

# Notice of Modification

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

As delegate for the Minister for Planning, I approve the modification to Project Approval 10\_0073 subject to the conditions in Schedules 1, 2 and 3.

  
Sam Haddad  
Director-General

Sydney

13<sup>th</sup> May

2011

File No: 10/20993

### SCHEDULE 1

**The Project Approval (MP 10\_0073) granted by the Minister for Planning on 27 October 2010 for the Sandvik Machine Manufacturing and Maintenance Project, and as modified by MP 10\_0073 MOD 1.**

The project approval is modified by:

1. Replacing the definition of "EA" in the definitions list with the following:

EA      Environmental Assessment titled *Environmental Assessment Report – 431 Masonite Road, Heatherbrae* prepared by Sandvik Mining and Construction Australia P/L and received by the Department on 14 July 2010, including the Proponent's response to submissions and supplementary information dated 8 September 2010, as modified by MP 10\_0073 MOD 1.

2. Replacing the definition of "Project" in the definitions list with the following:

Project      The development as described in the EA, as modified by MP 10\_0073 MOD 1.

### SCHEDULE 2

3. Replacing Condition 2 with the following:

2. The Proponent shall carry out the Project generally in accordance with the:

- (a) EA;
- (b) Modification application 10\_0073 MOD 1, accompanying *Environmental Assessment Report* dated 17 December 2010, prepared by ADW Johnson Pty Ltd;
- (c) statement of commitments (see Appendix 1);
- (d) site and temporary concrete batching plant plans (see Appendix 2) and
- (e) conditions of this approval.

4. Inserting a new Condition 4A:

**Limits of Approval**

4A. The Proponent shall ensure that the temporary concrete batching plant:

- (a) is undertaken accordance with MP 10\_0073 MOD 1;
- (b) is operated for a maximum of up to 9 months from the date of commissioning;
- (c) is limited to a maximum production capacity of 18,000m<sup>3</sup> or 43,200 tonnes of pre-mixed concrete during this time; and
- (d) is dismantled and removed from the site following the cessation of operation of the temporary concrete batching plant.

*Note: Pre-cast cement and other concrete materials produced by the temporary concrete batching plant are only to be used for construction of the approved Project.*

**SCHEDULE 3**

5. Replacing Condition 10 with the following:

10. The Proponent shall prepare and implement a revised Construction Traffic Management Plan for the Project to the satisfaction of the Council. The plan shall:

- (a) be submitted to the Council prior to the operation of the temporary concrete batching plant;
- (b) include a risk assessment to identify hazards to traffic control associated with the site, the level of risk posed and control measure to be implemented;
- (c) include a Vehicle Movement Plan for the management of construction traffic, including the management of traffic generated by MP 10\_0073 MOD 1; and
- (d) include a Traffic Control Plan in accordance with the RTA's Traffic Control at Work Sites manual.

Replacing Appendix 1 & 2 with the following.

## **APPENDIX 1**

### **DRAFT STATEMENT OF COMMITMENTS**

The following draft Statement of Commitments outlines the measures that will be implemented with regard to the management and monitoring of the key environmental issues identified in the Environmental Assessment and Modification Application 10\_0073 MOD 1.

#### **7.1 Plans, Documentation and Approvals**

The proposed development will be completed in accordance with the submitted plans and descriptions of the proposed development provided in the Environmental Assessment, and Modification Application 10\_0073 MOD 1 accompanying Environmental Assessment Report.

It is noted that any changes to the proposed development will require further approval of the relevant authorities.

The proposed development will be carried out in accordance with all approvals granted by relevant authorities.

#### **7.2 Environmental Management**

A Construction Environmental Management Plan for the proposal will be implemented in accordance with the Construction Environmental Management Plan prepared by Drayton Building and Construction P/L.

#### **7.3 Flora and Fauna**

The proposed development will seek to minimise the impact on Flora and Fauna by adopting the recommendations made in the Ecological Assessment Report (June 2010) prepared by RPS Australia East Pty Ltd . This will involve the following:

- Retain the two hollow-bearing trees identified in site plans;
- Retain native vegetation as identified on site plans;
- Ensure an erosion and sediment control plan has been developed and appropriate controls are in place prior to commencement of vegetation clearing within the site;
- Implement the following clearing protocol:
  - Ensure that vegetation to be retained is accurately marked out and fenced prior to the commencement of vegetation clearing (using temporary fencing such as barrier tape) to ensure that vehicles and machinery do not accidentally damage this area;
  - All hollow bearing trees to be removed within the site are to be located and marked by a qualified ecologist, prior to the commencement of vegetation clearing;
  - The removal of hollow-bearing trees is to be supervised by a qualified ecologist to minimise potential impacts on resident fauna (including visual inspection, tapping tree trunk gently with machinery and observing, inspection after felling and fauna recovery);

- Nestboxes should be installed at a 1:1 ratio for each hollow removed. Nestboxes should reflect the range of sizes removed;
- Hollows from removed hollow-bearing trees should be placed on the ground within retained habitat under the supervision of a qualified ecologist to provide terrestrial shelter habitat for fauna;
- Ongoing weed management should occur within retained vegetation on site.

## 7.4 Offsets

The offset strategy involves the dedication of land for the purposes of conservation in perpetuity and to ensure that the principle of maintain or improve biodiversity values is met. The details include:

- The proponent will provide offset land to compensate for loss of biodiversity as a consequence of the proposed development. The offset land must:
  1. Have a minimum area of 54 hectares;
  2. Meet the objectives of the Lower Hunter Regional Conservation Plan (RCP), in particular:-
    - a) Be identified on the RCP Map 1 as an extant vegetation community being a "reservation target not yet met";
    - b) Identified on the RCP Map 3 as a regional investment priority
    - c) Adjoin or be adjacent to land granted or proposed to be granted to DECCW for addition to the Columbey National Park

## 7.5 Traffic and access

The proposed development will comply with the recommendations contained in the Traffic Impact Assessment (TIA) prepared by Insite Engineering Services Pty Ltd dated June 2010, and the recommendations contained in the Addendum to the Traffic Impact Assessment prepared by Intersect Traffic Pty Ltd, dated December, 2010 (10\_0073 MOD 1).

The TIA, dated June, 2010 includes the following measures:

- Reconstruction and upgrade of Masonite Road along the frontage of the site to a suitable standard for industrial development and in accordance with Council's requirements.
- 
- Each access point to the development will be constructed with a channelized right turn bay (CHR intersection type). These right turn bays should provide storage for at least three (3) vehicles or one (1) heavy vehicle.
-

- The internal car park and heavy vehicle areas proposed for the development comply with the requirements of the RTA's Guide to Traffic Generating Development, PSDCP 2007 Part B3 – Parking, Traffic & Transport as well as AS 2890.1-2004 and AS 2890.2-2002.
- 
- A concrete footpath will be provided from the main office to the start of the existing pedestrian facilities at the Masonite Road/Camfield Drive roundabout.
- 
- The provision of a covered parking area to accommodate 51 motor cycles and 38 bicycles.

The TIA, dated December, 2010 (10\_0073 MOD 1) supports the above measures and also reiterates that a Construction Traffic Management Plan will be in place during the construction of the development.

## 7.6 Acoustics

The proposed development will comply with the requirements of DECC in relation to criteria for noise emissions. In particular, the proposed development will comply with the recommendations provided in the Noise Impact Assessment prepared by Advitech Pty Ltd, dated 18 June 2010, and the Construction Noise Impact Assessment (10\_0073 MOD 1) prepared by Advitech, dated 13<sup>th</sup> December, 2010.

The Construction Environmental Management Plan will be prepared to manage noise emissions.

More specifically, the following will be included:

- testing of mining machinery, specifically underground mining vehicles, continuous miners and drill rigs should be restricted to the day (7:00 to 16:00) period;
- testing of the DR460 drill rig, specifically purging of the drill head should not be undertaken within 30m of the site boundary;
- ensuring external (drive-in and personal access) doorways on the western and northern façade remain closed during the hours 22:00 to 7:00 on all buildings;
- Construction activities will be restricted to 7:00 to 18:00; and
- Establishment of localised barriers around transit mixer slumping and loading areas.

## 7.7 Air Quality

The proposed development will comply with the recommendations provided in the Noise Impact Assessment prepared by Advitech Pty Ltd, dated 18 June 2010, and the Construction Air Quality Impact Assessment (10\_0073 MOD 1) prepared by Advitech, dated 13<sup>th</sup> December, 2010, comprising:-

- All vehicles and machinery will be maintained to minimise emissions to air.
- All spray-painting will be contained within the proposed spray booths. The spray booths will be designed to meet the specifications and standards of Workcover and DECCW.

- Dust will be controlled during the construction phase through implementation of appropriate management measures. Filling operations will involve the use of larger or heavier type of fill material, thus minimising the opportunity for smaller particulates to be carried by wind.
- The Construction Environmental Management Plan will be prepared to manage potential air emissions and submitted as required prior to construction. The plan will address dust control.

Dust control measures include the following:

- Covering loads when required;
- Changing operations under excessive wind conditions including ceasing of operations if required;
- Use of water tankers as required to control dust;
- Rehabilitation through vegetation of surfaces to be left unsealed;
- Truck wheel washes or other dust removal measures;
- Ensuring that all service areas are sealed, or as a minimum treatment, covered with gravel;
- Dirt tracked onto access routes will be cleaned away as soon as practicable;
- Vehicles will be regularly washed when practicable.

## 7.8 Water Quality

Water quality measures will be installed in accordance with the report prepared by Geoff Craig and Associates (June 2010) and the Water Management Letter prepared by Geoff Craig and Associates, dated 17<sup>th</sup> December, 2010 (10\_0073 MOD 1).

The Concept Drainage Plan details proposed stormwater quality improvement and proposed drainage measures for the site.

Rainwater tank storage will be provided to capture runoff from the roof areas of the development for reuse. The rainwater tanks are to overflow to the infiltration basins in larger storm events.

## 7.9 Soil Erosion and Sedimentation

During construction, the site will be protected from erosion and sedimentation by the installation and maintenance of standard erosion and sediment control measures, such as silt fences, lip drains and hay bale sediment traps. These control measures are to be designed and constructed in accordance with Managing Urban Stormwater: Soils and Construction 4th Edition – Vol 1 (the "Blue Book") Landcom, 2004.

## 7.10 Acid Sulphate Soils

In the event that it is necessary to disturb acid sulphate soils, an Acid Sulphate Soils Management Plan will be prepared and submitted to the Department of Planning prior to the disturbance of such soils.

### 7.11 Waste Management

All waste as identified in the Environmental Assessment will be stored on-site with the waste stream separated into recyclable and non recyclable and disposed of or recycled by approved contractors. The proposed development will comply with the Waste Classification Guidelines (DECC) and the Waste Management Plan prepared by Drayton Building and Construction P/L.

### 7.12 Hazardous Material

Hazardous Materials will be stored in accordance with the requirements contained within the SEPP 33 Screening report prepared by Advitech and Workcover Requirements.

### 7.13 Archaeology

The proposed development will comply with the recommendations made in the Aboriginal Heritage Impact Assessment prepared by RPS (June 2010). These include:

- Ensuring all staff and contractors working on the site are:
  - Made aware that Aboriginal sites are found in the local area;
  - Provided sufficient training so that they are able to identify an Aboriginal site is uncovered;
  - Made aware of their legal obligations and who to report any such finds to.
- Aboriginal representatives will be consulted and given the opportunity to inspect the site after the vegetation has been removed and before other earth moving works commence.
- If any Aboriginal sites or objects are identified during future works, works in the vicinity must cease immediately. A suitably qualified archaeologist should inspect the site and determine an appropriate course of action for the site.
- If any skeletal remains are identified at any stage during the proposed works, all works in the vicinity must cease immediately. A suitably qualified forensic archaeologist and the Police should be contacted immediately and a suitable course of action determined.

### 7.14 Further Approvals

The proponent will obtain a Construction Certificate prior to the implementation of the engineering and building works.

## 7.15 Services

The proponent will obtain and comply with the requirements of relevant public authorities regarding connection to, relocation and/or adjustment of services required by or affected by the construction and operation of the proposed development.

## 7.16 Outdoor Lighting

All outdoor lighting will be designed to comply with the requirements of AS 4282, Control of Obtrusive Effects of Outdoor Lighting.

## 7.17 BCA

The proposed development will comply with either the 'deemed to satisfy' provisions of the Building Code of Australia, or alternatively provide a performance-based solution prepared by a suitably qualified person.

## 7.18 Landscaping

All landscaping will be carried out in accordance with the landscape concept prepared by GCA and included as Appendix J.

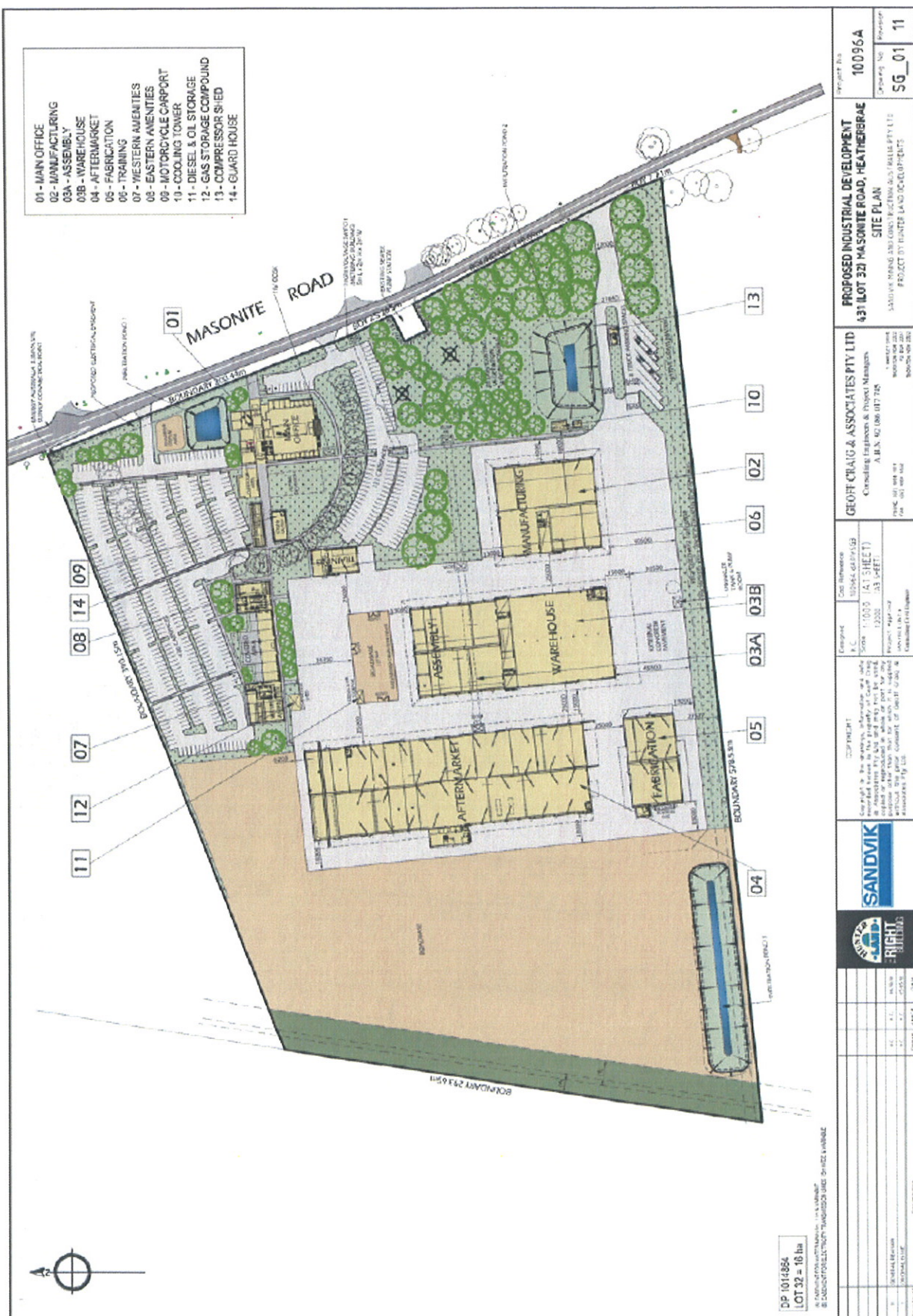
## 7.19 Section 94 Contribution

The proponent will pay contributions in accordance with the Port Stephens Section 94A Development Contribution Plan 2006.

The payment of this contribution will be made to Port Stephens Council prior to the issue of a Construction Certificate.



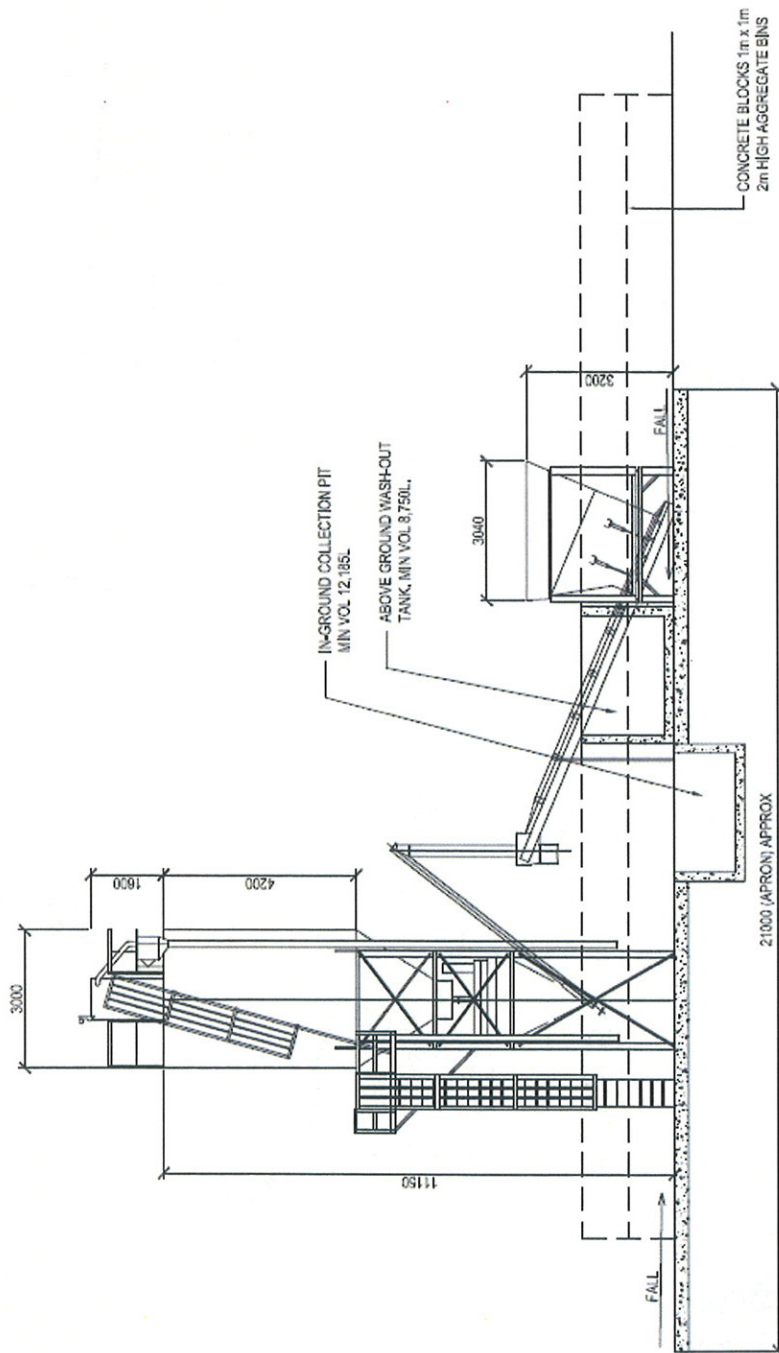
# APPENDIX 2 SITE PLAN











**SOUTH ELEVATION**

No.	Description	Drawn	Date
1	CONCRETE BLOCKS 1m x 1m 2m HIGH AGGREGATE BINS	W.K.	02.10.10
2	CONCRETE BLOCKS 1m x 1m 2m HIGH AGGREGATE BINS	W.K.	02.10.10
3	CONCRETE BLOCKS 1m x 1m 2m HIGH AGGREGATE BINS	W.K.	02.10.10
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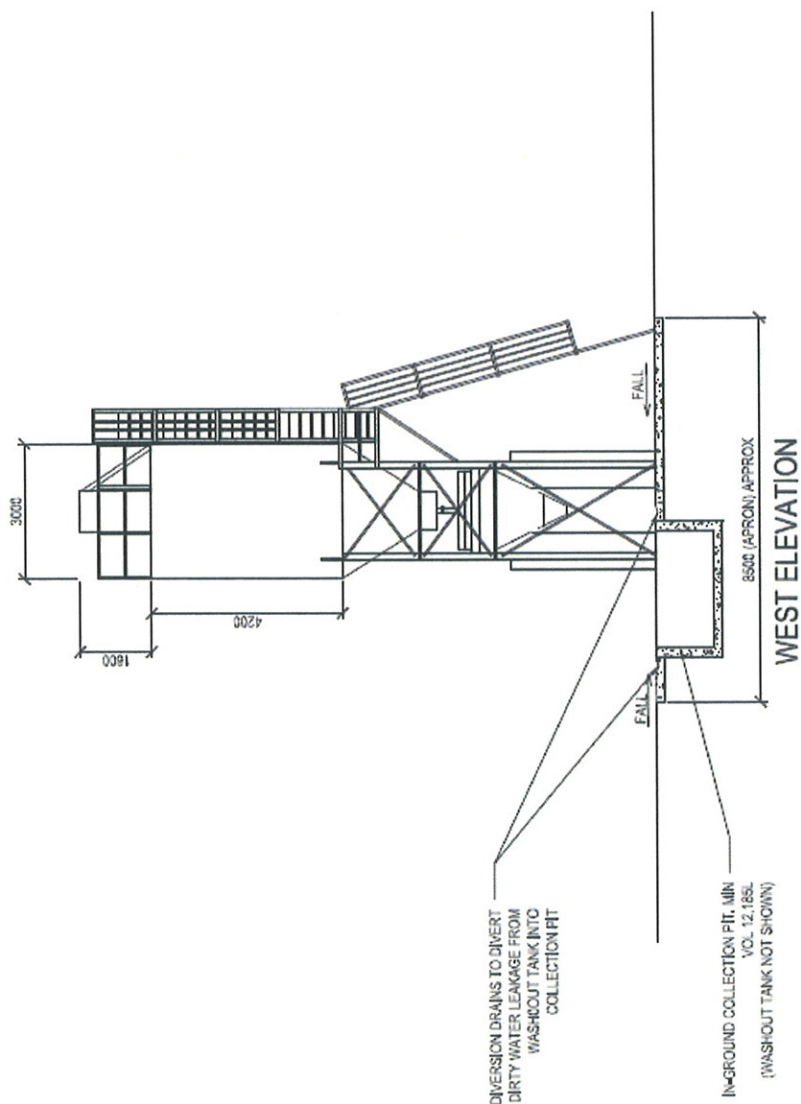
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PROJECT ID 10363A										Project No 10363A	
PROPOSED BATCHING PLANT 431 MASONITE ROAD, HEATHERBEACH ELEVATION PLAN 12 OF 21 SANDVIK MINING & CONSTRUCTION AUSTRALIA PTY LTD HUNTER READYMADE CONCRETE PTY LTD										Drawing No A04	Revision 3
Property Information Address: 431 MASONITE ROAD, Suburb: HEATHERBEACH Lot: 22 Area: 16 hectares DP: 101-485-4 Council: PTST. STIRLING COUNCIL State: WA										Drawing No A04	Revision 3
 GCA ENGINEERING SOLUTIONS 11 WILSON ROAD, HUNTERBURY NSW 2322 PO BOX 3337, HUNTERBURY NSW 2322 Tel: 08 9392 404 Fax: 08 9392 403 Email: info@gsa.com.au										Drawing No A04	Revision 3
Call Reference 10363A-001/2 A3 SHEET CONCEPT										Drawing No A04	Revision 3
SANDVIK Scale 1:100 Sheet CONCEPT										Drawing No A04	Revision 3
CONCEPT © SANDVIK MINING & CONSTRUCTION AUSTRALIA PTY LTD HUNTER READYMADE CONCRETE PTY LTD 3 ISSUED TO SUPPLIER FOR MANUFACTURE 2 CONCRETE BLOCKS & REINFORCED 1 ISSUED TO CLIENT										Drawing No A04	Revision 3
10363A-001/2 A3 SHEET CONCEPT										Drawing No A04	Revision 3

