

Notice of Modification

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

As delegate of the Minister for Planning, under the delegation executed on 16 February 2015, I hereby modify the conditions of the project approval referred to in Schedule 1, subject to the conditions in Schedule 2, 3 and 4.

Chris Ritchie
Manager
Industry Assessments

Sydney 3 JUNE

2015

SCHEDULE 1

Project Approval

The continued use of the Hanson Concrete and Asphalt Facility (MP 06_0025) which was approved on 3 June 2010, including the construction of a Precinct Plan Road and subdivision.

This project approval is modified by:

1. In the Definitions, delete the definitions for Department, Director-General, Minister and Project and insert the following definitions in alphabetical order:

Department	The Department of Planning and Environment
EA	The Environmental Assessment titled " <i>Redevelopment of Lot 11 in DP 558723 and Lot 1 in DP 400697 and Lot 2 in DP 262213, Eastern Creek</i> ", prepared for Hanson Materials Pty Ltd and prepared by Planning Workshop Australia; dated 16 November 2006
Minister	Minister for Planning
MOD 1	Continued use of the existing Fulton Hogan Asphalt Plant and carry out subdivision into 14 Lots; undertake bulk earthworks; construct utility services; relocate and construct the Internal Estate Road; remove and reconfigure existing buildings, stockpiles, dams and sedimentation basins 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
MOD 2	The modification request 06_0025 MOD 2 and accompanying EA titled "Section 75W Planning Assessment Report" prepared by the Proponent and dated 15 May 2015.
Project	The development as described in the EA, as modified by MOD 1, the RTS and MOD 2.
RTS	"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

Secretary

Secretary of the Department, or delegate

In Schedules 2 to 5:

2. Delete all occurrences of the words "Director-General" and replace with "Secretary".

SCHEDULE 2

3. Replace Condition 2 of Schedule 2 with the following:

Limits of Approval

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 2017;
 - b) subdivision across the site (23.3595 hectares) to create 14 Lots (refer to Appendix 2);
 - c) earthworks, 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 Concept Plan.

SCHEDULE 3

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

Easements

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;

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, as part of any subdivision of the site, within three months of the completion of items (a) or (b) above or within three months of the completion of a Council precinct detention basin servicing the adjoining land to the south of the site (whichever is sooner) over the following:

- (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.

4. Replace Condition 3 in Schedule 3 with the following:

3. The Proponent shall register a drainage easement pursuant to Section 88B of the *Conveyancing Act, 1919* and to the satisfaction of Council, over the proposed channel to be constructed on Lots 4 and 5 of the modified Concept Plan (refer to Appendices 1 and 4) as part of any subdivision of the site, within three months of the completion of a Council precinct detention basin servicing the adjoining land to the east of the site, or within three months of the completion of earthworks over the following:
 - (a) all pipelines and structures collecting discharge from public roadways; and
 - (b) all stormwater quality improvement devices including the OSD;

whichever is sooner.

The easement shall be created and granted in favour of all properties to the east of the site that would be serviced by Council's precinct basin.

SCHEDULE 4

Precinct Plan Roads

4. Replace Condition 21 in Schedule 4 with the following:
 21. Within 12 months from the date of the approval of MOD 2, 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 (see **Appendix 2**). This precinct road shall be dedicated to council, at no charge, to form part of the public road network.