

Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

I modify the development consent referred to in Schedule 1, as set out in Schedule 2.

Richard Pearson
Deputy Director-General

Sydney

23rd February

2011

SCHEDULE 1

The Freeway North Concept Plan and Project Approval (MP 06_199), granted by the Minister for Planning on 29 September 2008.

SCHEDULE 2

1. Re-word Condition A1 of Schedule 2 as follows:

"Concept approval is granted only to the carrying out of this development solely within the concept plan area as described in the document titled "*Section 75W Modifications Report – Project Application No. 06_0199 Freeway North Business Park*" prepared by RPS (dated 23 June 2010) including:

1. A 56 lot industrial park subdivision undertaken in three (3) stages as identified in the Proposed Subdivision Plan 21717 – 2T prepared by RPS and dated 1 July 2010;
2. Associated services and infrastructure; and
3. Two conservation/drainage reserves".

2. Re-word Condition A2 of Schedule 2 as follows:

"a) *Freeway North Business Park Concept Plan* and *Environmental Assessment* and supporting appendices A – H, dated March 2007; except as amended by the *Preferred Project Report* and supporting appendices A & B, dated November 2007, and the *Section 75W Modifications Report – Project Application No. 06_0199 Freeway North Business Park* and supporting appendices 1 to 5".

3. Re-word Condition A5 of Schedule 2 as follows:

"The determination of future applications for development is to be generally consistent with the terms of approval of MP No. 06_0199 as described in Part A of Schedule 1, and subject to the modifications of approval set out in Parts A and B of Schedule 2. Future applications for development are subject to Part 4 of the EP&A Act, except where Schedule 1 of State Environmental Planning Policy (Major Projects) 2005 applies.

In addition, the land owner is not required to obtain further approvals for the subdivision of land for the following purposes:

- (a) widening a public road;
- (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots;
- (c) consolidation of lots;
- (d) rectifying an encroachment on a lot;
- (e) creating a public reserve; and
- (f) excising for a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences".

4. Re-word Condition A1 of Schedule 4 as follows:

"Project approval is granted only to the carrying out of the development described in detail below:

- 1. A 56 lot subdivision and construction of associated works including streets, stormwater management works, utility services and bulk earthworks undertaken in three (3) stages;"

5. Re-word Condition A2 of Schedule 4 as follows:

"The development shall be in accordance with the following plans and documentation:

- "a) *Freeway North Business Park Concept Plan and Environmental Assessment* and supporting appendices A – H, dated March 2007; except as amended by the *Preferred Project Report* and supporting appendices A & B, dated November 2007, and the *Section 75W Modifications Report – Project Application No. 06_0199 Freeway North Business Park* and supporting appendices 1 to 5;
- b) The amended Statement of Commitments prepared by RPS and dated September 2010; and
- c) The Proposed Subdivision Plan 21717 – 2T prepared by RPS and dated 1 July as depicted in Appendix 1;"

6. Re-word Condition B1 of Schedule 4 as follows:

"(4) The subdivision certificate for Stage 1 of the development shall not be released until the roundabout, including all approaches and departures, have been completed to the satisfaction of the RTA or as otherwise agreed to by the RTA and the Director-General. No further subdivision certificate is to be released until the Proponent has constructed all remaining road works in Weakleys Drive, to the satisfaction of the RTA or as otherwise agreed to by the RTA and the Director-General. All road works stages shall be completed consecutively without any cessation of activity between stages. A subdivision certificate for road widening may be released prior to the completion of any road works."

7. Insert point 7 into condition B1 of Schedule 4 as follows:

"(7) Lighting along Weakleys Drive shall be provided in accordance with AS 1158 and to RTA requirements. Any property requirements including acquisition/dedication shall be in the favour of Council as a public road reserve, at full cost to the applicant and at no cost to the RTA or the Council"

8. Re-word Condition B5 of Schedule 4 as follows:

"Prior to the issue of a Subdivision Certificate for each stage of the subdivision, the Principal Certifying Authority is to issue a Compliance Certificate to certify that the roads and drainage have been designed and constructed in accordance with the Council and Austroads standards, and in accordance with the Construction Certificate requirements."

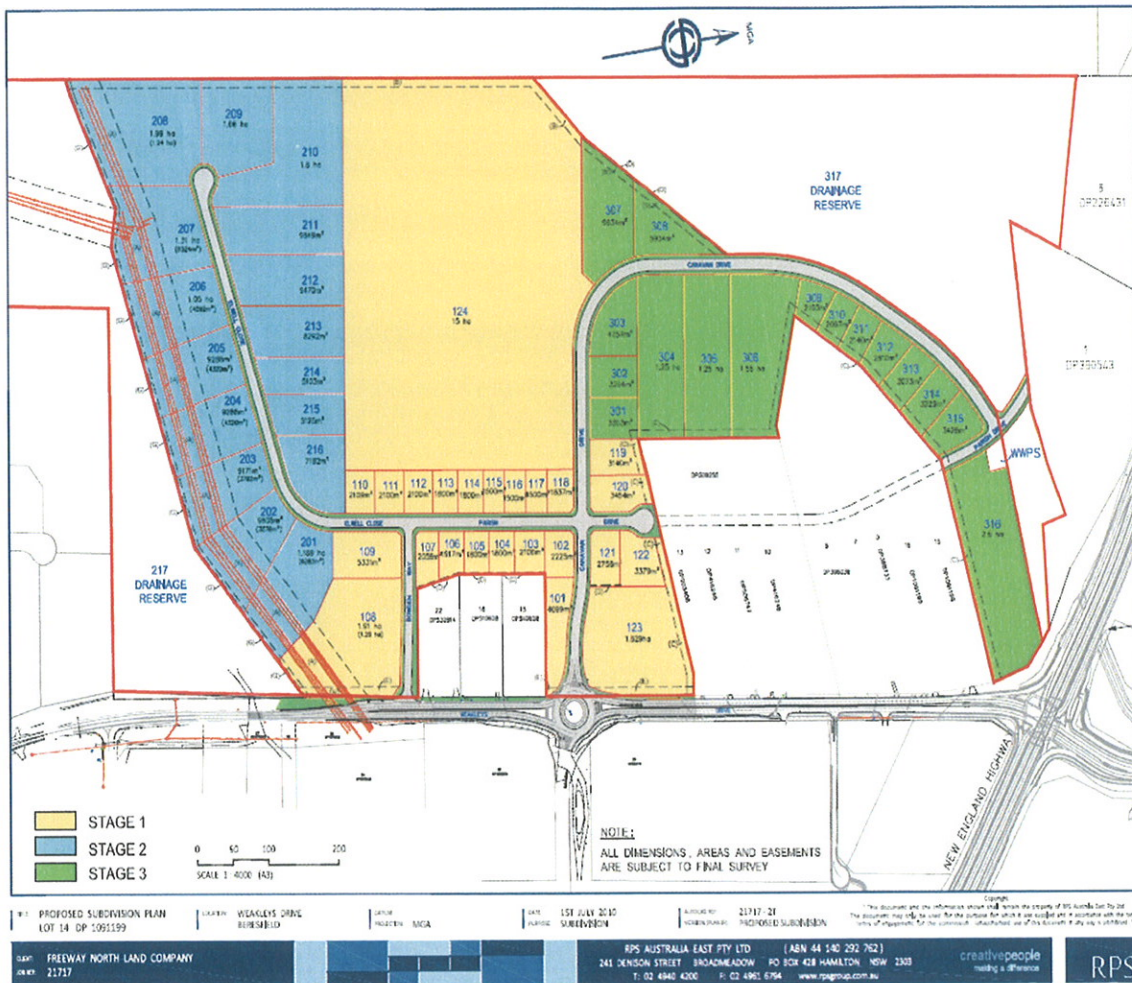
9. Modify Condition B12 of Schedule 4 as follows:

"(5) Certification from a suitably qualified environmental consultant that all remediation works identified in the Phase 1 Environmental Site Assessment, prepared by Parsons Brinckerhoff and dated 8 April 2005 have been completed prior to the certification of the Subdivision Plan in respect of that stage".

10. Insert Appendix A: Approved Plan of Subdivision, prepared by RPS and dated 1 July 2010.

APPENDIX A

Approved Plan of Subdivision



APPENDIX C – RESPONSE TO SUBMISSIONS

See attached CD-ROM entitled *Response to Submissions- AWD Johnson, 23 November 2007*.