

HANSON CONCRETE AND ASPHALT FACILITY

EASTERN CREEK | JULY 2019



SECTION 4.55(1A) PLANNING ASSESSMENT REPORT

MODIFICATION 5 - CONCEPT AND PROJECT APPROVAL MP 06_0225

Hanson Concrete and Asphalt Facility

Eastern Creek NSW

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Date: July 2019



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Address	Level 18, 2-12 Macquarie Street, Parramatta NSW
In respect of	The subdivision and redevelopment of the Hanson Concrete and Asphalt Facility Eastern Creek.
Development application	
DP&E Reference	MP 06_0225
Applicant name	Hanson Construction Materials Pty Ltd
Applicant address	Level 18, 2-12 Macquarie Street, Parramatta NSW 2150
Land to be developed	Honeycomb Drive, Eastern Creek NSW
Lot number DP/MPS vol./fol., Etc of	Site is defined as Lot 1, 2, 3, 4, 5, 7 & 10 of DP 1225803
Proposed development	City of Blacktown Parish of Melville County of Cumberland
Planning Assessment Report	Hanson Concrete and Asphalt Facility, Eastern Creek
Certificate	
<p>I certify that I have prepared the contents of this Statement and to the best of my knowledge.</p> <p>This submission has being prepared as the mandated environmental assessment under the provisions of Section 4.55(1A) of the EP&A Act 1979.</p> <p>It contains all available information that is relevant to the environmental</p> <p>assessment of the development to which the statement relates</p> <p>It is true in all material particulars and does not, by its presentation or</p> <p>omission of information, materially mislead.</p>	

Signature			
Name	Ashleigh Zarlenga		
Date	3-Jul-19		
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1 THE PROPONENT

Hanson Construction Materials Pty Ltd (Hanson) is a major supplier of aggregates, sands and premixed concrete to the civil, industrial, residential, and commercial construction industries. Hanson and its subsidiaries operate over 70 quarries and more than 300 concrete plants throughout Australia, employing over 3000 people nationwide.

2 BACKGROUND

Hanson has prepared this submission under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to modify Concept and Project Approval MP 06_0225. Previous modifications of approval MP 06_0225 were assessed under Part 3A (Section 75W) of the EP&A Act which is now repealed, and therefore this proposed modification is to be assessed under the State significant development (SSD) assessment system.

The original concept and project approval was issued by the Minister on the 3rd June, 2010 under Section 75J of the Environmental Planning and Assessment Act 1979 in respect to a project known as Hanson Asphalt and Concrete Facility. In late 2010, Hanson sold part of its business in asphalt manufacturing to Fulton Hogan. The Fulton Hogan asphalt plant is the only plant still operating on the site in its existing location.

In accordance with the Project Approval, by the end of 2012, Hanson had decommissioned and removed the remainder of the operations on the site, including the concrete crushing and screening plant. The subdivision defining the alignment of the precinct road was also completed and the entire site including the proposed precinct road was consolidated onto land owned by Hanson (Lot 5 in DP 1145808).

In June 2017, Frasers Property Australia (Frasers) commenced scheduled works to the greater site as approved under a modification to the Project Approval (Mod 3) to facilitate the creation of a subdivision suitable to their requirements. The site works was carried out across the entire site with the exception of the asphalt plant area, as the redevelopment of the asphalt plant area was not the subject of works approved under Mod 3. The scheduled works and subdivision undertaken by Frasers was completed in June 2018 and the modified concept master plan can be found at **Figure 4**.

3 THE SITE

The Hanson site includes Lot 1, 2, 3, 4, 5, 7 & 10 of DP 1225803 and is located within the Western Sydney Employment Area (WSEA), 36km west of the Sydney CBD and close to the M4 and M7 Motorways. Access is via Honeycomb Drive and Wallgrove Road. The nearest residential dwellings are approximately 800m to the west at Erskine Park and 1km to the north of the site in the suburb of Minchinbury. The development site is depicted in **Figure 1** and was formerly identified as Lot 5 in DP1145808.



Figure 1: Wallgrove Development Site

Between 1950 and 2005, Hanson operated its concrete and asphalt facility alongside a hard rock quarry. The quarry area ceased operations in 2005 and was sold to ThaQuarry Pty Ltd, which currently operates the site as a landfill facility for construction, demolition, commercial and industrial waste (the Genesis Waste Facility).

Neighbouring the site are modern warehousing facilities including a Best and Less warehouse located approximately 100m to the north-east of the eastern site boundary, a Kmart warehouse to the east, and smaller concrete panel warehouses contiguous with the eastern boundary of the site. Rhino-Rack and an unoccupied warehouse are located to the west of lots 1-3 which are owned by Frasers (previously owned by Hanson).

4 CURRENT APPROVAL- MODIFICATION 4 (MOD 4)

In March 2017, the delegate for the Minister for Planning, under the Instrument of Delegation, approved the modification of the concept approval referred to in Schedule 1, subject to the conditions approved in Hanson's Concept Plan (MP 06_0225) was granted for:

- a) *subdivision of lots 1-5 and 7-10;*
- b) *residual subdivision and future development of Lot 6;*
- c) *bulk earthworks across the site;*
- d) *provision of the Precinct Plan collector road and Internal Estate Road;*
- e) *provision of a range of associated infrastructure to provide essential services to the site;*
- f) *development of an Asphalt and Concrete Production & Recycling Facility, consisting of:*
 - i. *Maintenance and Fuel Depot and Workshop;*
 - ii. *Asphalt/Emulsion Plant with a production capacity up to 360,000 tonnes per annum.*
 - iii. *Concrete Recycling Facility importing and processing up to 100,000 tonnes per annum;*
and
 - iv. *Concrete Batch Plant with a production capacity up to 144,000m³ per annum; Office and Laboratory; and*
 - v. *Materials Storage Depot (with import up to 36,000 tonnes of material per annum).*

The general scope of this approval is depicted in the modified concept master plan at **Figure 4**.

In November 2017 the delegate for the Minister for Planning, under the Instrument of Delegation, approved the modification of the project approval referred to in Schedule 2, subject to the conditions approved in Hanson's Concept Plan (MP 06_0225) was granted 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 30 June 2019;*
- b) *subdivision across the site (23.3595 hectares) to create 10 Lots;*
- c) *earth works, civil works, and servicing; and*
- d) *construction of the Precinct Plan Road and Internal Estate Road*

A separate approval is required to operate the new asphalt plant in the Concept Plan.

5 PROPOSED MODIFICATION

It is proposed to amend MP 06_0025 Modification 4 (Project Approval) Condition 2 in Schedule 2 with the following:

- a) *continued use of the existing Fulton Hogan Asphalt / Emulsion Plant with a production capacity of up to 270,000 tonnes per annum until **29 February 2020**;*
- b) *subdivision across the site (23.3595 hectares) to create 10 Lots (refer to Appendix 2);*
- c) *earth works, civil works, and servicing; and*
- d) *construction of the Precinct Plan Road and Internal Estate Road*

6 REASONS FOR MODIFICATION

In 2015, Fulton Hogan commenced searching for industrially zoned land suitable for asphalt plant manufacturing to relocate its existing businesses located in Eastern Creek. In undertaking this search it was evident that there is very limited industrially zoned land available and even less so suitable for an asphalt plant. Several factors limit an asphalt plants ability to utilise industrial land with one significant factor being residential encroachment. Fulton Hogan take the community and environmental responsibilities seriously and any piece of land available for development needed to bear this in mind.

Following nearly 18 months of searching Fulton Hogan located an appropriate parcel of land on Archbold Road in Eastern Creek and commenced the development process. Asphalt manufacturing plants require Industrial Zone 1 for Heavy Industry but are not categorised as offensive or hazardous.

The development process caused significant delays to Fulton Hogan's timeline totalling 15 months from the date of the pre-lodgement meeting to the development consent. Some of these delays according to Fulton Hogan are outlined below:

- The development application (DA) DA-17-00823 for the re-development of the asphalt plant was assessed by numerous assessors from Blacktown City Council (BCC), causing delays to ensure the newly appointed assessor could become familiar with the project;
- Administrative errors including referrals sent from BCC to the Department of Planning and Environment (DP&E) to the wrong address or with the wrong DA number, causing delays to the assessment process; and
- The addition of development conditions that if applied to the consent would either prevent the development from occurring or increase costs significantly.

Approval for DA-17-00823 was sought on 21st June 2018 and construction of the asphalt plant began on 26th November 2018. There was a 5 month time lapse between approval and construction commencement due to the need to prepare and obtain drawings and an Aboriginal Heritage Impact Permit (AHIP) as conditioned in the consent (Section 3.4.1). Further delays were experienced during construction due to wet weather, totally 17 wet weather days. The new site currently under construction is shown at **Figure 2** and **Figure 3**.

The proponent expects to complete construction works at the new site in November 2019 and will allow 3 months to transition over to the new site and decommission and demolish the plant at the current location. The proponent will not seek to further extend the continued use of the existing Fulton Hogan Asphalt and Emulsion Plant with a production capacity of up to 270,000 tonnes per annum beyond 29 February 2020.



Figure 2 View of the new asphalt plant



Figure 3 View of the new asphalt plant

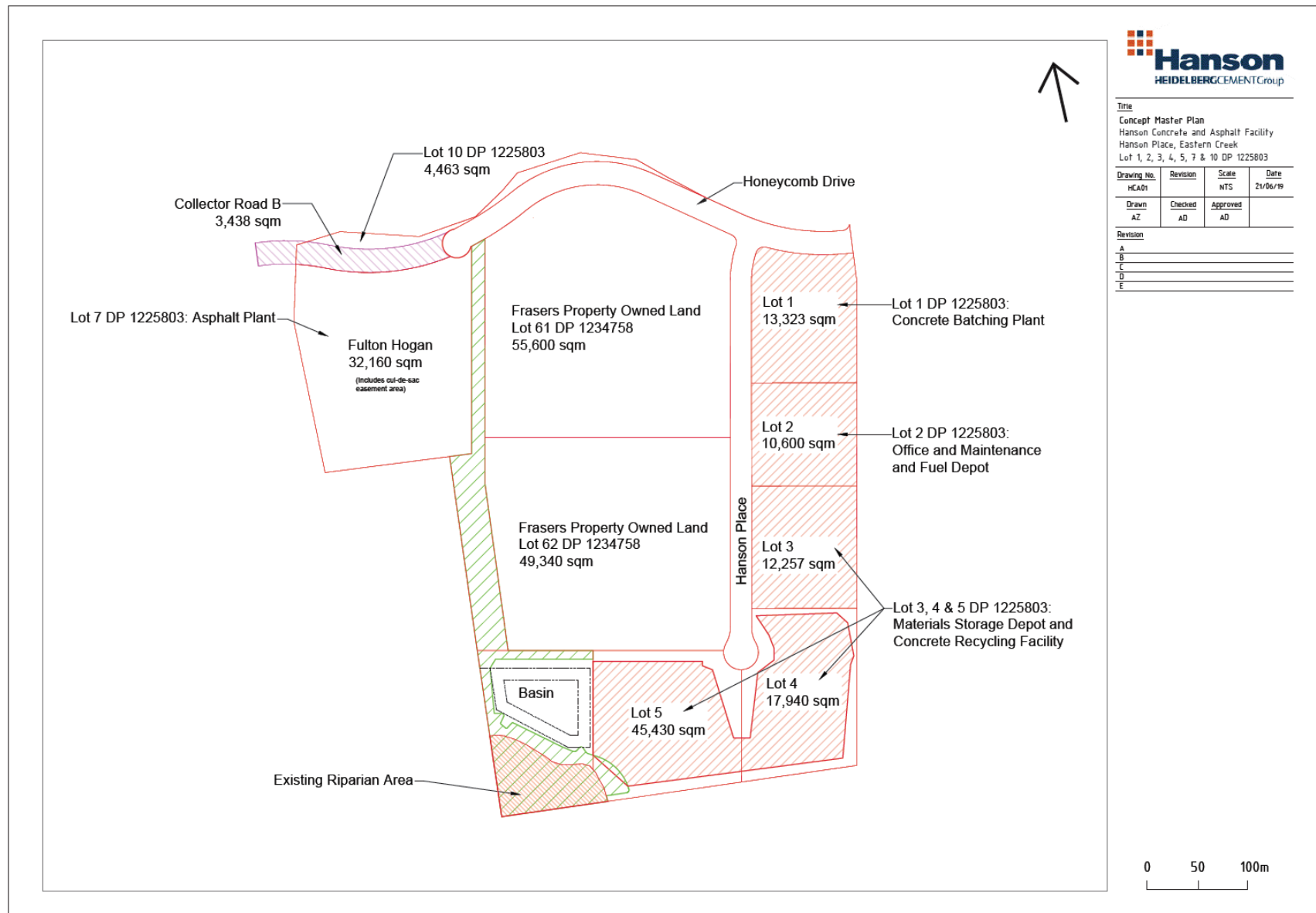


Figure 4 Concept Master Plan

7 JUSTIFICATION FOR THE MODIFICATION

7.1 New South Wales Government – Rebuilding NSW

The NSW Government has begun investing \$20 billion in infrastructure through its Rebuilding NSW Plan which is driven by Restart NSW and is the Government's 10-year plan to invest in new infrastructure funded by the electricity network transactions, Commonwealth Government Asset Recycling Initiative Payments, and investment earnings.

Following the State Infrastructure Strategy's recommendations, the plan will reserve:

- An additional \$1.1 billion to invest in the northern and southern extensions to WestConnex along with the Western Harbour Tunnel.
- An extra \$7 billion for Sydney Rapid Transit, to fully fund a second harbour rail crossing.
- \$2 billion for schools and hospitals.
- \$4.1 billion for regional transport.
- \$1 billion for regional water security.
- \$300 million for regional tourism and the environment.
- More funds to Sports and Cultural infrastructure, up from \$500 million to \$1.2 billion.

In particular major urban road projects include:

- Reserve \$400 million to progressively implement Smart Motorways.
- Reserve \$300 million to unblock critical constraints, creating a Gateway to the South.
- Reserve \$300 million for the Urban Roads Pinch Points program.

The Fulton Hogan Asphalt Plant at Wallgrove (Eastern Creek) is needed for the supply of asphalt to ensure that the NSW Government can deliver on its Rebuilding NSW Plan.

7.2 Fulton Hogan

Fulton Hogan is a multi-disciplinary company that employs 5,500 people across Australasia. Fulton Hogan specialises in building and maintaining transport and civil infrastructure, and are industry leaders in civil construction, asphalt surfacing and long term asset maintenance specialising in:

- Civil Construction
- Road Maintenance
- Asphalt Production and Supply
- Asphalt Laying
- Light Rail Construction and Maintenance
- Bridge Construction
- Water Infrastructure
- Airport Pavement
- Port Pavement
- Traffic Management

7.3 Employment

In NSW Fulton Hogan employs in excess of 200 employees in NSW Industries who have the opportunity to rotate throughout the business and develop skills at all levels to provide opportunity for growth and succession planning.

The Wallgrove facility employs six production employee's permanently based at that site which supply, at any time, up to three of our transient crews of 30 employees. The Wallgrove facility utilises 14 haulage companies for their requirements who YTD have transported from, and into, the facility in excess of 200,000 tonnes of material.

7.4 Existing Customers and Contractual Commitments

Approximately 45% of asphalt manufacture & supply from the Wallgrove facility is undertaken for Government organisations. Asphalt supply is primarily to Roads & Maritime Services, Local Government, property developers, and various construction contractors.

This financial year supplies have been made from the Wallgrove plant to the following Councils:

- Fairfield City Council
- Blacktown City Council
- Camden Council
- Inner West Council
- Blue Mountains City Council
- Wollondilly Shire Council
- Penrith City Council
- Hawksbury City Council
- Hornsby Shire Council
- City of Parramatta
- City of Ryde
- Sutherland Shire Council
- The Hills Shire Council

In addition to:

- RMS
- Georgiou Construction
- Seymour Whyte
- Ferrovia
- CPB Contractors

Fulton Hogan has existing supply agreements that need to be maintained. Supply agreements supplied within the last 12 months include:

- DP World Australia at Chullora
- M4 Smart Motorway

- Northern Beaches Hospital
- The B-Line Northern Beaches Bus Line

Supply agreements secured within the next 12 months include:

- The Northern Road Upgrade Stage 4
- Western Sydney Airport
- DP World Australia at Chullora
- Sada Coal Handling Terminal
- M4 Smart Motorway
- Northern Beaches Hospital

8 CONSULTATION

8.1 Blacktown City Council

Jared Spies the Senior Project Planner from BCC was contacted by Fulton Hogan on 18 June 2019 via telephone and expressed that BCC are generally in support of the requested extension.

8.2 Environment Protection Authority

The existing asphalt plant has an Environment Protection Licence (EPL) No. 494. This licence has been subject to a number of variations through consultation in the past with the most recent being on 11 January 2017 resulting in a variation to the EPL dated 4 April 2017. The EPA was also contacted in regards to this modification. A summary of the relevant consultation is provided below:

- A. Condition O4.1 has been added to the licence "By 30 January 2017 the licensee must prepare, maintain and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. NOTE: The licensee must develop their PIRMP in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations Act 1997 (the POEO Act) and the POEO Regulations".
- B. On 24 June 2019 Fulton Hogan reached out to Matthew Hart the Unit Head of Waste Compliance from the EPA via telephone to alert him of this modification request. Matthew did not confirm the EPA's support to the modification however seemed comfortable in the fact that no changes would be made to the current practices.

9 WORK UNDERTAKEN IN RELATION TO THE CONCEPT & PROJECT APPROVAL

9.1 Detailed Survey

In accordance with conditions of consent a detailed site survey was submitted to the Minister for Planning and Environment (Minister).

9.2 Environmental Management Plans

In accordance with conditions of consent Environmental Management Plans including; Noise, Air Quality, Water, Soil and Erosion were submitted to the Minister.

9.3 Environment Management Strategy

In accordance with conditions of consent an Environmental Management Strategy was submitted to the Minister.

9.4 Demolition and Decommissioning

In accordance with conditions of consent the existing quarry crushing, screening, processing plant, office was demolished. The concrete plant was also decommissioned and relocated.

10 NO CHANGE TO EXISTING ENVIRONMENTAL IMPACTS

The propose modification does not seek to increase or intensify the current approved asphalt plant operations. As such the extension of the continued use of the existing Fulton Hogan Asphalt and Emulsion Plant with a production capacity of up to 270,000 tonnes per annum to 29 February 2020 will not change the existing environmental impacts operational impacts on development site and nearby properties.

11 COMPLIANCE WITH DEVELOPMENT APPROVAL

Compliance with the Project Approval is detailed in Table 1 below.

Table 1: Compliance with the Project Approval

Schedule 2: Administrative Conditions		
Condition #	Condition Description	Compliance
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 1, 2, 3, 4, 5, 7 & 10 DP 1225803	Noted.
Terms of Approval		
2	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 30 June 2019; (b) subdivision across the site (23.3595 hectares) to create 14	Current recycling and concrete production operations have ceased. Asphalt/Emulsion plant is still in use.

	<p>Lots (refer Appendix 2);</p> <p>(c) earth works, civil works, and servicing; and</p> <p>(d) construction of the Precinct Plan Road and Internal Estate Road.</p> <p>Note: A separate approval is required to operate the new asphalt plant in the modified concept plan.</p>	
3	<p>The proponent shall submit a detailed site survey to the Minister within 4 months of commencement of this approval. The site survey shall include:</p> <p>The location of the land, area, boundaries and adjoining properties</p> <p>Location, size and position of all plant and infrastructure so labelled</p> <p>Location of all buildings, offices and structures, accordingly labelled</p> <p>Position, location and volume of any stock piles, areas of storage of any materials</p> <p>Position, location and volume of any combustible or flammable material</p> <p>Access to/ from the site and internal road circulation</p> <p>Water-bodies, dams, water tanks of any kind, and</p> <p>Significant vegetation</p>	Submitted 01/10/2010.
4	<p>The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:</p> <p>(a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this approval; and</p> <p>(b) the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.</p>	As required.
Liability to Lapse		
5	<p>With the exception of subdivision and construction of the Precinct Plan Road, this approval shall lapse if the Proponent does not physically commence the proposed development contained within the concept plan approval (06_0225 Concept) within three (3) years of the date of this approval.</p>	Refer to Modification 24/10/2013.

Existing Development Consents and Rights		
6	The Proponent shall surrender all previous development consents and / or existing and /or continuing use rights for the land referred to in Schedule 1, within 12 months of this approval.	Existing use rights under EPA Act 1979 were replaced by the approval granted in June 2010.
Structural Adequacy		
7	Within 6 months of this approval, the Proponent shall apply for all necessary building certificate(s) from Blacktown Council for existing building and structures on the site. The Proponent shall provide copies of the building certificate(s) to the Director-General once they have been received.	Application was submitted to BCC and fee was paid 07/10/2010. Council responded in July 2012 to follow up on status. Hanson advised that structures were planned to be demolished.
8	<p>The Proponent shall ensure that any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.</p> <p>Notes:</p> <p>Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.</p> <p>Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.</p>	Not required. Refer condition Sch 2 Pt 7
Demolition		
9	The Proponent shall ensure that all demolition work is carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures, or its latest version.	Demolition completed with relevant Australian Standard.
Protection of Public Infrastructure		

10	<p>Within 6 months of this approval, the Proponent shall:</p> <ul style="list-style-type: none"> (a) prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters, footpaths, etc) in consultation with Council; and (b) submit a copy of this report to the Director-General. 	Council advised that a dilapidation report is not required at this time as the site is currently accessed via a private road of Old Kangaroo Avenue.
11	<p>The Proponent shall:</p> <ul style="list-style-type: none"> (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development. 	Not required. Refer to condition Sch 2 Pt 10.
Operation of Plant and Equipment		
12	The Proponent shall ensure that all plant and equipment used on site is: maintained in a proper and efficient condition; and operated in a proper and efficient manner.	Vehicles and machines are maintained and serviced as per OEM (Original Equipment Manufacturers) requirements.
Contributions		
13	<p>Replace condition 13 in Schedule 2 with the following:</p> <p>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 voluntary planning agreement.</p>	<p>VPA executed 18/09/2013.</p> <p>Revised VPA on exhibition March 2017 and was executed in October 2013.</p>
14	<p>Replace condition 14 with the following:</p> <p>13. The Proponent shall contribute \$4,204,710 payable to the Minister for Planning in accordance with the payment schedule detailed the VPA in Appendix 3 of this approval, for the</p>	<p>VPA executed 18/09/2013.</p> <p>Revised VPA on exhibition March 2017</p>

	<p>provision of regional infrastructure within the broader Western Sydney Employment Area. This contribution would be made available to such works as:</p> <ul style="list-style-type: none"> (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. 	and was executed in October 2013.
15	<p>Insert new condition 15 in Schedule 2 as follows;</p> <p>14. 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.</p>	<p>VPA was executed in October 2013 and revised in March 2017.</p> <p>Construction Certificate approved 06/04/2017.</p>
Schedule 3: Subdivision		
Condition #	Condition Description	Compliance
Subdivision Certificate		
1	<p>Replace Condition 1 in Schedule 3 with the following:</p> <p>1. The Proponent shall carry out the subdivision 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.</p>	<p>Subdivision carried out in accordance with the Plan of Subdivision titled " Plan of Subdivision of Lot 5 in DP 1145808 and Easements within Lot 8 in DP 1200048" dated 01/06/2016, prepared by Shawn Leclerc and approved under Mod 3 of the Project Approval.</p>
Easements		
2	<p>Replace Condition 2 in Schedule 3 with the following:</p>	Completed by Frasers.

	<p>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:</p> <ul style="list-style-type: none"> (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. 	
3	<p>A drainage easement across the southern portion of the site shall be created and granted in favour of the adjoining landowner to the East, 'Australand' to allow for overland flows from their site.</p> <p>Note:</p> <p>Any easements in the subdivision plan must nominate Council as the authority to release, vary or modify the easement. The form of the easement must be in accordance with Council's standard recitals for terms of easements, or the standard form for easements accepted by the Department of Lands.</p>	Completed by Frasers.
Documentary evidence of restrictions on title		
4	<p>Prior to the issuing of the subdivision certificate, the Proponent is to provide documentary evidence of the proposed easements to the accredited certifier or Council.</p>	Completed by Frasers.
Costs to be borne by the Proponent		
5	<p>All costs associated with the preparation and registration of any covenant or restriction on title, whether directly or indirectly, will be borne solely by the Proponent.</p>	Completed by Frasers.
Drainage Plans		
6	<p>Insert new condition 6 in Schedule 3 following condition 5:</p> <p>6. The Proponent shall provide revised Drainage Plans to the satisfaction of Council, prior to the commencement of</p>	Completed by Frasers.

	<p>earthworks to be undertaken as part of MOD1. The revised plans shall include, but not be limited to, the following requirements:</p> <ul style="list-style-type: none"> (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. <p>Note: The approved plans shall be submitted to the Department for record keeping purposes.</p>	
7	<p>Insert new condition 7 in Schedule 3 following condition 6:</p> <p>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.</p>	Completed by Frasers.
Retaining Walls		
8	<p>Insert new condition 8 in Schedule 3, following condition 7:</p> <p>8. Revised conceptual contour plans are to 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 6m, with a 1.5m vegetated setback in between any terraces. Any terraced area must be landscaped to provide screening of the retaining wall.</p>	Completed by Frasers.
Bulk Earthworks		
9	<p>Insert new condition 9 in Schedule 3, following condition 8:</p> <p>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:</p>	Completed by Frasers.

	<ul style="list-style-type: none"> (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 (PM10) 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 PM10 concentrations exceed the action level of 200 µg/m3 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		
10	<p>Insert new condition 10 in Schedule 3 following condition 9:</p> <p>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”.</p>	Completed by Frasers.
11	<p>Insert new condition 11 in Schedule 3 following existing condition 10:</p> <p>11. At the completion of earthwork, the Proponent shall consult</p>	Completed by Frasers.

	with Council to determine a suitable timeframe for installation of the plants and filter media in the wetland and bioretention area, to the satisfaction of Council.	
12	<p>Insert new condition 12 in Schedule 3 following existing condition 11:</p> <p>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.</p>	Completed by Frasers.
13	<p>Insert new condition 13 in Schedule 3 following condition 12:</p> <p>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</p>	Completed by Frasers.
14	<p>Insert new condition 14 in Schedule 3 following existing condition 13:</p> <p>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</p>	Completed by Frasers.
SQID Maintenance		
15	<p>Insert new condition 15 in Schedule 3 following condition 14:</p> <p>15. Prior to the commissioning of the SQID'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 bioretention basin, wetland and gross pollutant traps.</p>	Completed by Frasers.
Integrated Water Management Plan		
16	<p>Insert new condition 16 in Schedule 3 following condition 15:</p> <p>16. The Proponent shall implement Appendix 2 of the RTS, the "Integrated Water Management Plan", dated August 2012.</p>	Completed by Frasers.

	The maintenance schedule shall be updated to Council's satisfaction prior to the commissioning of the OSD.						
17	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.					Noted.	
Schedule 4: Specific Environmental Conditions							
Condition #		Condition Description				Compliance	
Noise Limits							
1	Location		Day	Evening	Night		Current noise limits are included in the Noise Management Plan which includes the new receivers to the east.
			LAeq(15 Minute)	LAeq(15 Minute)	LAeq(15 Minute)	LA1(1 minute)	
	Minchinbury (south) MB3 Agrafe Place		45	45	45	57	
	Erskine Park (north) EN1 Warbler Street		35	35	35	57	
	Erskine Park (south) ES2 Fantail Crescent		35	35	35	57	
	Noise generated by the project must not exceed the noise limits identified in the table below. The noise limits represent the noise contribution from the project site. Notes: Noise from the development is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is						

	<p>more than 30 metres from the boundary, to determine compliance with the LAeq(15 minute) noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DECC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.</p> <p>The noise emission limits identified in the above table apply under meteorological conditions of:</p> <p>wind speeds of up to 3 m/s at 10 metres above ground level; or temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.</p>	
Hours of Operation		
2	The Proponent is permitted to carry out activities associated with the project 24 hours a day, 7 days a week.	Noted.
Monitoring		
3	The Proponent shall prepare and implement a Noise Monitoring Program for the development, in consultation with DECCW, and to the satisfaction of the Director-General. This program must be submitted to the Director-General for approval within 6 months of the date of this approval, and include a noise monitoring protocol for evaluating compliance with the noise impact assessment criteria in this approval.	Submitted 01/12/2010 in consultation with the EPA. This was revised in December 2011.
Odour		
4	<p>Except as otherwise expressly provided in any EPL condition for the project, the Proponent must comply with section 129 of the POEO Act.</p> <p>Note:</p> <p>Section 129 of the POEO Act, provides that the Proponent must not cause or permit the emission of any offensive odour from the site, but provides a defence if the emission is identified in the relevant EPL as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising</p>	Noted.

	odour.																								
Dust																									
5	Replace existing condition 5 of schedule 4 with the following 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.	Operations have been regulated by the Air Quality Management Plan.																							
6	<p>The Proponent shall ensure that dust generated by the project does not cause additional exceedances of the criteria listed in Tables 1 to 3 at any residence on, or on more than 25 percent of, any privately owned land.</p> <p>Table 2 Long term impact assessment criteria for particulate matter</p> <table><tr><th>Pollutant</th><th>Average Period</th><th>Criterion</th></tr><tr><td>Total suspended particulate (TSP) matter</td><td>Annual</td><td>90 µg/m3</td></tr><tr><td>Particulate matter < 10 µm (PM10)</td><td>Annual</td><td>30 µg/m3</td></tr></table> <p>Table 3: Short term impact assessment criteria for particulate matter</p> <table><tr><th>Pollutant</th><th>Average Period</th><th>Criterion</th></tr><tr><td>Particulate matter < 10 µm (PM10)</td><td>24 hour</td><td>50 µg/m3</td></tr></table> <p>Table 4 Long term impact assessment criteria for deposited dust</p> <table><tr><th>Pollutant</th><th>Averaging period</th><th>Maximum increase in deposited dust level</th><th>Maximum total deposited dust level</th></tr><tr><td>Deposited dust</td><td>Annual</td><td>2 g/m2/month</td><td>4 g/m2/month</td></tr></table> <p>Note:</p> <p>Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS/NZS 3580.10.1-2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.</p>	Pollutant	Average Period	Criterion	Total suspended particulate (TSP) matter	Annual	90 µg/m3	Particulate matter < 10 µm (PM10)	Annual	30 µg/m3	Pollutant	Average Period	Criterion	Particulate matter < 10 µm (PM10)	24 hour	50 µg/m3	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	Deposited dust	Annual	2 g/m2/month	4 g/m2/month	Operations have been regulated by the Air Quality Management Plan.
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Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level																						
Deposited dust	Annual	2 g/m2/month	4 g/m2/month																						
7	The Proponent shall ensure that:	Operations have been																							

	<p>all trucks entering or leaving the site with loads have their loads covered;</p> <p>trucks associated with the project do not track dirt onto the public road network; and</p> <p>the public roads used by these trucks are kept clean.</p>	regulated by the Air Quality Management Plan.
8	<p>The Proponent shall prepare and implement an Air Quality Management and Monitoring Plan for the project, in consultation with the DECCW, and to the satisfaction of the Director-General. The Air Quality Management and Monitoring Plan shall be submitted to the Director-General within six months (6) of the commencement of this approval. This plan must:</p> <ul style="list-style-type: none"> (a) describe in detail the measures that would be implemented on site to control the odour and air quality impacts of the project, and to ensure that these controls remain effective over time; (b) identify triggers for remedial action; (c) include a program for monitoring the air quality and odour impacts of the project including a real-time dust monitor to measure dust emissions during operation; (d) Identify the number and location of continuous monitoring points for fine particulates (PM10), ensuring sufficient representation of the relevant sensitive receptors at each stage of the proposed works; (e) Include development and identification of PM10 concentration trigger levels at which: <ul style="list-style-type: none"> - Dust management actions must be taken, and specification of the relevant actions; and - Works at the site must cease. 	Submitted 01/12/2010 in consultation with the EPA. This was revised in December 2011.
Greenhouse Gas Emissions		
9	<p>The Proponent shall implement all reasonable and feasible measures to minimise:</p> <ul style="list-style-type: none"> (a) energy use on site; and (b) the scope 1, 2 and 3 greenhouse gas emissions produced on site, to the satisfaction of the Director-General. 	Operations have been regulated by the Air Quality Management Plan.

Metrological Monitoring		
10	For the life of the Project, the Proponent shall ensure that there is a suitable meteorological station in the vicinity of the site that complies with the requirements in the latest version of Approved Methods for Sampling of Air Pollutants in New South Wales guideline.	Refer to the Air Quality Management Plan.
Soil, Water and Wastewater Management – Discharge		
11	Except as may be expressly provided in an EPL for the project, the Proponent shall comply with Section 120 of the Protection of the Environment Operations Act 1997.	Noted.
Soil, Water and Wastewater Management - Bunding		
12	All chemicals, fuels and oils shall be stored in appropriately bunded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. The bund(s) shall be designed and installed in accordance with the: requirements of all relevant Australian Standards; and DECCW's Environmental Protection Manual Technical Bulletin Bunding and Spill Management.	Noted. This requirement is in accordance with Hanson IRMS (Integrated Risk Management Systems) practice.
Soil, Water and Wastewater Management – Plan		
13	The Proponent shall prepare and implement a Soil, Water and Wastewater Management Plan for the site to the satisfaction of the Director-General. This plan must: (a) be submitted to the Director-General for approval within 6 months of this approval; (b) be prepared by a suitably qualified and experienced expert; (c) be prepared in consultation with the DECCW and Council; and (d) include: a site water balance; an erosion and sediment control plan; a stormwater management scheme;	Submitted 06/12/2010 and included as part of the sites EMS "Environmental Management Strategy" submitted 25/01/2011.

	<p>a surface water and groundwater monitoring program; and</p> <p>a surface water and groundwater response plan.</p>	
14	<p>The site water balance must:</p> <ul style="list-style-type: none"> (a) include details of all water extracted, transferred, used and/or discharged by the development; (b) identify the source of all water collected or stored on the site, including rainfall, stormwater and groundwater; (c) describe the measures that would be implemented to minimise water use on site. 	Submitted 20/12/2010.
15	<p>The erosion and sediment control plan must:</p> <ul style="list-style-type: none"> (a) be consistent with the requirements in the latest version of Managing Urban Stormwater: Soils and Construction (Landcom); (b) identify the activities on site that could cause soil erosion and generate sediment; and (c) describe what measures would be implemented to: <p>minimise soil erosion and the transport of sediment to downstream waters, including the location, function and capacity of any erosion and sediment control structures; and</p> <p>maintain these structures over time.</p>	Submitted 06/12/2010.
16	<p>The stormwater management scheme must:</p> <ul style="list-style-type: none"> (a) be consistent with the guidance in the latest version of Managing Urban Stormwater: Council Handbook (DEC); and (b) include the detailed plans of the surface water management system. 	Submitted 06/12/2010.
17	<p>The surface water monitoring program must include:</p> <ul style="list-style-type: none"> • baseline data; • details of the proposed monitoring network; and • the parameters for testing and respective trigger levels for action under the surface water response plan (see below). 	Included as part of the sites EMS “Environmental Management Strategy” submitted 25/01/2011.
18	<p>The surface water response plan must:</p>	Included as part of the sites EMS

	<p>(a) include a protocol for the investigation, notification and mitigation of any exceedances of the respective trigger levels; and</p> <p>(b) describe the array of measures that could be implemented to respond to any surface contamination that may be caused by the development.</p>	“Environmental Management Strategy” submitted 25/01/2011.
Traffic – Access		
19	Direct access to the Project from Archbold Road is not permitted.	Access use for the site is via Honeycomb Drive.
20	Direct access to the Project shall be via Old Wallgrove Road or Wonderland Drive, via the public Precinct Plan Road network, wherever a public road is available.	Access use for the site is via Honeycomb Drive.
Traffic – Precinct Plan Roads		
21	Within five years from the date of this approval or when an adjoining land owner is building a precinct road to a common boundary (whichever is sooner), 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.	Refer to Modification 24/10/2013.
22	When a Precinct Plan road is constructed, the Proponent shall design and construct any new vehicular connections to the Precinct Plan Road, to the satisfaction of Council.	Refer to Modification 24/10/2013.
Traffic – Vehicle queuing and Parking		
23	<p>The proponent shall ensure that:</p> <p>(a) All parking is contained within the site;</p> <p>(b) No vehicles associated with the project shall park in the public road system; and</p> <p>(c) Vehicles do not queue on public roads at any time.</p>	Noted.
Traffic – Local Road Contributions		

24	<p>Replace existing condition 24 of schedule 4 with the following:</p> <p>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).</p> <p>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:</p> <ul style="list-style-type: none"> (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. 	Paid March 2017.
Traffic – Transport Code of Conduct		
25	<p>The Proponent shall prepare and implement a Transport Code of Conduct for the development to the satisfaction of the Director-General. This protocol must:</p> <ul style="list-style-type: none"> (a) be submitted to the Director-General for approval prior to the commencement of operations; (b) be prepared in consultation with the RTA and Blacktown Council; and (c) describe the measures that would be implemented to: (d) minimise the impacts of the development on the local and regional road network, including traffic noise. 	To be prepared and implemented prior to the issuing of Occupancy Certificate for individual Project Approvals.

Visual Amenity – Lighting		
26	<p>The Proponent shall ensure that the lighting associated with the project:</p> <ul style="list-style-type: none"> (a) complies with the latest version of Australian Standard AS 4282(INT)-Control of Obtrusive Effects of Outdoor Lighting; and (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network. 	Noted.
Flora and Fauna Management – Landscape Plan		
27	<p>Replace condition 27 of schedule 4 with the following:</p> <p>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:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> • plans for screen plantings to minimise visual impacts, particularly on any amenity berms; • detailed plans and procedures for: <ul style="list-style-type: none"> - 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 	Noted.

	restoration works.	
Heritage		
28	<p>Replace condition 28 in Schedule 4 with the following:</p> <p>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.</p>	Noted.
Fire & Risk		
29	<p>Within 6 months of the date of this approval, the Proponent shall prepare and implement an Emergency & Fire Response Plan for the site. The plan should be prepared in consultation with the NSW Fire Brigade and should include, but not be limited to:</p> <ul style="list-style-type: none"> (a) suitable measures to minimise the risk of fire on site; (b) the number of days hazardous material can be stored on site (if relevant), (c) detail procedures to extinguish any fires on site promptly; (d) detail measures to maintain adequate fire-fighting capacity on site; and (e) detail emergency evacuation procedures 	<p>Included as part of the sites EMS</p> <p>“Environmental Management Strategy” submitted 25/01/2011.</p>
Schedule 5: Environmental Management, Reporting & Auditing		
Condition #	Condition #	Compliance
Environmental Management – Environmental Management Strategy		
1	<p>The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. The Strategy must:</p> <ul style="list-style-type: none"> (a) be submitted to the Director-General for approval within 6 months of the date of this approval; (b) provide the strategic framework for environmental management of the project; (c) identify the statutory approvals that apply to the project; (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project; 	<p>EMS “Environmental Management Strategy” submitted 25/01/2011.</p>

	<p>(e) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> • keep the local community and relevant agencies informed about the operation and environmental performance of the project; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the course of the project; • respond to any non-compliance; and • respond to emergencies; <p>(f) include:</p> <ul style="list-style-type: none"> • copies of the various strategies, plans and programs that are required under the conditions of this approval once they have been approved; and • a clear plan depicting all the monitoring currently being carried out within the project area. 	
Environmental Management – Annual Review		
	<p>The Proponent shall review the environmental performance of the project to the satisfaction of the Director-General. This review must:</p> <p>(a) describe the works that were carried out in the past year, and the works that are proposed to be carried out over the next year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the project over the past year, which includes a comparison of these results against the</p> <ul style="list-style-type: none"> • the relevant statutory requirements, limits or performance measures/criteria; • the monitoring results of previous years; and • the relevant predictions in the EA; <p>(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the project;</p> <ul style="list-style-type: none"> • identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and 	<p>The annual review to be conducted on completion of civil earthworks, construction of the Precinct Rd and services.</p>

	<ul style="list-style-type: none"> describe what measure will be implemented over the next year to improve the environmental performance of the project. 	
Reporting - Incident		
3	The Proponent shall notify the Director-General and any other relevant agencies of any incident associated with the project as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident.	Noted.
Reporting – Regular Reporting		
4	The Proponent shall provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval, and to the satisfaction of the Director-General.	Noted.

12 CONCLUSION

This modification submission seeks only to extend the continued use of the asphalt plant until 29 February 2020 to allow the transition from the existing plant operation to a new facility. The transition to the new asphalt plant has been approved by Blacktown City Council under development application ID DA-17-00823 while the remainder of the site undergoes re-development in accordance with the MP 06_0225 Project Approval.

This modification proposal will not alter any other approved use or term of consent. Therefore it will not have any further environmental impact than what has already been approved.

The extension of the period of continued use of the asphalt plant is justified on the grounds of the employment security and economic benefit to local governments and Fulton Hogan's other customers. Approval of the continued use of the asphalt plant will also ensure the NSW Government's Rebuilding NSW Plan can be achieved.