

Appendix 3

29 November 2000 Modification (1)



Department of
Urban Affairs and Planning

Development and Infrastructure
Assessment
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Sydney NSW 2000
GPO Box 3927
Sydney NSW 2001

Telephone: 02 9391 2384
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Dr L.S. Martin,
C/- Nexus Environmental Planning
P.O. Box 212
CONCORD NSW 2157

Dear Dr Martin,

Proposed Modification of Extractive Industry
Our reference: S98/00772

I refer to the application and Statement of Environmental Effects lodged to modify the consent for the above development under section 96(2) of the *Environmental Planning and Assessment Act 1979* (the Act).

The Minister for Urban Affairs and Planning has now determined the application subject to conditions and a copy of the determination is enclosed for your information. The reasons for the imposition of conditions are to:

- (i) minimise the adverse impact of the development;

If you are dissatisfied with this decision, section 96 (6A) of the Environmental Planning and Assessment Act, 1979 gives you the right to appeal to the Land and Environment Court.

Should you require any further information on this matter, please contact Val Smith on (02) 9391 2384

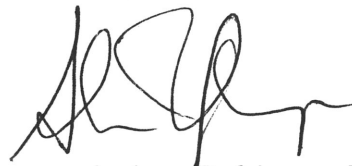
Yours sincerely,

pe  6/12/00
Richard Lloyd
Senior Environmental Planning Officer
Development and Infrastructure Assessment

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

NOTICE OF MODIFICATION TO A DEVELOPMENT CONSENT PURSUANT TO SECTION 96 (2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

I, the Minister for Urban Affairs and Planning, under Section 96(2) of the amended Environmental Planning and Assessment Act, 1979, modify the development consent referred to in Schedule 1 in the manner set out in Schedule 2. I am satisfied that the development to which the development consent, as modified, will relate, is substantially the same development.



Andrew Refshauge MP
Minister for Urban Affairs and Planning,

Sydney, 29 November 2000

File No: S00/00772

SCHEDULE 1

Development consent granted by the Minister for Urban Affairs and Planning on 31 May 2000 to a development application made by Dr. L.S. Martin for extraction and on-site processing of sand, clay and pebble, and construction of a bund wall, on Lots 1 and 2 DP 228308, Lot 2 DP312327, Roberts Road, Maroota.

SCHEDULE 2

The development consent is modified as follows:

Abbreviations and Interpretation

Delete the word "perimeter" from the definition of "construction".

General

Condition 2(c)

Insert after "the two faxes from Dick Benbow and Associates Pty Ltd dated 17 February 2000 and attachments" the following:

"except as modified by the report of Dick Benbow and Associates (Report No 10065 Issue 1) dated 26 June 2000."

Commencement and Duration

Condition 8 (a)

Delete all the words in Condition 8(a) and insert instead:

“constructed the bund walls at the corner of Roberts Road and Old Northern Road;”

Groundwater Management

Condition 41

Delete the sentence “This condition does not apply to the construction of the perimeter bund wall.”

NOISE

Noise Management Plan

Condition 46

Insert after subclause (f) the following:

- “(g) Provision for the notification of adjoining property owners of the commencement and duration of works adjoining the boundary.
- (h) Construction of temporary noise shielding to residences affected by short-term noise impacts.”

Operational Noise Limits

Condition 47

Insert after Condition 47 the following new conditions:

- “47(a) The excavator to be used is to be fitted with acoustic mufflers to achieve a noise level of approximately 76dB(A) when measured at 7 metres.
- 47(b) The on-site generator is to be fitted with an acoustic enclosure to ensure that noise levels less than 44dB(A) at 30m are achieved.
- 47(c) A noise compliance investigation is to undertaken within one month of the installation of the equipment to demonstrate compliance with the noise level limits stated in Conditions 47(a) and 47(b). The results of the compliance investigation are to be provided for the approval of the Director-General within 14 days of the completion of the investigations.”

FLORA AND FAUNA

Condition 54

Delete all the words in Condition 54 and insert instead:

“In construction of the bund walls at the corner of Roberts Road and Old Northern Road, the Applicant shall minimise disturbance to existing native vegetation.”

REHABILITATION PLAN

Condition 58

Delete the word "and" at the end of the sentence in subclause (b) and insert after subclause (c) the following:

- "(d) detail proposals for the integration of the visual bund walls into the final landform of the site.
 - (d) Provide evidence of consultation with Council in the design of the final landform for the site."
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