

Your ref: MP 06\_0225 Mod 2  
File no: MC-06-1733

2 June 2015

Industry Assessments  
Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Ms Hamann,

**Re: MP 06\_0225 Mod 2 - Modification to the Project Approval for the Hanson Asphalt Plant at Eastern Creek**

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I refer to your correspondence dated 19 May 2015 requesting that Council provide comments in relation to the above section 75W modification application to extend the period of use of the asphalt / emulsion plant by 2 years, being until 3 June 2017.

The proposal has been reviewed by us and we are particularly concerned that during the ongoing operation of the plant the Department has not required the proponent to complete the precinct road. The current project approval was already afforded a five year time frame to deliver the approval commitments. This period expires on 3 June 2015, and the precinct road is yet to be constructed and dedicated.

This constant delay is seriously stifling the orderly development of this precinct. The adjoining major project approval for Dial a Dump cannot practically comply with its obligation to construct parts of the proposed precinct road unless this project delivers its obligations.

We will only support the two year extension of time if the proponent designs and constructs those parts of the precinct road that fall within the site within the next 12 months.

The Department should not approve this application unless it supports Council's position on this matter.

Please refer to **Attachment B** for our recommended conditions of consent.

Also please note that the Draft Section Contributions Plan No. 18 – Stage 3 Eastern Creek Precinct is almost finalised but has not yet been exhibited. We are waiting for a response from the Department regarding a quantity surveyor to verify costs for the Quarry Link Road as detailed in Condition 24 'Local Road Contributions' of the Project Approval.

If you would like to discuss this matter further, please contact me on 9839 6228.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'J. Portelli', with a stylized flourish extending from the end.

Judith Portelli

Manager Development Assessment

## ATTACHMENT A

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### Recommended Conditions of Consent:

#### Engineering

**1. Additional condition:**

No further extension to the approval or additional approvals will be considered until these project approval conditions have been satisfied in relation to infrastructure works required to facilitate development within the precinct.

**2. Replace MOD 1 Condition 11 (which replaced Condition 2 in Schedule 3) with the following:**

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 3 months of completion of items (a) or (b) above or within 3 months of the completion of a Council precinct detention basin servicing the land to the east 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.

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

The Proponent shall register an easement for drainage, 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 in MOD 1 Modified Concept Plan labelled as "drainage easement (refer condition 3, Schedule 3)", as part of any subdivision of the site, within 3 months of the completion of a Council precinct detention basin servicing the 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;

(b) all stormwater quality improvement devices including the OSD.

whichever is sooner.

The easement shall be granted in favour of all properties east of the site that will be served by Council's precinct basin.

**4. Replace Condition 21 in Schedule 4 with the following:**

Within one year from the date of the MOD 2 approval, 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.