQID's, a Hydraulic Engineer is to provide certification to Council that construction has been undertaken in accordance with the plans referred to in Condition 10 and installed in accordance with the manufacturers recommendations</p>	Noted.
14	<p>Insert new condition 14 in Schedule 3 following existing condition 13:</p> <p>14. Signage shall be installed (minimum A0 size) to highlight the SQID's for the subdivision, to the satisfaction of Council, prior to the commencement of operations of the OSD and bioretention systems</p>	Noted.
15	<p><b>SQID Maintenance</b></p> <p>Insert new condition 15 in Schedule 3 following condition 14:</p> <p>15. Prior to the commissioning of the SQID's, the Proponent is to provide Council with written evidence that an appropriate contractor has been pre-paid to undertake a minimum of one year's maintenance for the bioretention basin, wetland and gross pollutant traps.</p>	Noted.
16	<p><b>Integrated Water Management Plan</b></p> <p>Insert new condition 16 in Schedule 3 following condition 15:</p> <p>16. The Proponent shall implement Appendix 2 of the RTS, the "<i>Integrated Water Management Plan</i>", dated August 2012. The maintenance schedule shall be updated to Council's satisfaction prior to the commissioning</p>	Noted.

	of the OSD.																					
17	<p>Insert new condition 17 in Schedule 3 following condition 16:</p> <p>17. The Proponent shall be responsible for the ongoing maintenance of the:</p> <p>a) diversion channel on proposed Lots 4 &amp; 5 from the OSD on Grevillea Street,</p> <p>b) drainage lines;</p> <p>c) any areas using gabions or reno mattresses; and</p> <p>d) the proposed wetland/bioretention system and OSD.</p>	Noted.																				
<u>Schedule 4</u>	<u>Condition</u>	<u>Compliance</u>																				
1	<p><b>SPECIFIC ENVIRONMENTAL CONDITIONS</b></p> <p><b>Noise Limits</b></p> <p>Noise generated by the project must not exceed the noise limits identified in the table below. The noise limits represent the noise contribution from the project site.</p> <table><tr><th>Location</th><th>Day</th><th>Evening</th><th>Night</th></tr><tr><td></td><td>L<sub>Aeq</sub>(15 Minute)</td><td>L<sub>Aeq</sub>(15 Minute)</td><td>L<sub>Aeq</sub>(15 Minute)</td></tr><tr><td>Minchinbury (south) MB3 Agrafe Place</td><td>45</td><td>45</td><td>45</td></tr><tr><td>Erskine Park (north) EN1 Warbler Street</td><td>35</td><td>35</td><td>35</td></tr><tr><td>Erskine Park (south) ES2 Fantail Crescent</td><td>35</td><td>35</td><td>35</td></tr></table> <p>Notes:</p> <p>(a) Noise from the development is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the L<sub>Aeq</sub>(15 minute) noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DECC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured</p>	Location	Day	Evening	Night		L <sub>Aeq</sub> (15 Minute)	L <sub>Aeq</sub> (15 Minute)	L <sub>Aeq</sub> (15 Minute)	Minchinbury (south) MB3 Agrafe Place	45	45	45	Erskine Park (north) EN1 Warbler Street	35	35	35	Erskine Park (south) ES2 Fantail Crescent	35	35	35	Current noise limits are included the Noise Management plan which includes the new receivers to the east.
Location	Day	Evening	Night																			
	L <sub>Aeq</sub> (15 Minute)	L <sub>Aeq</sub> (15 Minute)	L <sub>Aeq</sub> (15 Minute)																			
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	<p><i>noise levels where applicable.</i></p> <p><i>(b) The noise emission limits identified in the above table apply under meteorological conditions of:</i></p> <ul style="list-style-type: none"> <li><i>• wind speeds of up to 3 m/s at 10 metres above ground level; or</i></li> <li><i>• temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.</i></li> </ul>							
2	<p><b>Hours of Operation</b></p> <p>The Proponent is permitted to carry out activities associated with the project 24 hours a day, 7 days a week.</p>	Noted.						
3	<p><b>Monitoring</b></p> <p>The Proponent shall prepare and implement a Noise Monitoring Program for the development, in consultation with DECCW, and to the satisfaction of the Director-General. This program must be submitted to the Director-General for approval within 6 months of the date of this approval, and include a noise monitoring protocol for evaluating compliance with the noise impact assessment criteria in this approval.</p>	Submitted 01/12/2010 in consultation with the EPA. This was revised in December 2011.						
4	<p><b>AIR, ODOUR AND GREENHOUSE GAS</b></p> <p><b>Odour</b></p> <p>Except as otherwise expressly provided in any Environment Protection Licence condition for the project, the Proponent must comply with section 129 of the POEO Act.</p> <p><i>Note:</i></p> <ul style="list-style-type: none"> <li><i>• Section 129 of the POEO Act, provides that the Proponent must not cause or permit the emission of any offensive odour from the site, but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.</i></li> </ul>	Noted.						
5	<p>Replace existing condition 5 of schedule 4 with the following</p> <p><b>Dust</b></p> <p>5. The proponent shall implement all reasonable and feasible measures to minimise dust caused by the Project, as described by MOD 1 and in accordance with the EPL for the Site.</p>	Operations have been regulated by the Air Quality Management plan.						
6	<p>The Proponent shall ensure that dust generated by the project does not cause additional exceedances of the criteria listed in Tables 1 to 3 at any residence on, or on more than 25 percent of, any privately owned land.</p> <p><i>Table 1: Long term impact assessment criteria for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th><th>Averaging period</th><th>Criterion</th></tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP)</td><td>Annual</td><td>90 µg/m<sup>3</sup></td></tr> </tbody> </table>	Pollutant	Averaging period	Criterion	Total suspended particulate (TSP)	Annual	90 µg/m <sup>3</sup>	Operations have been regulated by the Air Quality Management plan.
Pollutant	Averaging period	Criterion						
Total suspended particulate (TSP)	Annual	90 µg/m <sup>3</sup>						

	matter			
	Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	30 µg/m <sup>3</sup>	
	<i>Table 2: Short term impact assessment criteria for particulate matter</i>			
	<b>Pollutant</b>	<b>Averaging period</b>	<b>Criterion</b>	
	Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	50 µg/m <sup>3</sup>	
	<i>Table 3: Long term impact assessment criteria for deposited dust</i>			
	<b>Pollutant</b>	<b>Averaging period</b>	<b>Maximum increase in deposited dust level</b>	<b>Maximum dust level</b>
	Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month
	<i>Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS/NZS 3580.10.1-2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.</i>			
7	The Proponent shall ensure that: <ul style="list-style-type: none"><li>all trucks entering or leaving the site with loads have their loads covered;</li><li>trucks associated with the project do not track dirt onto the public road network; and</li><li>the public roads used by these trucks are kept clean.</li></ul>			Operations have been regulated by the Air Quality Management plan.
8	The Proponent shall prepare and implement an <b>Air Quality Management and Monitoring Plan</b> for the project, in consultation with the DECCW, and to the satisfaction of the Director-General. The <b>Air Quality Management and Monitoring Plan</b> shall be submitted to the Director-General within six months (6) of the commencement of this approval. This plan must: <ul style="list-style-type: none"><li>a) describe in detail the measures that would be implemented on site to control the odour and air quality impacts of the project, and to ensure that these controls remain effective over time;</li><li>b) identify triggers for remedial action;</li><li>c) include a program for monitoring the air quality and odour impacts of the project including a real-time dust monitor to measure dust emissions during operation; Identify the number and location of continuous monitoring points for fine particulates (PM10), ensuring sufficient representation of the relevant sensitive receptors at each stage of the proposed works;</li><li>(d) Include development and identification of PM10 concentration trigger levels at which:  Dust management actions must be taken, and specification of</li></ul>			Submitted 01/12/2010 in consultation with the EPA. This was revised in December 2011.

	<p>the relevant actions; and</p> <ul style="list-style-type: none"> <li>- Works at the site must cease.</li> </ul>	
9	<p><b>Greenhouse Gas Emissions</b></p> <p>The Proponent shall implement all reasonable and feasible measures to minimise:</p> <ul style="list-style-type: none"> <li>a) energy use on site; and</li> <li>b) the scope 1, 2 and 3 greenhouse gas emissions produced on site, to the satisfaction of the Director-General.</li> </ul>	Operations have been regulated by the Air Quality Management plan.
10	<p><b>METROLOGICAL MONITORING</b></p> <p>For the life of the Project, the Proponent shall ensure that there is a suitable meteorological station in the vicinity of the site that complies with the requirements in the latest version of Approved Methods for Sampling of Air Pollutants in New South Wales guideline.</p>	Refer to the Air Quality Management plan.
11	<p><b>SOIL, WATER AND WASTEWATER MANAGEMENT</b></p> <p><b>Discharges</b></p> <p>Except as may be expressly provided in an Environment Protection Licence for the project, the Proponent shall comply with Section 120 of the <i>Protection of the Environment Operations Act 1997</i>.</p>	Noted.
12	<p><b>Bunding</b></p> <p>All chemicals, fuels and oils shall be stored in appropriately bunded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. The bund(s) shall be designed and installed in accordance with the:</p> <ul style="list-style-type: none"> <li>(a) requirements of all relevant Australian Standards; and</li> <li>(b) DECCW's Environmental Protection Manual Technical Bulletin Bunding and Spill Management.</li> </ul>	Noted. This requirement is in accordance with Hanson IRMS (Integrated Risk Management Systems) practice.
13	<p><b>Soil, Water and Wastewater Management Plan</b></p> <p>The Proponent shall prepare and implement a <b>Soil, Water and Wastewater Management Plan</b> for the site to the satisfaction of the Director-General. This plan must:</p> <ul style="list-style-type: none"> <li>(a) be submitted to the Director-General for approval within 6 months of this approval;</li> <li>(b) be prepared by a suitably qualified and experienced expert;</li> <li>(c) be prepared in consultation with the DECCW and Council; and</li> <li>(d) include: <ul style="list-style-type: none"> <li>• a site water balance;</li> <li>• an erosion and sediment control plan;</li> <li>• a stormwater management scheme;</li> <li>• a surface water and groundwater monitoring program; and</li> <li>• a surface water and groundwater response plan.</li> </ul> </li> </ul>	Submitted 06/12/2010 and included as part of the sites EMS "Environmental Management Strategy" submitted 25/01/2011.

14	<p>The site water balance must:</p> <ul style="list-style-type: none"> <li>(a) include details of all water extracted, transferred, used and/or discharged by the development;</li> <li>(b) identify the source of all water collected or stored on the site, including rainfall, stormwater and groundwater;</li> <li>(c) describe the measures that would be implemented to minimise water use on site.</li> </ul>	Submitted 20/12/2010.
15	<p>The erosion and sediment control plan must:</p> <ul style="list-style-type: none"> <li>(a) be consistent with the requirements in the latest version of Managing Urban Stormwater: Soils and Construction (Landcom);</li> <li>(b) identify the activities on site that could cause soil erosion and generate sediment; and</li> <li>(c) describe what measures would be implemented to: <ul style="list-style-type: none"> <li>• minimise soil erosion and the transport of sediment to downstream waters, including the location, function and capacity of any erosion and sediment control structures; and</li> <li>• maintain these structures over time.</li> </ul> </li> </ul>	Submitted 06/12/2010.
16	<p>The stormwater management scheme must:</p> <ul style="list-style-type: none"> <li>(a) be consistent with the guidance in the latest version of Managing Urban Stormwater: Council Handbook (DEC); and</li> <li>(b) include the detailed plans of the surface water management system.</li> </ul>	Submitted 06/12/2010.
17	<p>The surface water monitoring program must include:</p> <ul style="list-style-type: none"> <li>• baseline data;</li> <li>• details of the proposed monitoring network; and</li> <li>• the parameters for testing and respective trigger levels for action under the surface water response plan (see below).</li> </ul>	Included as part of the sites EMS "Environmental Management Strategy" submitted 25/01/2011.
18	<p>The surface water response plan must:</p> <ul style="list-style-type: none"> <li>(a) include a protocol for the investigation, notification and mitigation of any exceedances of the respective trigger levels; and</li> <li>(b) describe the array of measures that could be implemented to respond to any surface contamination that may be caused by the development.</li> </ul>	Included as part of the sites EMS "Environmental Management Strategy" submitted 25/01/2011.
19	<p><b>TRAFFIC Access</b> Direct access to the Project from Archbold Road is not permitted.</p>	Access use for the site is via Honeycomb Drive.
20	Direct access to the Project shall be via Old Wallgrove Road or Wonderland Drive, via the public Precinct Plan Road network, wherever a public road is available.	Access use for the site is via Honeycomb Drive.

21	<p><b>Precinct Plan Roads</b></p> <p>Within five years from the date of this approval or when an adjoining land owner is building a precinct road to a common boundary (whichever is sooner), the Proponent shall design and construct, to the satisfaction of Council, those parts of the Precinct Plan Road network that ultimately fall within the site. This precinct road shall be dedicated to council, at no charge, to form part of the public road network.</p>	Refer to Modification 24/10/2013.
22	<p>When a Precinct Plan road is constructed, the Proponent shall design and construct any new vehicular connections to the Precinct Plan Road, to the satisfaction of Council.</p>	Refer to Modification 24/10/2013.
23	<p><b>Vehicle queuing and Parking</b></p> <p>The proponent shall ensure that:</p> <ul style="list-style-type: none"> <li>(a) All parking is contained within the site;</li> <li>(b) No vehicles associated with the project shall park in the public road system; and</li> <li>(c) Vehicles do not queue on public roads at any time.</li> </ul>	Noted.
24	<p>Replace existing condition 24 of schedule 4 with the following:</p> <p><b>Local Road Contributions</b></p> <p>24. The Proponent shall reasonably contribute toward the acquisition, design and construction of the Precinct Plan Road known as the 'Quarry Link Road' between Old Wallgrove Road and Wonderland Drive, and the Bridge forming part of the Quarry Link Road. The contribution shall be made by the Proponent to Council by 30 November 2014 or after receiving a 30 day notification from Blacktown City Council that a Section 94 Contributions Plan that covers the site is made (whichever is sooner).</p> <p>The contribution to be made by the Proponent under this condition shall be calculated to the satisfaction of the Director-General. The Director-General's consideration of an appropriate level of contribution shall include:</p> <ul style="list-style-type: none"> <li>(a) the level of contribution made or to be made by all other owners of land within the Eastern Creek Precinct Plan;</li> <li>(b) the level of contribution against the value of the relevant land under the Land Acquisition (Just Terms Compensation) Act 1991;</li> <li>(c) any independent verification from a quantity surveyor on the cost of the works, whose appointment has been approved by the Director-General; and</li> <li>(d) the level of contribution against the NDA for the project site.</li> </ul>	Paid March 2017.
	<p><b>Transport Code of Conduct</b></p> <p>The Proponent shall prepare and implement a Transport Code of Conduct for</p>	To be prepared and

25	<p>the development to the satisfaction of the Director-General. This protocol must:</p> <ul style="list-style-type: none"> <li>(a) be submitted to the Director-General for approval prior to the commencement of operations;</li> <li>(b) be prepared in consultation with the RTA and Blacktown Council; and</li> <li>(c) describe the measures that would be implemented to: <ul style="list-style-type: none"> <li>• minimise the impacts of the development on the local and regional road network, including traffic noise.</li> </ul> </li> </ul>	implemented prior to the issuing of Occupancy Certificate for individual Project Approvals.
26	<p><b>VISUAL AMENITY</b> <b>Lighting</b></p> <p>The Proponent shall ensure that the lighting associated with the project:</p> <ul style="list-style-type: none"> <li>(a) complies with the latest version of Australian Standard AS 4282(INT)-Control of Obtrusive Effects of Outdoor Lighting; and</li> <li>(b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.</li> </ul>	Noted.
27	<p>Replace condition 27 of schedule 4 with the following:</p> <p><b>Landscape and Revegetation Management Plan</b></p> <p>27. The Proponent shall prepare and implement a Landscape and Revegetation Management Plan for the Project to the satisfaction of the Director-General. This plan must:</p> <ul style="list-style-type: none"> <li>(a) be prepared in consultation with NOW and Council and be submitted to the Director-General for approval prior to commencement of earthworks;</li> <li>(b) be prepared in accordance with NOW <i>Guidelines for Controlled Activities – Vegetation Management Plans</i>; and</li> <li>(c) include: <ul style="list-style-type: none"> <li>• plans for screen plantings to minimise visual impacts, particularly on any amenity berms;</li> <li>• detailed plans and procedures for: <ul style="list-style-type: none"> <li>- revegetation of 1.85 hectares of the site with Cumberland Plain Woodland species as shown on the figure in Appendix 4;</li> <li>- species to be used in the bioretention and wetland system in accordance with the Blacktown City Council <i>Handbook Part 5 – Vegetation Selection Guide</i>;</li> <li>- the restoration and maintenance of the riparian area;</li> <li>- managing weeds across all vegetated areas shown in Appendix 4;</li> </ul> </li> </ul> </li> </ul>	Noted.

	<ul style="list-style-type: none"> <li>- managing impacts on fauna; and</li> <li>- monitoring the performance of the proposed restoration works.</li> </ul>	
28	<p>Replace condition 28 in Schedule 4 with the following:</p> <p>28. The Proponent shall not enter or disturb the riparian area shown in the figure in Appendix 1, except for the purpose of regeneration or restoration.</p>	Noted.
29	<p><b>FIRE &amp; RISK</b></p> <p>Within 6 months of the date of this approval, the Proponent shall prepare and implement an <b>Emergency &amp; Fire Response Plan</b> for the site. The plan should be prepared in consultation with the NSW Fire Brigade and should include, but not be limited to:</p> <ul style="list-style-type: none"> <li>(a) suitable measures to minimise the risk of fire on site;</li> <li>(b) the number of days hazardous material can be stored on site (if relevant),</li> <li>(c) detail procedures to extinguish any fires on site promptly;</li> <li>(d) detail measures to maintain adequate fire-fighting capacity on site; and</li> <li>(e) detail emergency evacuation procedures</li> </ul>	Included as part of the sites EMS "Environmental Management Strategy" submitted 25/01/2011.
<b><u>Schedule</u></b>	<b><u>Condition</u></b>	<b><u>Compliance</u></b>
	<p><b>ENVIRONMENTAL MANAGEMENT, REPORTING &amp; AUDITING</b></p> <p><b>Environmental Management Strategy</b></p> <p>The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. The Strategy must:</p> <ul style="list-style-type: none"> <li>a) be submitted to the Director-General for approval within 6 months of the date of this approval;</li> <li>b) provide the strategic framework for environmental management of the project;</li> <li>c) identify the statutory approvals that apply to the project;</li> <li>d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;</li> <li>e) describe the procedures that would be implemented to: <ul style="list-style-type: none"> <li>• keep the local community and relevant agencies informed about the operation and environmental performance of the project;</li> <li>• receive, handle, respond to, and record complaints;</li> <li>• resolve any disputes that may arise during the course of the project;</li> <li>• respond to any non-compliance; and</li> <li>• respond to emergencies;</li> </ul> </li> <li>f) include: <ul style="list-style-type: none"> <li>• copies of the various strategies, plans and programs that</li> </ul> </li> </ul>	EMS "Environmental Management Strategy" submitted 25/01/2011.



	<p>are required under the conditions of this approval once they have been approved; and</p> <ul style="list-style-type: none"> <li>• a clear plan depicting all the monitoring currently being carried out within the project area.</li> </ul>	
2	<p><b>Annual Review</b></p> <p>The Proponent shall review the environmental performance of the project to the satisfaction of the Director-General. This review must:</p> <ol style="list-style-type: none"> <li>a) describe the works that were carried out in the past year, and the works that are proposed to be carried out over the next year;</li> <li>b) include a comprehensive review of the monitoring results and complaints records of the project over the past year, which includes a comparison of these results against the <ul style="list-style-type: none"> <li>• the relevant statutory requirements, limits or performance measures/criteria;</li> <li>• the monitoring results of previous years; and</li> <li>• the relevant predictions in the EA;</li> </ul> </li> <li>c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</li> <li>d) identify any trends in the monitoring data over the life of the project;</li> <li>e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and</li> <li>f) describe what measure will be implemented over the next year to improve the environmental performance of the project.</li> </ol>	<p>The annual review to be conducted on completion of civil earthworks, construction of the Precinct Rd and services.</p>
3	<p><b>REPORTING</b></p> <p><b>Incident</b></p> <p>The Proponent shall notify the Director-General and any other relevant agencies of any incident associated with the project as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident.</p>	<p>Noted.</p>
4	<p><b>Regular Reporting</b></p> <p>The Proponent shall provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval, and to the satisfaction of the Director-General.</p>	<p>Noted.</p>

## 12 CONCLUSION

This modification submission seeks only to extend the continued use of the asphalt plant by two (2) years to allow the transition from the existing plant operation to a new facility. The transition can take effect through Project Approval application while the remainder of the site undergoes re-development in accordance with the Project Approval.

This modification proposal will not alter any other approved use or term of consent. Therefore it will not have any further environmental impact than what has already been approved.

The extension of the period of continued use of the asphalt plant is justified on the grounds of the employment security and economic benefit to local governments and Fulton Hogan's other customers. Approval of the continued use of the asphalt plant will also ensure the NSW Government's Rebuilding NSW Plan can be achieved.