

# Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure, under the delegation executed on 14 September 2011, I hereby modify the conditions of the project approval referred to in Schedule 1, subject to the conditions of approval in Schedule 2 to 4.



Heather Warton  
Director  
Industry, Social Projects and Key Sites

Sydney 24 October 2013

### SCHEDULE 1

**Project Approval 06\_02225  
Granted by the Minister for  
Planning on 3 June for the  
Hanson Concrete and Asphalt  
Facility, Eastern Creek**

The continued use of the existing Hanson asphalt and concrete production facilities, ancillary infrastructure; construction of a Precinct Plan Road through the site and subdivision.

### SCHEDULE 2

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

2. In the list of definitions delete:

DECCW	Department of Environment, Climate Change and Water
Department	Department of Planning
Director-General	Director-General of the Department of Planning, or her delegate
Minister	Minister for Planning
RTA	Roads and Traffic Authority

and insert in alphabetical order:

CEMP	Construction Environmental Management Plan, prepared by the Proponent and dated 23 March 2012
Department	Department of Planning and Infrastructure
Earthworks	The works described under MOD 1, with the exception of the continued operation of the Fulton Hogan Asphalt Plant
Director-General	Director-General of the Department of Planning and Infrastructure, or nominee

EPA	Environment Protection Authority
BFMG	Bioretention Filter Media Guidelines - the most recent version of the document entitled " <i>Guidelines for Filter Media in Biofiltration Systems</i> (title as amended or superseded) released by the Facility for Advancing Water Biofiltration (FAWB)"
Minister	Minister for Planning and Infrastructure
MOD 1	Continued use of the existing Fulton Hogan Asphalt Plant, carry out subdivision to create 14 Lots and undertake site works as described in the Environmental Assessment dated June 2012 with the title " <i>Wallgrove Redevelopment 2012, Section 75W Planning Assessment Report Modified Concept and Project Plan</i> ", prepared by Hanson Heidelberg Cement Group; and the RTS
NDA	The "Net Developable Area" of the site which is 23.3595 hectares
OSD	On-site detention basin
RTS	The Response to Submissions letter dated 10 September 2012 with the title " <i>Hanson Concrete and Asphalt Facility, Eastern Creek – Site layout Modifications (CP 06_0025 MOD1)</i> ", and attached Appendices 1-4.
RMS	Roads and Maritime Services
SQID	Stormwater Quality Improvement Device, including OSD, bioretention area and gross pollutant traps
VPA	Voluntary Planning Agreement
3.	Replace all references to "DECCW" with "EPA" or "OEH".
4.	Replace all references to "RTA" with "RMS".

### Terms of Approval

5. Replace condition 2 in Schedule 2 with the following:
  2. The Proponent has Project approval for:
    - (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;
    - (b) subdivision across the site (23.3595 hectares) to create 14 Lots (refer Appendix 2);
    - (c) earth works, civil works, and servicing; and
    - (d) construction of the Precinct Plan Road and Internal Estate Road.

*Note: A separate approval is required to operate the new asphalt plant in the modified concept plan.*

### Contributions

6. Replace condition 13 in Schedule 2 with the following:
  13. The Proponent must enter into a VPA under section 93F of the *EP&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 VPA.
7. Replace condition 14 in Schedule 2 with the following:
  14. The Proponent shall contribute \$4,204,710 payable to the Minister for Planning in accordance with the payment schedule detailed in the VPA at 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:

- a) the upgrade of Old Wallgrove Road;
- b) the upgrade of Archbold Road;
- c) signalisation of intersections along Old Wallgrove; and
- d) the upgrade of the intersection of Wallgrove and Old Wallgrove Road.

8. Insert new condition 15 in Schedule 2 as follows;

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.

9. Replace the title SCHEDULE 3: SUBDIVISION" with: "SCHEDULE 3: SUBDIVISION, EARTHWORKS AND CIVIL WORKS".

10. Replace Condition 1 in Schedule 3 with the following:

#### **Subdivision Certificate**

1. The Proponent shall carry out subdivision of the site in accordance with the 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.

11. Replace Condition 2 in Schedule 3 with the following:

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:
- (a) all pipelines and structures collecting discharge from public roadways;
  - (b) all stormwater quality improvement devices including the OSD;
  - (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.

#### **Drainage Plans**

12. Insert new condition 6 in Schedule 3 following condition 5:

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:
- (a) the road, interallotment and internal pipe network shall be designed to carry the 20 year ARI storm flows and justified through DRAINS modelling;
  - (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;
  - (c) drainage pits and pipelines within the proposed public roads, are to be revised in accordance with Council guidelines.
- Note: The approved plans shall be submitted to the Department for record keeping purposes.*

13. Insert new condition 7 in Schedule 3 following condition 6:

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.

#### **Retaining walls**

14. Insert new condition 8 in Schedule 3, following condition 7:

8. Revised conceptual contour plans shall 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 6 m, with a 1.5 m vegetated



setback in between any terraces. Any terraced area must be landscaped to provide screening of the retaining wall.

#### **Bulk earthworks**

15. Insert new condition 9 in Schedule 3, following condition 8:
  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:
    - (a) *Noise, Dust and Vibration Management Plan* (dated 7 June 2012);
    - (b) *Erosion and Sediment Management Plan* (dated 7 June 2012);
    - (c) *Vegetation, Clearing and Grubbing Protocols* (dated 15 May 2012).
    - (d) instant notification to the Department, if, during the construction or earthworks period there are any dust complaints, or exceedances of fine particulate matter (PM<sub>10</sub>) 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;
    - (e) cease or modify works should the recorded 15-minute average PM<sub>10</sub> concentrations exceed the action level of 200 µg/m<sup>3</sup> and meteorological conditions suggest that site activities are the dominant contributor;
    - (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
    - (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 discuss complaints and enquiries.

#### **Stormwater Quality Improvement Devices**

16. Insert new condition 10 in Schedule 3 following condition 9:
  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*".
17. Insert new condition 11 in Schedule 3 following existing condition 10:
  11. At the completion of earthworks, 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.
18. Insert new condition 12 in Schedule 3 following existing condition 11:
  12. 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.
19. Insert new condition 13 in Schedule 3 18 following condition 12:
  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.
20. Insert new condition 14 in Schedule 3 following existing condition 13:
  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.

#### **SQID Maintenance**

21. Insert new condition 15 in Schedule 3 following condition 14:

15. Prior to the commissioning of the SQUID'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 OSD, bioretention area (including wetland) and gross pollutant traps.

#### **Integrated Water Management Plan**

22. Insert new condition 16 in Schedule 3 following condition 15:
16. The Proponent shall implement Appendix 2 of the RTS, the *"Integrated Water Management Plan"*, dated August 2012. The maintenance schedule shall be updated to Council's satisfaction prior to the commissioning of the OSD.
23. Insert new condition 17 in Schedule 3 following condition 16:
17. The Proponent shall be responsible for the ongoing maintenance of the:
- a) diversion channel on proposed Lots 4 & 5 from the OSD on Grevillea Street,
  - b) drainage lines;
  - c) any areas using gabions or reno mattresses; and
  - d) the proposed wetland/bioretention system and OSD.
- 

#### **SCHEDULE 4: SPECIFIC ENVIRONMENTAL CONDITIONS**

24. Replace existing condition 5 of Schedule 4 with the following

##### **Dust**

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.

25. Replace existing condition 24 of Schedule 4 with the following:

##### **Local Road Contributions**

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).

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:

- (a) the level of contribution made or to be made by all other owners of land within the Eastern Creek Precinct Plan;
- (b) the level of contribution against the value of the relevant land under the *Land Acquisition (Just Terms Compensation) Act 1991*;
- (c) any independent verification from a quantity surveyor on the cost of the works, whose appointment has been approved by the Director-General; and
- (d) the level of contribution against the NDA for the project site.

26. Replace condition 27 of Schedule 4 with the following:

##### **Landscape and Revegetation Management Plan**

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:
- (a) be prepared in consultation with NOW and Council and be submitted to the Director-General for approval prior to commencement of earthworks;

- (b) be prepared in accordance with NOW *Guidelines for Controlled Activities – Vegetation Management Plans*; and
- (c) include:
  - plans for screen plantings to minimise visual impacts, particularly on any amenity berms;
  - detailed plans and procedures for:
    - revegetation of 1.85 hectares of the site with Cumberland Plain Woodland species as shown on the figure in Appendix 4;
    - species to be used in the bioretention and wetland system in accordance with the Blacktown City Council *Handbook Part 5 – Vegetation Selection Guide*;
    - the restoration and maintenance of the riparian area;
    - managing weeds across all vegetated areas shown in Appendix 4;
    - managing impacts on fauna; and
    - monitoring the performance of the proposed restoration works.

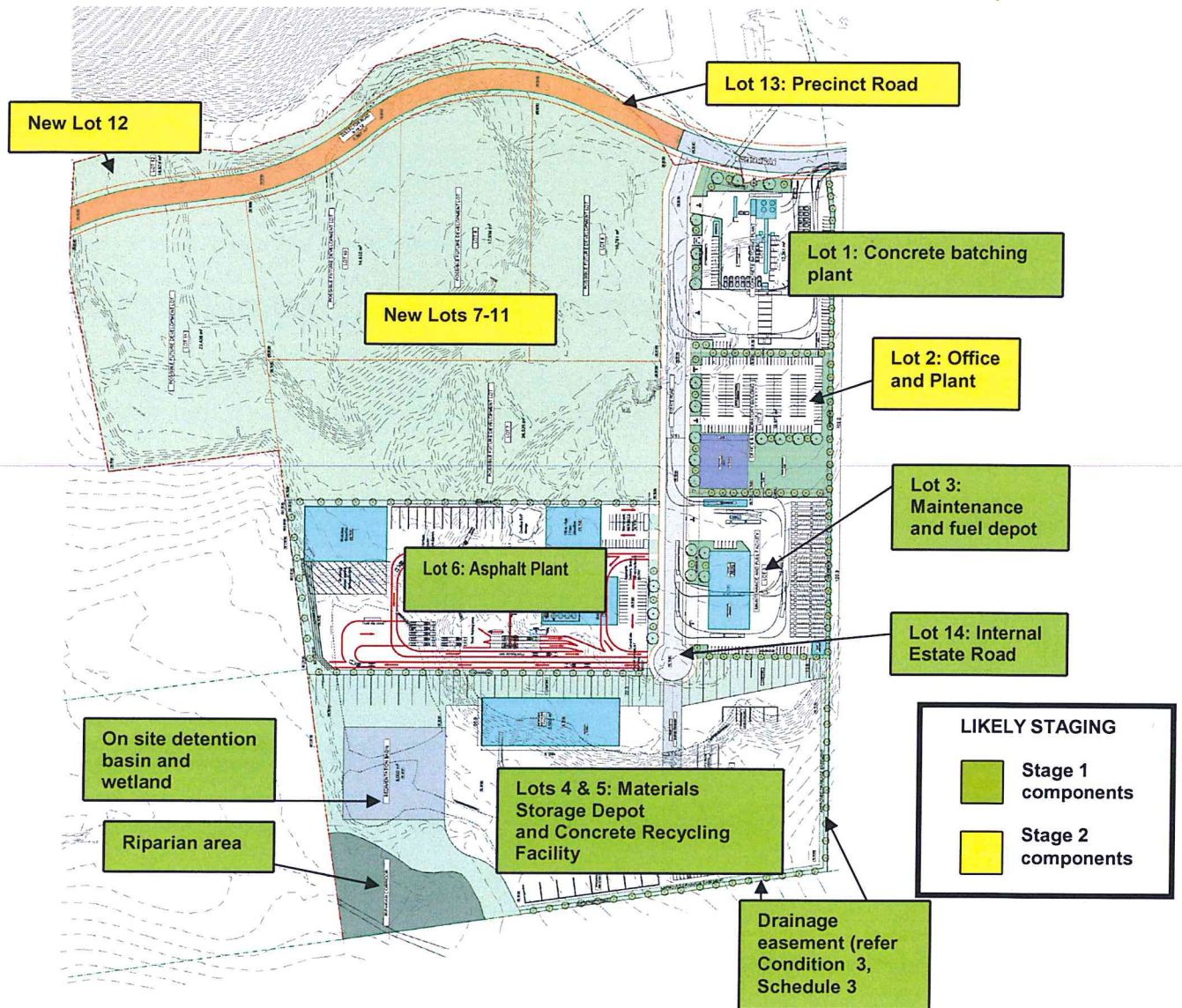
27. Replace condition 28 in Schedule 4 with the following:

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.
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28. Replace Appendix 1 with new Appendix 1 as follows:

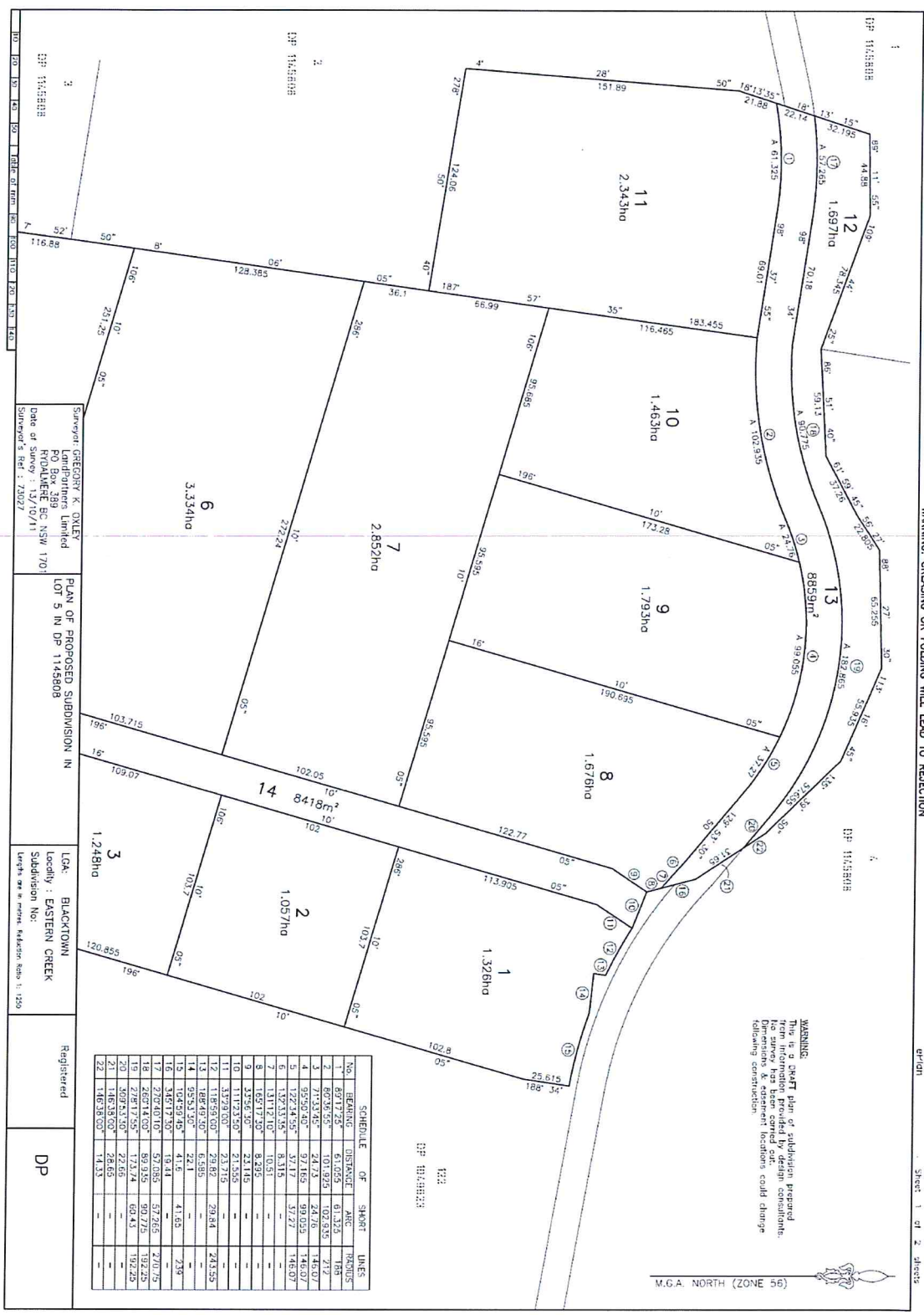
**Appendix 1: Modified Concept Plan**



**Figure 1: Key components of the modified Concept Plan**

29. Replace Appendix 2 with new Appendix 2 as follows:

**Appendix 2: Subdivision Plan MOD 1**



SCHEDULE OF SHORT LINES				
No.	BEARING	DISTANCE	ARC	PERCENT
1	89°17'25"	61.025	61.325	100
2	60°36'55"	101.925	102.935	71.7
3	71°33'45"	24.73	24.76	146.07
4	59°52'40"	97.165	99.025	146.07
5	59°52'40"	97.165	99.025	146.07
6	132°13'55"	8.314	31.27	146.07
7	131°12'10"	10.31	-	-
8	169°17'59"	8.295	-	-
9	139°56'20"	21.146	-	-
10	111°23'50"	21.555	-	-
11	137°03'00"	23.715	-	-
12	137°03'00"	23.715	29.84	243.55
13	108°43'00"	6.589	-	-
14	95°53'20"	22.1	-	-
15	104°29'45"	41.6	41.65	239
16	346°17'50"	19.44	-	-
17	270°40'10"	57.085	57.265	270.75
18	269°14'00"	89.335	89.75	192.25
19	269°14'00"	89.335	89.75	192.25
20	102°13'00"	22.457	62.43	192.25
21	162°38'00"	26.65	-	-
22	162°38'00"	14.33	-	-

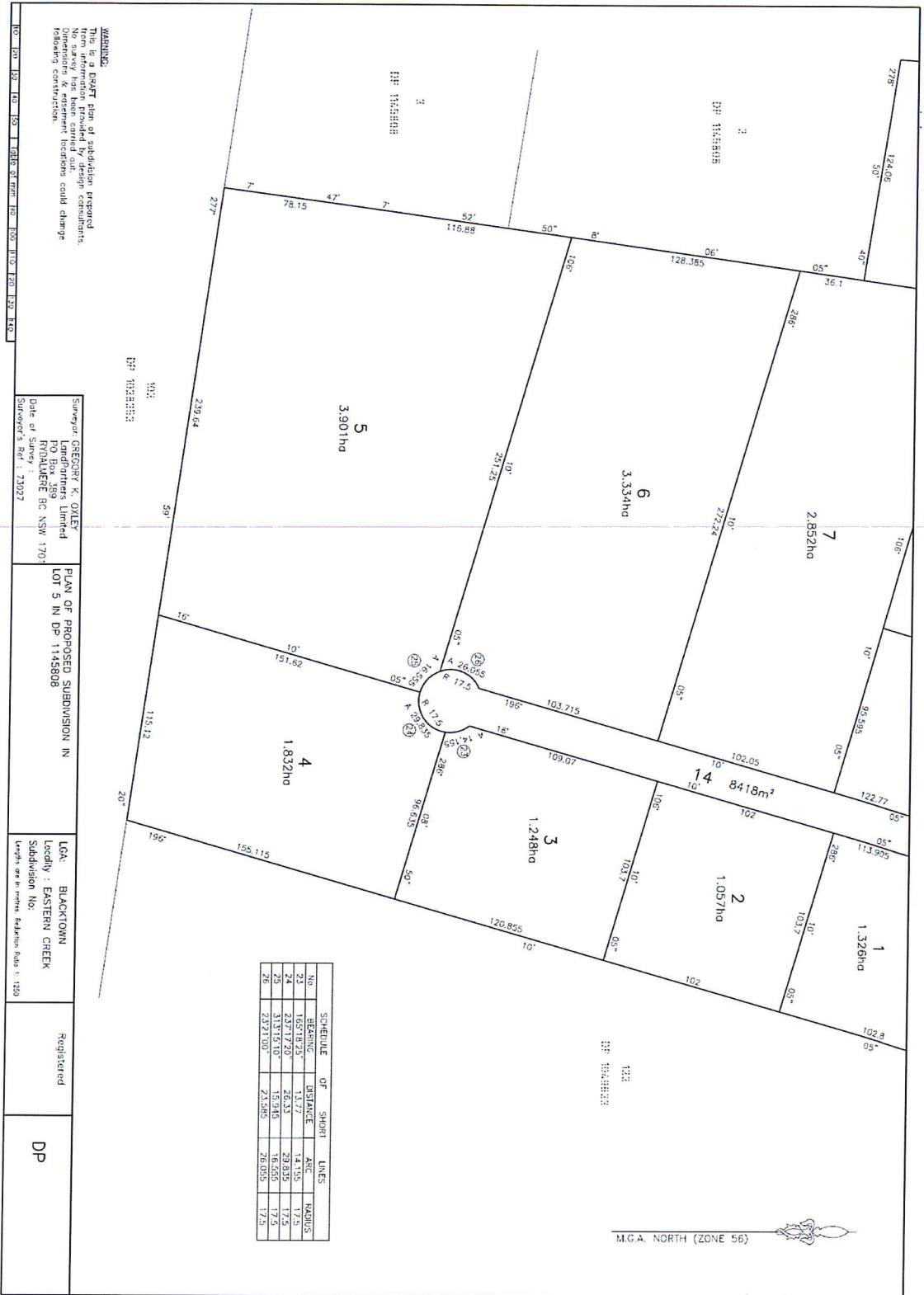
Surveyor GREGORY K. OXLEY  
Landformers Limited  
FRODOURIE BC NSW 1701  
Date of Survey: 12/10/11  
Surveyor's Ref: 72027

PLAN OF PROPOSED SUBDIVISION IN  
LOT 5 IN DP 1145608

LCA: BLACKTOWN  
Locality: EASTERN CREEK  
Subdivision No:  
Lengths are in metres. Fractional parts: 1:100

Registered DP





**WARNING:**  
This is a DRAFT plan of subdivision prepared from information provided by design consultants. No survey has been carried out. Design consultants' locations could change following construction.

Surveyor: GREGORY K. O'LEARY  
PO Box 189  
RODOLPHE BC NSW 1703  
Date of Survey: 23/07/2027  
Surveyor's Ref: 23027

PLAN OF PROPOSED SUBDIVISION IN  
LOT 5 IN DP 1145808

LGA: BLACKTOWN  
Locality: EASTERN CREEK  
Subdivision No.

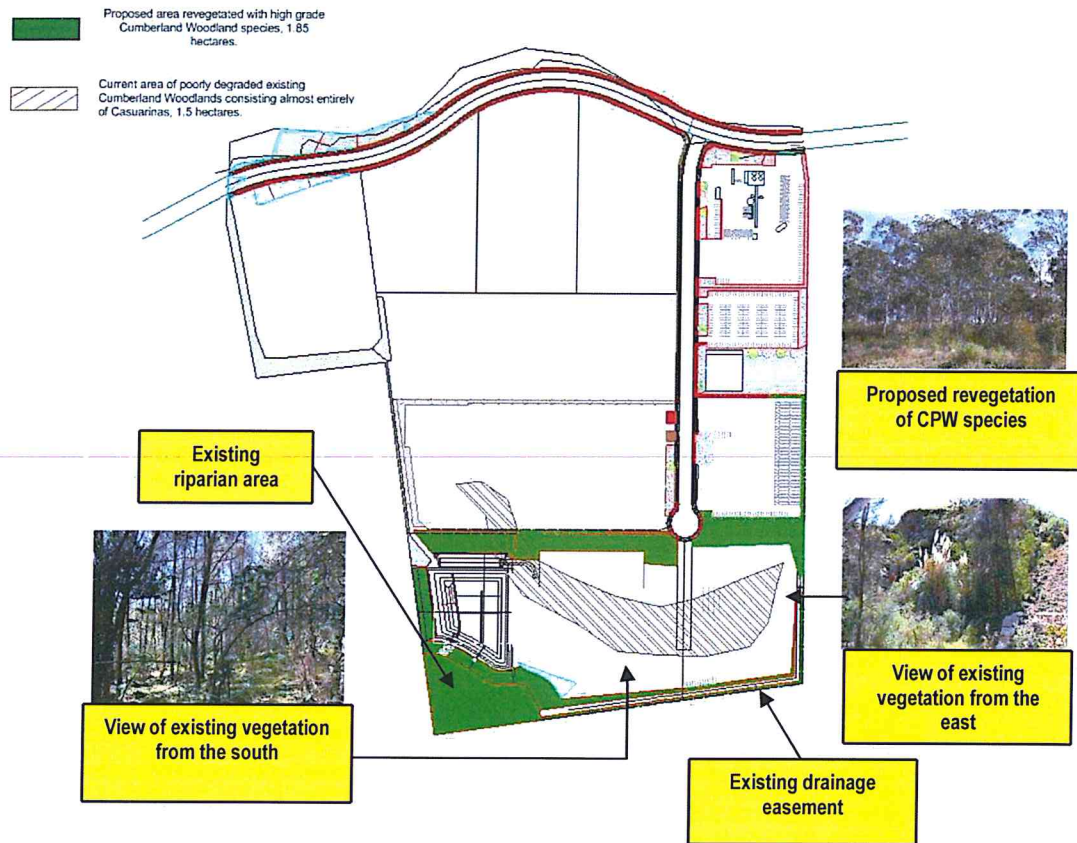
Registered

DP

30. Replace Appendix 3: General Terms for the Planning Agreement with:  
**Appendix 3: VPA**

31. Insert new Appendix 4 after Appendix 3 as follows:

**Appendix 4: Proposed revegetation areas and existing riparian area to be revegetated, restored or maintained**



**Figure 4:** Existing vegetation and proposed revegetation areas (in green), as described in MOD 1