



ASSESSMENT REPORT

Section 75W Modification DA1 MOD 1 Proposed Consolidation Area for Residual Quarry Materials

1 BACKGROUND

This report is an assessment of a request to modify DA350/81 (DA1) for the development of the Penrith Lakes Scheme under Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application was lodged by JBA Urban Planning Consultants Pty Ltd on behalf of the Penrith Lakes Development Corporation (PLDC) and seeks the establishment of a consolidation area to assist with the management of residual quarry materials from historical site operations, specifically tyres, road pavement and general demolition waste.

The proposed modification includes carrying out the works associated with the establishment of a consolidation area, the relocation of stable and non-putrescible residual materials for placement within the consolidation area and the closure and capping of the area to be consistent with the approved final landform.

2. SUBJECT SITE

The Penrith Lakes Scheme (the Scheme) is a large extractive operation that supplied around half of Sydney's sand and gravel demand for the construction industry from the mid 60's until the mid-2000s. The Scheme covers an area of just under 2,000 hectares of the Penrith Castlereagh floodplain in the Penrith local government area as shown on the Penrith Lakes Scheme Structure Plan (refer to Figure 1).

PLDC has managed the operation of the Scheme following the consolidation of quarrying interests under a single joint venture in 1980. PLDC is now moving into the next phase of the Scheme to undertake rehabilitation and development of the final landform as quarrying activities approach finalisation.

Extraction and rehabilitation activities at Penrith Lakes have historically been governed by the Sydney Regional Environmental Plan No 11 - Penrith Lakes Scheme (SREP 11). In 2012, SREP 11 was renamed *State Environmental Planning Policy (Penrith Lakes Scheme) 1989* (Penrith Lakes Scheme SEPP). A Regional Environmental Study (RES) was completed in 1984 to examine considerations in developing a system of interconnected lakes suitable for regional water oriented recreation pursuits within reconstituted landforms capable of supporting a range of associated land uses. The RES identifies a number of key principles to guide overall design and delivery of the Scheme and subsequently incorporated into a Deed of Agreement with the NSW Government and the Penrith Lakes Scheme SEPP.

The 1987 Deed of Agreement (the 1987 Deed) is a contractual agreement between PLDC and the NSW State government. The 1987 Deed outlined the original intentions for overall delivery of the Scheme and also outlines obligations to be met by PLDC for works to be undertaken as part of the rehabilitation. Under the Deed, PLDC is obliged to deliver the

completed Scheme to the Government following cessation of quarrying and rehabilitation activity. All quarrying operations are due to cease in June 2015 and rehabilitation is expected to be completed by September 2015. PLDC has commenced the transfer of the Eastern Lakes site to the Government and the Wildlife Lake is also expected to be transferred during 2015.

The Penrith Lakes Scheme SEPP contains a structure plan which includes provision for the final landform of the Scheme (refer to Figure 1).

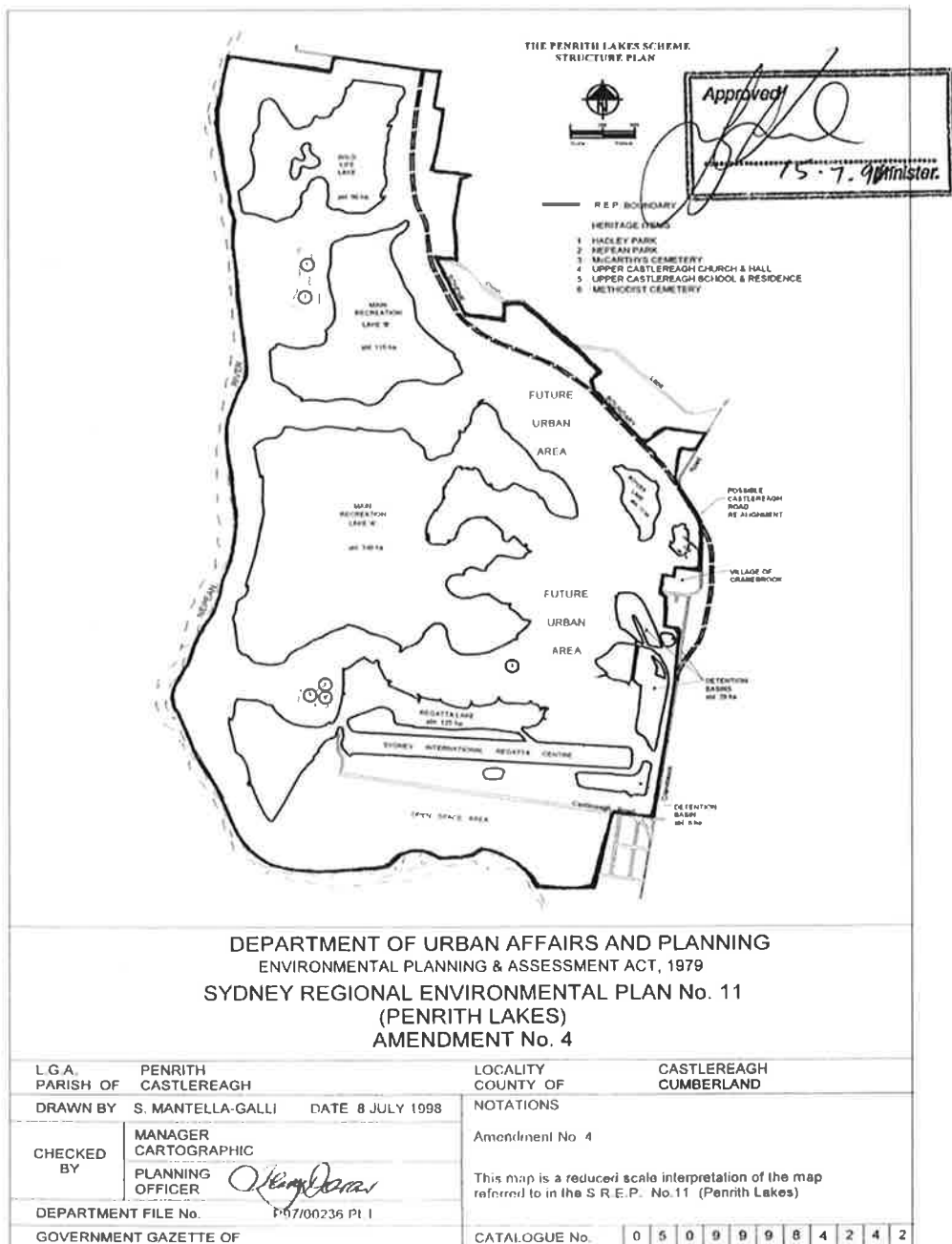


Figure 1 Structure Plan

The residual materials consolidation area is to be located immediately adjacent to the River Haul Road near the southern boundary of the Penrith Lakes Site as indicated on the location plan at Figure 2. The area has been heavily modified by historical quarrying activities, and includes a depression in the land surface related to past extraction.



Figure 2 Location Plan

Source: Nearmap

The land around the proposed residual materials consolidation area is at approximately 26m AHD with the base of the existing depression some 3-4 metres below this level (i.e. 22-23m AHD). Beyond the Penrith Lakes site boundary the land is vegetated and falls away to the Nepean River (at approximately 7-10m AHD) approximately 200 metres from the proposed consolidation area.

The proposed residual materials consolidation area will be on land that has been identified as future open space and parkland under the 2013-2015 Two Year Plan prepared as a condition of consent to guide the development of rehabilitation activities and final landform for the scheme and approved by the former Minister for Planning in December 2013.

3. Development Consents

There are a number of development consents that govern the activities on the site, including the quarrying activities and the future rehabilitation works.

DA1 (DA 350/81) was approved by the Minister for Planning and Environment in July 1982 and allowed for the extraction of sand and gravel from approximately 100 hectares of land within the Penrith Lakes Site. The approved extraction was designed to be an interim activity while the preferred Scheme for Penrith Lakes was developed as part of the RES and development of SREP 11. Ongoing rehabilitation was also approved under DA1, which related to extensively quarried areas of the site, undertaken before the approval of DA1.

Under SREP 11, provision was also made for the submission of sequential development applications for the progressive release of resource-bearing land within the Penrith Lakes Site. A number of additional consents have subsequently been approved by the Minister for the Scheme and are summarised in Table 1.

Table 1 Summary of consents

<i>Name/Date</i>	<i>About</i>
Development consent 2 (DA 2) Dated 24 Feb 1987 (amended 14 March 1989, 22 September 1989, 11 December 2005, 18 December 2006 and 4 July 2009)	Applies to land east of the former alignment of Castlereagh Road (southern part) and includes Lake A, the Southern Wetlands and Quarantine Lake to the north of the proposed residual material consolidation area. In 1989 DA2 was modified to facilitate the construction of the rowing lake and associated facilities (known as SIRC), and the Castlereagh Road underpass. On 20 December 2006, DA2 was further modified to undertake trials of dynamic compaction within a 39 hectare area (the DC extension area) within the 327 hectares covered by DA2.
Development consent 3 (DA 3) Dated 27 June 1995	Applies to land east of the former alignment of Castlereagh Road (northern part)
Development consent 4 (DA 4) Dated 9 September 1998 (amended 6 December 004, 13 October 2005, 4 July 2009, 6 May 2011 and 12 August 2011) Modified 6 times	Applies to land west of the former alignment of Castlereagh Road Applies to Wildlife Lake, Lake B and the Southern Wetlands, Lake A and Quarantine Lake.

DA 1 is the only development consent sought to be modified by this Modification application, with the location of the residual materials consolidation area in the southern portion of the site within the land subject to DA1 as shown on Figure 3.

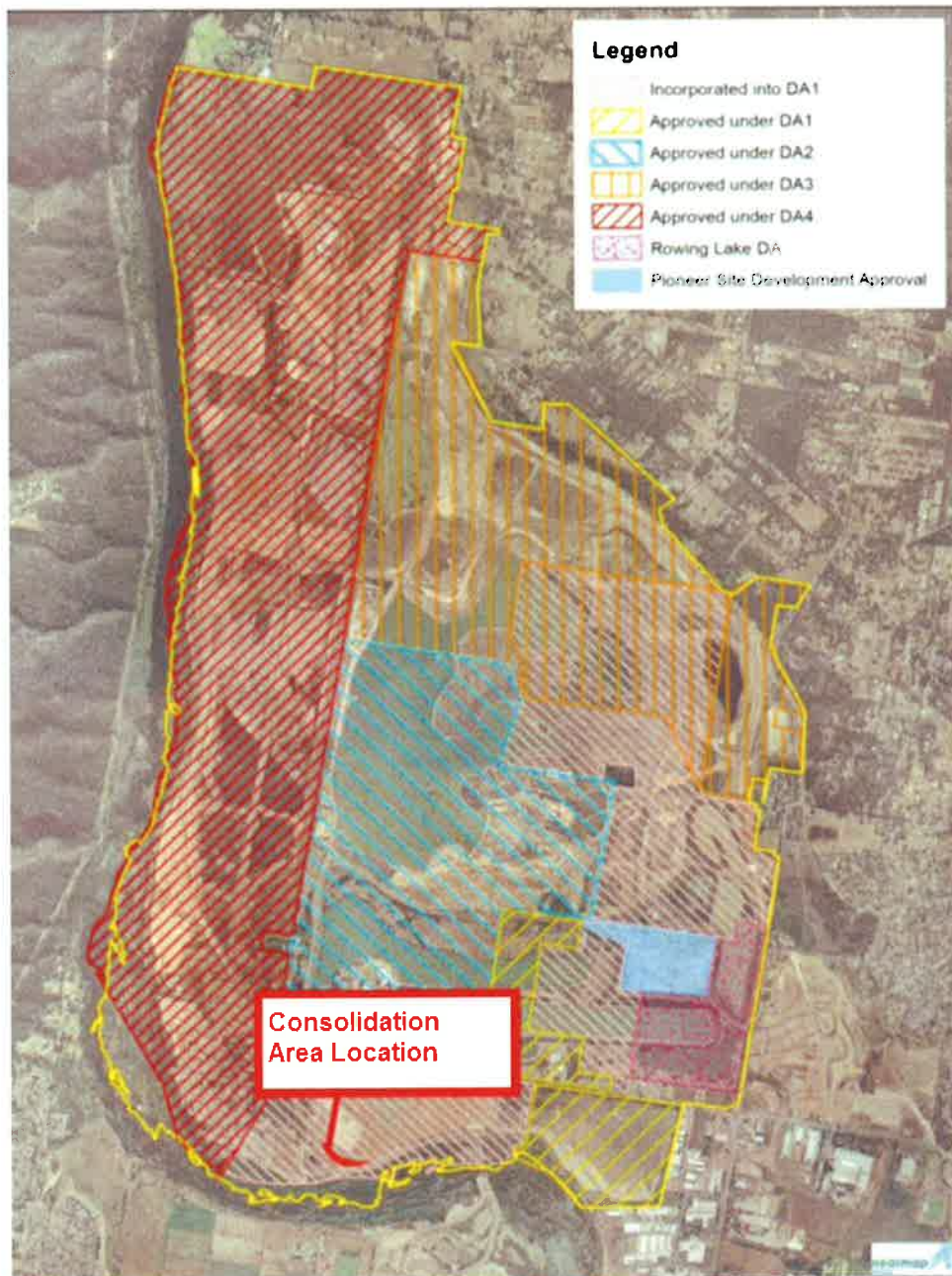


Figure 3 Existing Development Consents

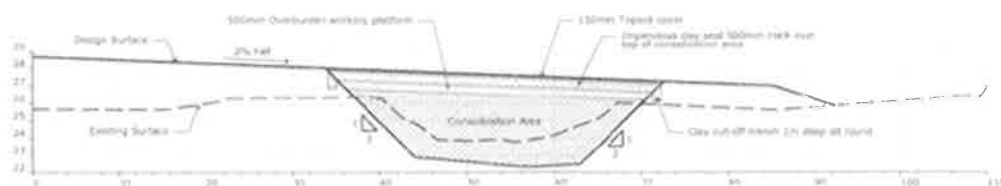
Source: Nearmap and PLDC (JBA, 2014)

4 PROPOSED MODIFICATION

Residual Materials Consolidation Area Design

The proposed residual materials consolidation area will be located in the south western portion of the Site to the north of the riverbank of the Nepean River as illustrated in Figures 2 & 3. The site takes advantage of the existing void in the landform which will be enlarged as part of the rehabilitation works. The area is an elevated and stable part of the Penrith Lakes Site, with minimal interactions with external receptors and no connectivity with groundwater. It is also located on a part of the site that is intended for future open space uses and which currently has an unnatural landform that will require extensive re-forming as part of its rehabilitation and development of the approved final landform.

The level of the land around the outskirts of the residual materials consolidation area is currently at approximately 26m AHD. The consolidation area will be excavated to create a void with a depth of approximately 4 metres (i.e. to approximately 22m AHD). After filling with residual materials, the area will be capped with an impervious 500mm clay seal and land surrounding the area will be built up to between 27-29m AHD in accordance with the approved design surface level as shown on Figure 4.



Source: Extract from Appendix B

Figure 4 Residual materials consolidation area design schematic

Source: JBA, 2014

Identified Residual Materials

PLDC currently manages a number of stockpiles of residual materials associated with historical land uses at the site, which have included agriculture, quarrying activities and the Old Castlereagh Road, which has been relocated as part of the Scheme.

The following sources of inert non-putrescible residual materials have been identified throughout the Penrith Lakes Site, as follows:

- General construction materials - approximately 10,000m³ of stockpiled material requiring on-site management and consolidation,
- Asphalt/road base stockpiles - approximately 12,000m³ of asphalt and road base materials will require on-site management and consolidation, and
- Two stockpiles (approximately 1,500m³) of tyres located at the site which require management and consolidation.

The residual materials to be placed in the consolidation area will be limited to glass, plastic, rubber, plasterboard, bricks, concrete, bitumen, metal, garden materials, wood, non-putrescible vegetative materials, tyres and demolition materials and will not contain asbestos or asbestos containing material.

Investigations to identify any additional residual material stockpiles (including buried stockpiles) are ongoing as part of the site wide rehabilitation processes and may also be disposed of in the consolidation area if it is a type specified above.

5 STATUTORY CONTEXT

5.1 Consent Authority

The works required for the progressive extraction, rehabilitation, reconstruction and landscaping of the land at Penrith Lakes have been approved by the Minister for Planning under Part 4 of the EP&A Act.

However, under clause 8J(8) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), for the purposes only of modification, a development consent granted by the Minister under Section 100A or 101 of the EP&A Act are taken to be

approvals under Part 3A of the Act and section 75W of the Act applies to any modification of such a consent.

DA1 for Penrith Lakes was approved by the (then) Minister for Planning and Environment under Section 101 of the EP&A Act, and as such, for the purposes of modifying the consent Section 75W of the EP&A Act applies.

Section 75W of the EP&A Act was repealed in 2011 as part of the broader repeal of Part 3A of the EP&A Act. Under Clause 3 of Schedule 6A of the EP&A Act, Section 75W as in force immediately before its repeal, continues to apply to transitional Part 3A projects. Consequently, the Minister for Planning is the approval authority for the proposed modification.

The Department is satisfied that the application can properly be characterised as a modification to the original project approval, and can therefore be assessed and determined under Section 75W of the Act.

Under the Minister's delegation dated 16 February 2015, the Executive Director, Infrastructure and Industry Assessment may determine the application as:

- Council has not made an objection; and
- A political donation disclosure statement has not been made; and
- There are less than 25 public submissions in the nature of objection.

5.2 Exhibition and notification

The Modification Application was exhibited between 13 November and 12 December 2014. As part of the exhibition period a total of six submissions were made by the following parties:

- Penrith City Council (Council);
- Environment Protection Authority (EPA);
- Department of Primary Industries (PDI) – comprising inputs from the NSW Office of Water (NOW) and Agriculture NSW;
- Roads and Maritime Services (RMS);
- Sydney Catchment Authority (SCA); and
- A nearby resident.

A summary of the key issues in the submissions is provided in this section.

Penrith City Council

- Insufficient justification for on-site burial and inadequate consideration of the feasible alternatives in the context of Part 1 of Schedule 2 of the Penrith Lakes SEPP.
- Inconsistency with the objectives of environmental legislation and ecological sustainable development principles particularly in relation to the objectives of the *Waste Avoidance and Resource Recovery Act 2001* and implementation of the waste management hierarchy.
- Implementation of the proposed modification prior to the finalisation of master planning for the future recreational and residential occupation of the Penrith Lakes Development.
- Potential licencing requirements and consideration of the need to pay the waste levy.
- If approved the proposed containment cell is to be designed, constructed and monitored in accordance with the relevant NSW EPA contaminated land and waste management guidelines, ANZECC and NHMRC guidelines and the *National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013*.

- That works be supervised and validated by a suitably qualified environmental consultant, demonstrating the site is suitable for the proposed end use and Council be furnished with a copy of the validation report for the works.

Environment Protection Authority

- The EPA does not consider the burying and capping of waste materials as best practice and their preferred approach is for these waste materials to be disposed of at licenced waste disposal facilities in accordance with the EPA's Waste Classification Guidelines.
- The EPA provided clarification to the bullet point above by stating that the EPA encourages waste avoidance, reuse and recycling and that the proponent should satisfy the Department that the reuse and recycling of the residual materials is not reasonable and feasible before considering the option of waste disposal.
- Only waste materials deposited in the consolidation area is waste generated from on-site activities.
- PLDC is to advise the final quantity of waste materials to be contained.
- PLDC is to prepare a long term Environmental Management Plan for the containment cell.
- PLDC is to obtain a statement by a Site Auditor, accredited under the *Contaminated Land Management Act, 1997* certifying the consolidation area and associated management plans are in accordance with all relevant guidelines and is adequate to protect human health and the environment and to ensure the site will be suitable for the proposed future land use.

NSW Office of Water

- Recycling and reuse of residual materials should be prioritised over disposal.
- Provision of evidence to support the location of the base of the consolidation area in relation to ground water levels and the level of the Nepean River.
- Preference that the entire consolidation area be clay lined, unless evidence of isolation from the local aquifer can be provided.
- Potential for the consolidation area to be susceptible to erosion during flood events and high flows over the site.
- Any works on water-front land should be conducted in accordance with NSW Office of Water's guidelines for Controlled Activities.

Agriculture NSW

- Land is near or within mapped Biophysical Strategic Agricultural Land (being the bank of the Nepean River).
- The rehabilitation of the land should be to at least the previous existing level of agricultural potential and the use of tyres is not a recommended or common technique for rehabilitating agricultural land.
- Weed management should be consistent with State, regional or local weed management plans and strategies.
- Topsoil should remain on-site for final landform rehabilitation.

Roads and Maritime Services

- Roads and Maritime Services reviewed the application and raised no objections

Sydney Catchment Authority

- Noted that the proposal is not located within the SCA's operational area and would otherwise not impact upon the activities of the SCA.

Private Resident

- Submission has not directly referred to the proposed modification and raises unrelated concerns about another part of the site.
- Billabong adjacent to residence fence line appears to be impacting upon groundwater levels within property.
- Potential for erosion associated with the position of the billabong.
- Potential for obstruction of views.

Department of Planning and Environment

The Department also requested clarification from PLDC on a number of aspects associated with the design and construction of the containment cell including the following:

- Adequacy of the depth of topsoil over the 500mm impervious clay seal to provide sufficient protection of the clay from:
 - Desiccation due to wet/dry cycles or daily/seasonal thermal cycles.
 - Intrusion of root systems (it will also be difficult to get anything substantial to grow in only 150mm of soil).
 - Erosion.
- Constructability and purpose of the cut off trench at the edges of the consolidation area.
- Potential for unsaturated flow along the interface between existing surface and design surface.
- Timing of the construction of the design surface in relation to the residual materials placement.
- Details on the proposed clay materials and compaction of the waste material
- Consideration of the use of a marker / separation geotextile layer at the base of the compacted clay.

Following the completion of the exhibition period, JBA Planning on behalf of PLDC provided a detailed response to submissions which is included with the initial EA provided to support the modification application in Appendix B.

6. ASSESSMENT

In its assessment of the modification application, the Department has considered the following:

- The EA, Response to Submissions provided to support the proposed modification (see **Appendix B**); and
- All submissions received by the Department (see **Appendix C**);

Based on the above, the Department considers the key issues for assessment are the potential reuse and recycling of residual materials, impacts to water resources, implementation of appropriate environmental management practices, future land-use, consideration of the Penrith Lakes SEPP, agricultural potential and site visibility from nearby residences. These issues are discussed in detail below.

6.1 Reuse and recycling of residual materials

A number of submissions questioned the suitability of emplacing residual materials in the consolidation area when higher order recycling or reuse opportunities might be available.

The NSW Waste Avoidance and Resource Recovery Strategy (WARR) Strategy 2014-21 is a key component of the Government's vision to improve the environment and community well-being by reducing the environmental impact of waste and using resources more efficiently. The WARR Strategy provides long term targets against the six key result areas including strategies to:

- Avoid and reduce waste generation;

- Increase recycling;
- Divert more waste from landfill;
- Manage problem wastes better;
- Reduce litter; and
- Reduce illegal dumping.

The WARR Strategy adopts the principles of ecological sustainable development and is informed and driven by the waste hierarchy which underpins the objectives of the *Waste Avoidance and Resource Recovery Act, 2001* as shown on Figure 5.

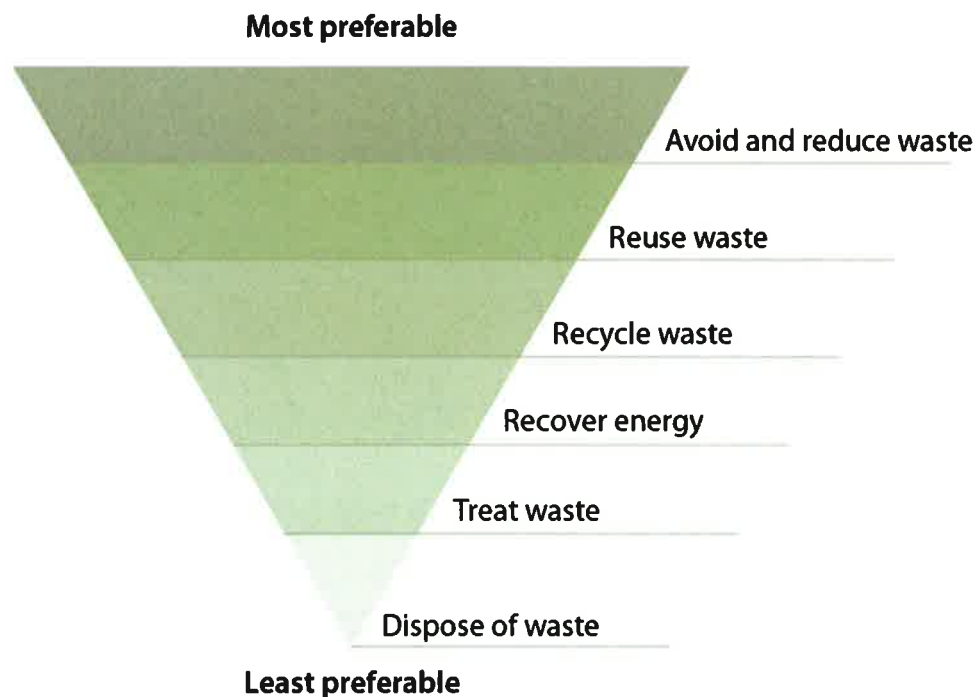


Figure 5 The waste hierarchy

Source: WARR Strategy (EPA) 2014

The EPA's initial submission stated that it did not consider the burying and capping of waste materials as best practice and their preferred approach is for these waste materials to be disposed of at licenced waste disposal facilities. Subsequent clarification stated that the EPA encourages waste avoidance, reuse and recycling and that the proponent should satisfy DP&E that the reuse and recycling of the residual materials is not reasonable and feasible before considering the option of waste disposal.

PLDC has reported that it has actively sought reuse and recycling opportunities both on-site and by providing third party waste contractors with access to the site for the collection of recyclable materials. Materials identified for recycling are understood to have been separated from the residual material stockpiles and include:

- Metal products totaling approximately 220m³;
- Residual concrete totaling approximately 500m³;
- Residual timber products totaling approximately 100m³; and
- Residual soils from the sieving process forecast to amount to 20,000m³ by the completion of the processing extractive material.

PLDC consider that all higher order recycling and reuse opportunities have been exhausted, and that only residual materials which would otherwise be sent to landfill would be emplaced in the consolidation area.

It is noted that heavy duty haulage tyres associated with mining and extractive industries are not readily recycled in Australia and would require considerable processing (due to the presence of heavy steel reinforcement) to enable the tyres to be effectively recycled. Recycling facilities known to process heavy duty haulage tyres are understood to be located outside of NSW and would result in considerable transport costs and energy use.

PLDC's response to submissions also states that it considers retaining residual material on site avoids waste entering the NSW waste management system, effectively reducing the amount of resources required to collect and transport the material. PLDC therefore considers the proposal is a form of waste avoidance and using the residual material to fill an existing quarry void is a legitimate reuse activity in accordance with the top levels of the waste hierarchy.

It is understood that residual material has been derived from site operations associated with decades of extractive industry and agricultural use of the site. While it is not possible to avoid the generation of the stockpiled material through modification of historical quarrying or agricultural practices, it is possible to avoid the need and associated resources required to transport the waste offsite through disposal to a licensed waste management facility by responsible on-site disposal.

Where generation of waste cannot be avoided, the next most preferable option in accordance with the waste hierarchy is the reuse of the material, thereby avoiding the costs of energy and other resources for further processing or disposal of the materials.

PLDC is currently entering the rehabilitation phase of the Scheme, which includes a process of reconstructing landform in accordance with the Structure Plan and approved two year plan specifications. As part of the rehabilitation process, PLDC currently has approval to import up to 3 million tonnes of virgin excavated natural material (VENM) and is currently seeking approval to import an additional 5 million tonnes of excavated natural material (ENM) and VENM to achieve the final landform specifications for the site.

Emplacing appropriately classified residual materials within an existing void is considered an effective reuse method to achieve the final landform specifications for the Scheme. Retaining material on site will eliminate the need for approximately 1,350 heavy vehicle loads which would otherwise be required to transport the material to an existing landfill. Use of the emplacement area will also reduce the volume of fill material required to be imported to achieve the final landform for the site, further reducing the number of heavy vehicle movements accessing the site and the associated energy use and environmental impacts.

The residual materials proposed to be retained on site are considered inert based upon their intrinsic properties and will therefore have minimal potential to impact upon the receiving environment or result in ongoing liabilities for the future use of the site as discussed below.

Overall the proposed residual materials consolidation area is considered appropriate management of site derived material to help balance fill requirements and develop the final landform for the Scheme. The proposal is considered consistent with the objectives and targets for a number of the key result areas in the WARR Strategy and follows the principles of the waste hierarchy. The proposal will assist in the objective of diverting waste away from landfill and will result in considerable resource and energy savings relating to the transport of the material for off-site disposal and reduce the equivalent volume of fill to be imported to the site.

6.2 Environmental management

A number of submissions highlighted the requirement for appropriate environmental management throughout the implementation of the residual materials containment cell. If approved the proposed containment cell is to be designed, constructed and monitored in accordance with the relevant NSW EPA contaminated land and waste management guidelines.

The materials proposed to be emplaced in the consolidation area include concrete, rubber tyres, metal piping, general plastics, asphalt/road base and vehicle parts. With the exception of tyres (and possibly vehicle parts) the materials planned to be used for site rehabilitation are all pre-classified in the NSW EPA (2014) Waste Classification Guidelines – Part 1: Classification of Waste (the Waste Guidelines) as general solid waste and do not require chemical classification. The potential of these materials to generate leachate is low and provided they have not been impacted by chemical substances, will not contain volatile chemicals. Waste tyres are pre-classified in the Waste Guidelines and should be managed accordingly.

The proposed development should be carefully managed by the Applicant (including steps to be put into place for screening and/or segregation of vehicle parts or contaminated materials if identified during the rehabilitation works). The residual materials deposited into the consolidation area should only comprise of materials derived from the site and controlled and monitored with a Construction Environmental Management Plan.

The placement of the residual materials should be controlled by specifications within the CEMP which should be prepared and monitored by an appropriately qualified environmental consultant. The CEMP will include details of pre-processing, placement and compaction of residual material to minimise potential for environmental impacts, subsidence and fire risk associated with the storage of tyres.

A NSW EPA site auditor should review the suitability of the CEMP for the purposes of the emplacement works. The auditor should be informed of (and endorse) any deviations from the CEMP during its implementation. At the completion of the consolidation area works, the environmental consultant shall prepare a validation report as per the NSW EPA Guidelines for Consultants Reporting on Contaminated Sites. The site auditor shall review the validation report and issue a site audit statement declaring either that the consolidation area is suitable for nominated site uses or that suitability is subject to the implementation of a long term environmental management plan.

6.3 Future land use

A number of submissions raised concerns in regards to the implementation of the proposed modification prior to the finalisation of master planning for the future recreational and residential occupation of the Penrith Lakes Scheme.

While master planning is still progressing for the overall Scheme, the consolidation area is located in close proximity to the Nepean River and the Southern Wetlands. The area is included within the approved 2013-2015 Precinct two year plan which specifies a final landform incorporating walking tracks and a picnic area which suggests the area is likely to be utilised for passive recreation. An underground residual materials consolidation area is considered to be compatible with the site's future use as open space/parkland.

Given the specific location of the proposal within the overall site and the characteristics of the approved final landform, it is not considered necessary to delay the management of residual materials into a purpose-built consolidation area. It is reasonable that the future

master planning process for the Penrith Lakes Scheme take into account the development of the underground waste consolidation area.

Where land is identified for dedication to the Government for future recreation use/open space, PLDC is required to provide Site Audit Reports and Statements prior to any land transfer being accepted from PLDC. This will ensure that those parts of the site where residual materials have been sourced will be satisfactorily remediated after the waste materials have been removed.

6.4 Water resources

A number of submissions raised concerns in regards to the potential for polluted run-off or leachate from the residual materials consolidation area impacting upon groundwater or surface water resources and the potential for erosion during large flood events.

A hydrogeological assessment was completed to gain an understanding of the relationship between the Scheme and the local groundwater environment as part of the development of a comprehensive management plan for the scheme. The hydrological assessment was included for reference as Appendix D of the EAR and provides inferred groundwater contours based upon the analysis of monitoring data undertaken over the years of scheme's operation. Groundwater levels are approximately 10 metres below the base of the consolidation area and there is considered to be minimal potential for direct contact between the aquifer and the residual materials.

The design of the residual materials consolidation area contains a 500 mm clay seal designed to prevent the entry of water from rainfall or surface run-off on the land surface above the consolidation area. The design has been amended during the assessment period to provide a 500 mm thick topsoil / soil growing matrix above the clay capping seal to facilitate vegetation growth and to minimise any potential desiccation or erosion of the clay seal. The final land surface above the design also allows for effective shedding of surface water run-off away from the containment area.

As a result of the separation of the containment area from known groundwater resources, the inert nature of the waste materials and the slope and grade of the final land surface there is considered to be minimal risk to ground or surface water resources and a full encapsulation of the consolidation area is not considered warranted.

The consolidation area is located at one of the most elevated parts of the site and approximately 200 metres from the banks of the Nepean River and is not anticipated to be impacted during flood events. The peak flood level on the Nepean River adjacent to the consolidation area during a 100 year ARI event is estimated to be at approximately 23.9 m AHD increasing to approximately 25.9 m AHD during a 500 year ARI event. The peak flood level within the southern wetlands during a 100 year ARI event is estimated to be at approximately 21.7 m AHD increasing to approximately 24.6 m AHD during a 500 year ARI event. The finished surface level above the consolidation area will be between RL 27 and RL 29 m AHD will be above the peak water level in the adjacent waterbodies and consistent with the approved final landform for the Scheme.

The characteristics of the residual materials consolidation area are such that the Department does not consider it to present an erosion risk or to have potential to alter the current predicted flood behaviour in this location during flood events beyond that which could be reasonably expected from the approved landform without the development of the consolidation area.

6.5 Consideration of Schedule 2 of Penrith Lakes SEPP

The EAR prepared to support the modification application incorporated a general consideration of the matters contained in Schedule 2 of the Penrith Lakes SEPP. The EAR is considered to have adequately considered the requirements of the SEPP.

6.6 Agricultural potential of the land

NSW Agriculture highlighted that the land is mapped adjacent to Biophysical Strategic Agricultural Land (BSAL) and that the rehabilitation of the land should be at least to the previous existing level of potential.

Whilst NSW Agriculture has mapped the riverbank of the Nepean River as BSAL, the riverbank is Crown land that comprises mostly endangered degraded River-Flay Eucalyptus Forest. As such there is limited potential for any of this land or the site of the adjacent residual materials consolidation area to be returned to agricultural practices.

6.7 Visibility from near-by residences

The residual material will be emplaced within the approved final landform profile and will not disrupt views from residences located around 4.5 kilometres to the north west of the consolidation area.

7. CONCLUSION

The Department has assessed the proposed modification in accordance with the requirements of the EP&A Act. This assessment concluded that the proposed modification can be carried out with minimal environmental impact.

Consequently the Department believes the proposed modification is in the public interest and should be approved subject to the conditions recommended in the Instrument of Modification at **Appendix A**.

8. RECOMMENDATION

It is recommended that the Executive Director, Infrastructure and Industry Assessments:

- a) **Consider** the findings and recommendations of this report;
- b) **Approve** the modification to DA350/81 (DA1), under section 75W of the *Environmental Planning and Assessment Act 1979*; and
- c) **Sign** the attached Instrument of Modification (**Tag A**).



15.4.15

Chris Wilson
Executive Director
Infrastructure and Industry Assessments

APPENDIX A – INSTRUMENT OF MODIFICATION