

ASSESSMENT REPORT

Section 75W Modification

Mayfield West Remediation Project (DA 381-12-2001-i MOD 3)

1. BACKGROUND

In August 2002, the then Minister for Planning approved BHP Billiton's (BHPB) Mayfield West Remediation Project. The development consent applies to approximately 24 hectares on Lot 223 Industrial Drive, Mayfield in the Newcastle City local government area (see area outlined in red on Figure 1).

Lot 223 was formerly part of the BHP Steelworks and was occupied by a Rotary Lime Kiln and spare parts and supplies. The Environment Protection Authority (EPA) declared Lot 223 a 'remediation site' under the *Contaminated Land Management Act 1997* in June 2001 due to soil and groundwater contamination (mostly manganese and polycyclic aromatic hydrocarbons).



Figure 1: Site location and original scope of Lot 223 remediation activities

The 2002 development consent permitted the remediation of Lot 223 through:

- demolition of the remaining structures on site;
- excavation and re-contouring of contaminated material within the site;
- capping of contaminated material with clay (virgin excavated natural material) from a 'plateau area' on the southern portion of Lot 223 and coal washery reject (CWR) from Oceanic Coal (Macquarie Coal Preparation Plant) at Teralba in the Lake Macquarie area; and

- construction of new drainage within the site, and preparation of the site for future industrial development.

The original remediation strategy did not propose to carry out any soil or groundwater treatment.

Modifications

The consent (DA 381-12-2001-i) has been modified twice. The first modification (MOD 1) allowed the remediation works to be conducted in two stages, with the area known as Lot 223 West (see Figure 2) to be remediated first. MOD 1 was approved on 3 February 2005.

A second modification application (MOD 2) was approved on 28 July 2010. This modification allowed Koppers Carbon Materials and Chemicals (Koppers) to:

- acquire and remediate a portion of Lot 223 (Lot 223 North) from BHPB in order to expand its operations;
- remediate parts of the adjoining Lot 11 and Lot 2 which were not included in the original consent; and
- amend the remediation strategy for the Koppers site to install a hydraulic barrier between the site and the Hunter River to restrict the movement of contaminated groundwater. A limited amount of groundwater treatment is being undertaken on Lot 11 using a mobile activated carbon treatment plant.

The Koppers remediation site is now referred to as Stage 2 and is managed by Koppers, independent of BHPB (see area coloured blue on Figure 2).

Table 1 summarises the approved modifications to the consent (MOD 1 and 2) and the proposed MOD 3, the subject of this application.

Table 1: Modifications to the development consent

DA 381-12-2001-i Approved 2002	MOD 1 Approved 2005	MOD 2 Approved 2010	MOD 3 (described in Section 2) 2012 (this application)
Remediation of Lot 223 by BHPB.	Remediation works split into two stages. Stage 1: Lot 223 West. Stage 2: The remainder of land to which the consent applied.	The scope of the remediation works expanded to include additional land (Koppers) and a revised remediation strategy for Stage 2. Stage 1: Lot 223 West. Stage 2: The remainder of land to which the consent applied and additional Lots 2 and 11.	Change in capping material on the areas now defined as Stages 1A and 3. Stage 1: Lot 223 West. Stage 1A: Lot 223 West (amended cap). Stage 2: Lot 223 South, Lot 223 North and Lots 2 and 11. Stage 3: includes Lot 223 South and East (formerly part of Stage 2) & the small parcels to the east and west of the substation (see Figure 3).

Figure 2 defines the areas relating to the staging of remediation works on Lot 223 in accordance with the modified consent. The current status of works across the site is as follows:

- Lot 223 West (**Stage 1**), an area of approximately 3.6 hectares, has been capped with CWR material by BHPB;
- Lot 223 North and Lot 11 and 2 (**Stage 2**) is currently being remediated by Koppers;
- Lot 223 South was remediated in 2005/2006 by BHPB and was capped with clay material from the 'plateau area'. This clay was completely utilised during this period; and
- Lot 223 South and East (**Stage 3**) remains to be remediated by BHPB.

Figure 2 below provides detail on the current scope of the remediation site, including the Stages of remediation.

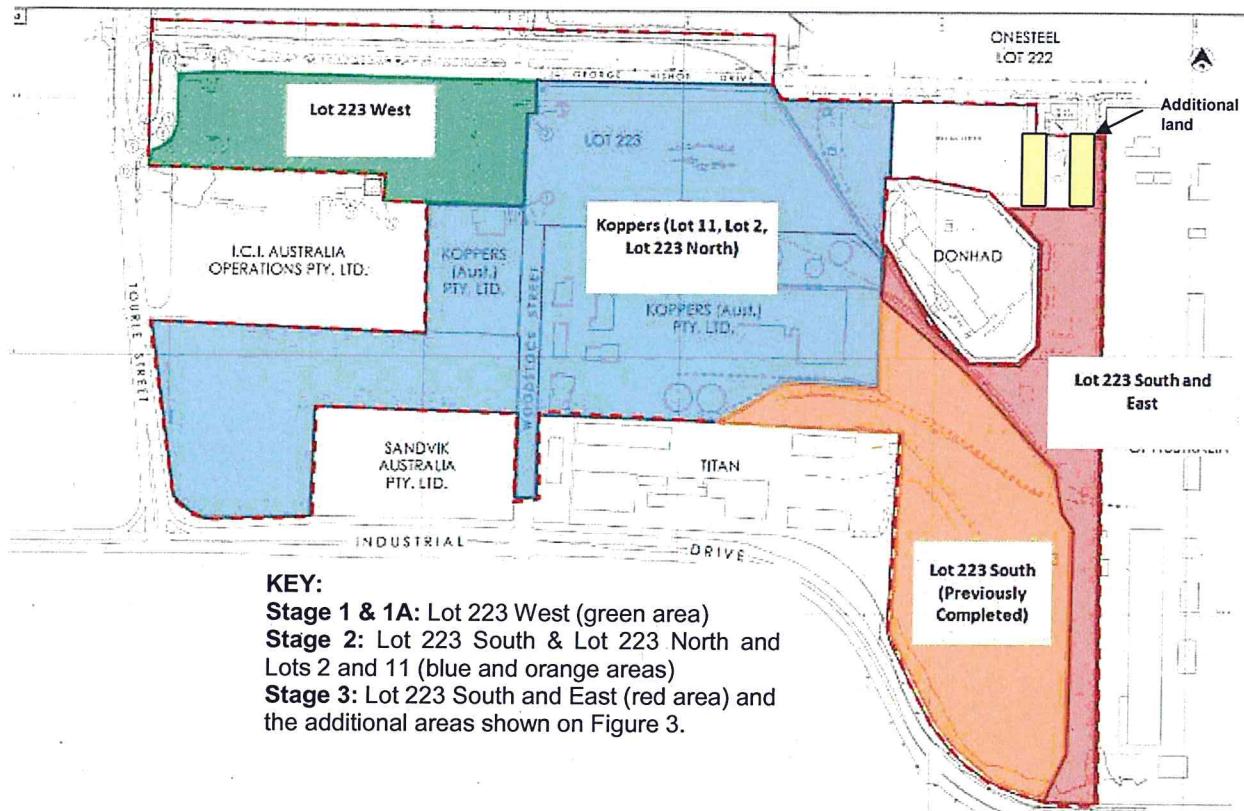


Figure 2: Approved remediation areas under DA 381-12-2001-i, including current staging

2. PROPOSED MODIFICATION

The Department received a modification application (MOD 3) and environmental assessment (EA) from BHPB on 17 May 2012. An addendum to the application was received on 28 June 2012. BHPB proposes to:

1. use an alternative capping material to CWR on two areas of Lot 223, which are approximately 6 hectares in total;
2. remediate a small area of additional land; and
3. amend conditions to reflect proposed changes to the remediation strategy.

Alternative capping material

1. Lot 223 West (shown in green shading on Figure 2).

As described above, BHPB has already completed remediation on Lot 223 West (**Stage 1**). CWR was used to cap this area; however in 2006 it was found that the CWR had acid generating potential, triggering the need for further monitoring and remediation. As a result, BHPB is now proposing to remove a thin veneer of the existing CWR cap and install a new cap consisting of road base/asphalt. The revised remediation of this area is to be referred to as **Stage 1A**.

2. Lot 223 South and East (shown in red shading on Figure 2).

BHPB proposes to cap this area with imported clay-based VENM or excavated natural material (ENM), rather than CWR as originally approved. The area would either be revegetated or asphalt sealed following installation of approved drainage. These works are referred to as **Stage 3**.

The alternative capping material proposed for Stage 3 is consistent with the clay material already used on Lot 223 South. The VENM product would undergo rigorous testing that would allow BHPB to have more control over the imported materials. BHPB also consider that the use of VENM provides a more conservative approach that adds confidence for BHPB and government regulators in terms of quality and consistency of the capping material used.

The modified remediation strategy would still allow for industrial activities as the intended final land use, with the revised cap(s) predicted to comply with the measure of permeability required by the existing Condition 8 (permeability less than $K = 10^{-7} \text{ ms}^{-1}$).

There would be no change to the approved drainage works or the final land use.

Remediation of additional land

BHPB proposes to remediate two additional parcels of land on the north-eastern portion of Lot 223 (shown in Figures 2 & 3). The land is located on each side of a BHPB managed substation. These two small areas combined are around 2500m² in area and are proposed to be included as part of the Stage 3 works.

A different method of remediation has been proposed in these areas whereby deep excavations are being avoided. This is due to underlying and overhead cables/lines/pipes, and to ensure the integrity of the two nearby transmission towers is maintained. Nevertheless, the proposed spray sealed asphalt finish would still meet the permeability requirements of the cap which as set out in Condition 8 of the consent.

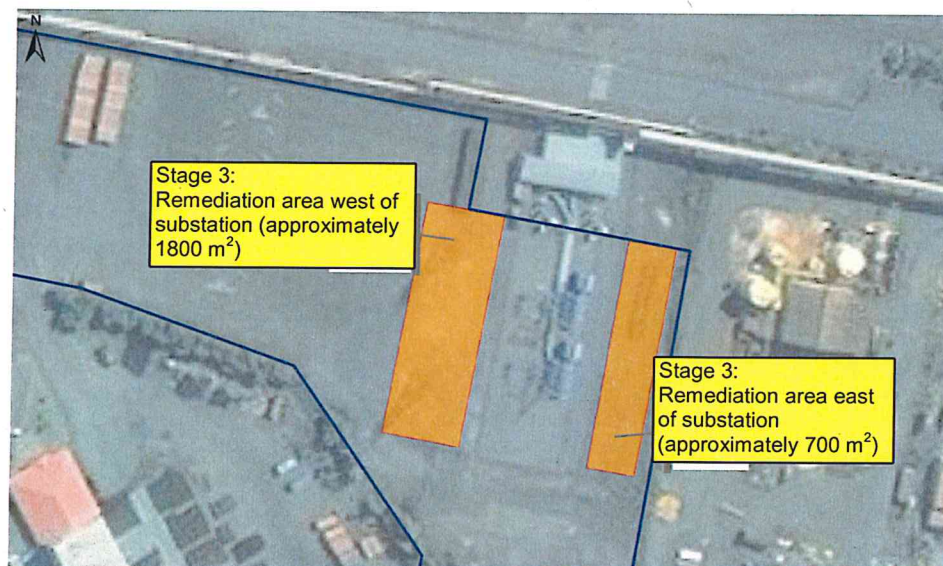


Figure 3: Additional land to be included in Stage 3 as part of this modification application.

Amendments to conditions

BHPB proposes to modify a number of consent conditions to reflect the proposed changes in the remediation process, staging, document approvals and the management of Stage 2 by Koppers. An important component of the proposed amendments is the use of an EPA accredited Site Auditor to review and approve final documents and to ensure that the approved remediation outcomes are met (instead of the Director-General and Council). The proposed amendments are listed in Table 2. It should be noted that not all of the proposed amendments have been agreed to by the Department and Council and further discussion is provided in Table 3 of Section 5.

Table 2: BHPB's proposed amendments to conditions

No.	Condition	Proposed Modification
6A	Provide copies of contamination reports to Council.	To relate these reports to Stage 2 works only.
14	Conduct regular groundwater monitoring.	Retain, but include 'or as otherwise agreed with the EPA'.
16	Prepare and implement a groundwater monitoring plan.	Retain, but include 'or as otherwise agreed with the EPA'.
23	Prepare and implement a soil and water management plan.	Remove. Also remove reference in condition 53.
27	Conduct ambient air quality monitoring.	Remove.
48	Use defined route to transfer demolition waste to Summerhill Waste Management Centre.	Amend to allow waste to be transported to other licensed waste management facilities.
56	Submit site maintenance plan for each stage, prior to commencement of works.	Amend timing to 'prior to completion of works' for each stage, and allow EPA accredited Site Auditor to approve.
58	Make site maintenance plan publicly available.	Amend to make plan publicly available 'on request'.
59	Establish a community consultative committee.	Remove.
63	Conduct independent environmental audit.	Amend to enable EPA accredited Site Auditor to determine whether remediation outcomes have been met.
64	Submit a copy of auditors report to Director-General, within 2 months of commissioning the audit.	Amend wording to 'within 2 months of commencing the audit'.

3. STATUTORY CONTEXT

Modification

This application proposes to modify DA 381-12-2001-i granted by the then Minister under Part 4 of the *Environmental Planning and Assessment Act 1979* (the Act).

Under clause 8J (8) of the *Environmental Planning and Assessment Regulation 2000*, this consent is taken to be an approval under Part 3A of the Act and can be modified by the Minister under section 75W of the Act.

Section 75W of the Act as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to this development consent in accordance with Clause 12 of Schedule 6A of the Act.

Approval Authority

The Minister for Planning and Infrastructure is the approval authority for the proposed modification. However, under the Minister's delegation of 14 September 2011, the Executive Director, Major Projects Assessment can determine the application, as Newcastle City Council did not object to the modification application, there were no public submissions objecting to the proposal, and BHPB has made no reportable political donations.

4. CONSULTATION

The EA for the modification was made publicly available on the Department's website. The Department sought submissions from the Environment Protection Authority (EPA), Newcastle City Council (Council) and Roads and Maritime Services (RMS). Consultation with other government agencies and neighbouring sites was considered to be unnecessary as the environmental impacts of the proposal would essentially remain unchanged.

The **EPA** raised no concerns with the modification and considers that the supply and use of alternative capping material(s) would not affect the remediation goals and objectives of the existing consent. The EPA also had no issues with the proposed amendments to groundwater conditions and dust monitoring. The EPA agreed that an accredited Site Auditor could be used to review and approve the final management plans required by the consent.

Council did not object to the modified remediation strategy but did not agree to all of the proposed changes to the existing conditions. In particular there were specific concerns about community consultation, on-site soil and water management (post remediation) and dust impacts on the community. The Department considers that council's issues have been addressed through the proposed amendments to conditions (and new conditions) as discussed further in Section 5.

RMS had no objections to the modification given that the traffic movements associated with the modification would be low and over a short duration. RMS recommended updating the Construction Traffic Management Plan to reflect the modification.

Copies of these submissions are included in **Appendix B**.

BHPB provided a response to the issues raised in submissions. Subsequently, the Department liaised directly with BHPB and Council to resolve further outstanding issues and negotiate conditions of approval. BHPB has accepted the proposed new and amended conditions.

5. ASSESSMENT

The Department has assessed the application on its merits, and considers the key issues of the modification to be remediation outcomes, approval of documentation and traffic. The Department's consideration of the proposed amendments to conditions is detailed in Table 3.

5.1 Remediation Outcomes

The application seeks approval for the use of an alternate capping material (see Section 2) in the remediation process.

At the time of the original consent, it was considered that the primary objective of the remediation works were to:

- reduce the opportunity for people or surface water run-off to come into direct contact with the contaminants; and
- minimise surface water infiltration via a CWR cap which in turn would reduce the potential for contaminants to leach into groundwater and migrate to the Hunter River.

The EPA is satisfied that the use of clay-based VENM and road base/asphalt as substitutes for the CWR cap would not affect the environmental or remediation outcomes of the original proposal.

The Department has considered the alternative capping material in consultation with the EPA and Council and is satisfied that the revised remediation strategy:

- removes a potential contaminant source (acid sulfate from the CWR material);
- improves environmental outcomes by using VENM (clay);
- is consistent with other areas on the site that were capped with VENM; and
- is appropriate for the proposed end use of the site as the revised cap is predicted to comply with the final measure of permeability required by consent Condition 8.

The Department is satisfied that the revised cap can be managed via the existing conditions of consent.

5.2 Approval of Documentation

In 2002 (the time of the original approval), the EPA's Site Auditor Scheme was in its infancy and it was not common practise for EPA accredited Site Auditors to review and approve remediation action plans and long term maintenance plans for contaminated sites.

BHPB however is now seeking the approval of the Department to engage an EPA accredited Site Auditor (Site Auditor) to review and approve final documentation and remediation outcomes as opposed to the Director-General and Council. Specifically, the documents that BHPB has requested a Site Auditor review and approve are the:

- Site Maintenance Plan for Stages 1A and 3 required by existing Condition 55. The intention of the Site Maintenance Plan is to ensure that remediation outcomes are maintained over time; and
- Capping Maintenance Plan – to specifically ensure that the integrity of the cap is maintained over time, as required by Conditions 55 & 13.

BHPB has also requested that a Site Auditor be utilised to assess whether remediation outcomes have been achieved in accordance with Condition 8 (which defines the final cap specifications).

BHPB consider that a Site Auditor would ensure a 'more robust outcome for BHPB and regulatory authorities'. If the use of a Site Auditor is approved by the Department, BHPB also considers that an Independent Environmental Audit should no longer be required (Condition 63) as the Site Auditor would assess whether remediation works have been conducted in accordance with the consent.

The Department has discussed this with the EPA which agrees that a Site Auditor would ensure that the approved remediation goals are satisfied and that the methodology used and any interpretation of data would be consistent with current EPA regulations and guidelines.

The Department considers that a Site Auditor would ensure an expert review of BHPB's assessment and/or remediation work. This specialist expertise is required primarily because of the complex behaviour of chemicals in the environment. As such, the Department recommends:

- amending condition 55 so that the final Site Maintenance Plan can be approved by the Site Auditor; and
- inserting a new condition (63A) which requires the Site Auditor to determine whether remediation outcomes have been met.

Given the expertise of Site Auditors, and their role throughout the remediation process (i.e. review reports on assessment, remediation and validation actions) the Department agrees that an Independent Environmental Audit of the site is no longer required on completion of the remediation works. As such, the Department recommends that this condition (63) be revised to apply only to Stage 2 remediation works (which is managed by Koppers).

The Department is satisfied that involving a Site Auditor would improve the technical evaluation and sign-off in accordance with the remediation goals for the remaining remediation work to be undertaken.

5.3 Traffic

Haulage Routes

The development consent requires BHPB (and contractors) to use specific routes for the import of CWR (condition 47) and for the disposal of waste (condition 48).

Condition 48 defines the route from the remediation site to the Summerhill Waste Management Centre (at Wallsend), which at the time of the consent was the only licensed waste

management facility in the vicinity of the site. However, since 2002 other licensed facilities have become available to BHPB. As such, BHPB has requested that condition 48 be amended to allow for the disposal of waste at other appropriately licensed facilities (via non-specified heavy vehicle routes). The Department considers that this is a reasonable request and has recommended amending this condition.

Traffic impacts

Traffic associated with the site remediation includes trucks for the delivery of raw materials and trucks for the disposal of waste. The original EIS assumed that the Lot 223 remediation would be undertaken as one large project. Therefore, the original Traffic Impact Assessment (TIA) predicted a long duration (18 months) over which traffic would be generated (13 truck movements per day).

The TIA was revised as part of the EA for this modification. Traffic associated with the remediation of Stages 1 and 3 combined was predicted to occur over a 4 week period. Under a worst-case scenario, around 114 truck movements per day would be generated or around 12 per hour. This estimate was based on the approved working hours of 7am to 6pm.

Access to the site is also proposed to be via the intersection of Industrial Drive and Ingall Street which is currently signalised and is currently utilised by heavy vehicles associated with the OneSteel facility located adjacent to the site. BHPB has indicated that this is the preferred route of the RMS for the proposed remediation activities on Lot 223.

Despite this increase in daily truck numbers, the revised TIA estimated that AM and PM peak hour traffic would only increase by 0.4 % and 0.3% respectively along the main haulage route - Industrial Drive, given the large volume of traffic on this route.

In response to the modification application, neither Council nor the RMS raised any issues or concerns with the estimated truck generation and did not require any additional traffic modelling to be undertaken.

Notwithstanding, BHPB has recently revised its TIA as it now intends to undertake the Stage 1 and Stage 3 remediation works independently due to contractual arrangements. As such, BHPB now expects that Stage 3 would be undertaken first between September and December 2012, and would occur over a four week period generating around 64 daily truck movements (equivalent to 32 loads), or 6 per hour.

Stage 2 is now proposed to be undertaken in January 2013 over a four week period, generating 36 truck movements (16 loads) daily, or around 3 per hour. As a result of this revised program, the predicted impacts along the key haulage routes would be further reduced.

Due to the short term duration of the remediation works, the relatively minor contribution of this traffic on Industrial Drive and that the proposed access road is signalised, the Department is satisfied that the potential traffic impacts from the proposed modification would be manageable.

Notwithstanding, the RMS has requested that BHPB update the existing Construction Traffic Management Plan (Condition 49) to reflect the truck routes that have been agreed to with BHPB. The Department has incorporated this request into the recommended conditions.

5.4 Amendments to Conditions

BHPB has requested to amend a range of conditions to reflect changes to the project scale and staging, and also to delete or revise conditions that it considers no longer apply to the remaining works.

The Department has carefully considered BHPB's request to amend a range of conditions as detailed in Table 2. It should be noted that Council did not agree to all of the proposed

amendments, however the EPA and RMS raised no concerns. A summary of the Department's consideration of both Council's and BHPB's positions is provided in Table 3 below, along with recommendations for new and amended conditions.

Table 3: – Consideration of proposed amendments to conditions

Issue	Consideration	Recommendation
Air quality / dust	- BHPB's remaining remediation works covered by the modification application are predominantly limited to the capping/sealing of two areas (~6 ha) which do not reflect the scale of activity proposed in the original EIS (~24 ha). - Dust impacts are expected to be significantly less than for the original approved works which also involved excavation and demolition. Any potential dust impacts would also occur over a shorter duration (a maximum of 16 weeks). - As such, BHPB is seeking to remove the requirement to conduct real-time ambient air quality monitoring for TSP and PM₁₀ (dust) in accordance with existing condition 27. - The Department notes this real-time air monitoring is still required to be conducted on the larger Koppers remediation area. - Mitigation measures proposed by BHPB include monitoring of wind direction and speed, visual dust monitoring and controls to be undertaken in accordance with a Lot 223 Construction Air Quality Management Plan (as required by existing Conditions 31 and 53). - Further controls to manage soil and water during remediation would be provided in an Erosion and Sediment Control Plan which will be prepared as part of the CEMP (existing condition 53) currently being prepared for the remaining remediation areas. - Council objected to removing the monitoring requirements because it considers that the remaining remediation areas still require substantial earthworks, and are in close proximity to residents and the Hunter Christian School. - The Department has discussed this in detail with the EPA who recommended inserting a new condition (25A) which reflects the reduced scale and nature of the remaining works. The EPA recommended that BHPB monitor wind speed and direction and cease works if monitoring shows there may be adverse impacts on sensitive receptors. - The Department concurs with the EPA and recommends a new condition relating to minimising air quality impacts from the final stages of work. The Department is satisfied that air quality impacts can be suitably managed through the existing and proposed conditions and mitigation measures.	<u>Existing Conditions</u> - Retain existing conditions which require an Erosion and Sediment Control Plan and Construction Air Quality Management Plan (31 & 53). - Amend existing condition 27 for detailed air quality monitoring to relate to Stage 2 works only. <u>New condition</u> - Insert new condition 25A for Stages 1A and 3 which require BHPB to cease or modify works where wind speed and direction monitoring demonstrate there may be adverse impacts on the nearby sensitive receptors.
Groundwater monitoring	- Groundwater on Lot 223 is contaminated, and under the existing consent BHPB is required to monitor groundwater on the broader steelworks site, which includes Lot 223 (Conditions 14 and 16). - The original consent did not require BHPB to carry out any groundwater <i>remediation</i>. At the time of the original consent it was agreed that future decisions about groundwater remediation on the site would only be made once monitoring has occurred for a lengthy period. - Monitoring to date has demonstrated that the chemicals of concern are either stable or decreasing. - BHPB is currently negotiating long-term groundwater monitoring requirements with the EPA, and requested that the requirement to monitor groundwater shall be at the direction of the EPA. - EPA raised no issues with this approach. Council had no issues so long as BHPB obtained approval 'in writing' from the EPA. - The Department considers that this request is reasonable and recommends that Condition 14 be amended.	<u>Existing Conditions</u> Update Conditions 14 and 16 to enable the EPA to remove the requirement to monitor groundwater at its discretion (but in writing to BHPB) without the need for planning approval.
Community Consultation	Under the existing consent BHPB is required to establish a Community Consultative Committee (CCC) prior to the	<u>Existing Condition</u> Revise Condition 59 to

Issue	Consideration	Recommendation
	commencement of Stage 2 works. - It is understood that BHPB has not held a CCC meeting since site works ceased in 2006. - BHPB consider that a CCC is not necessary for the remaining works (Stage 1A and 3) due to the reduced timeframe in comparison to the original development. - Notwithstanding BHPB attended the Hunter River Remediation Project (HRRP) CCC in December 2011 at which the proposed remediation activities at Lot 223 were discussed. BHPB advised that the CCC raised no issues of concern in relation to remediation of Lot 223. - For the remaining remediation activities BHPB is proposing to place signs at the western access to the Lot 223 site (on a major commuter road) to identify the site and general activities (i.e. remediation). The signage would include a contact phone number for complaints and enquiries. - In addition to the signage proposed by BHPB, Council also requested that a copy of the proposed signage is also placed on the Lot 223 frontage of Industrial Drive. BHPB has agreed to this request and the Department has included both commitments in the modified conditions. - Council considers that BHPB should also be required to establish a CCC for the remaining remediation works, and that BHPB has not provided a reasonable explanation as to why BHPB (and Koppers) has failed to fulfil its legal obligations to maintain a CCC for the duration of the remediation works. - The Department has carefully considered this issue, and recommends that a Community Consultation Plan (CCP) be included as a modified condition for Stages 1A and 3. - As part of the CCP, a newsletter would be distributed to the local community within 2km of the remediation site which describes the remaining works and details how residents can make complaints and obtain copies of the Site Maintenance Plan. - However, as Koppers are responsible under the consent for remediating the Stage 2 area, the requirement to convene a CCC for the Stage 2 area would remain at this stage. - Given the reduced nature of the works in comparison to the original development, and the shorter timeframe to complete the proposed works, the Department considers that a CCP would be a more effective means of disseminating information to the local community.	reflect that no CCC is required for Stages 1A and 3 of the remediation works. <u>New conditions</u> - Insert new condition 58A requiring BHPB to place signs at the western access to the Lot 223 site and on the Industrial Drive frontage to Lot 223. - BHPB to prepare a CCP to effectively notify and inform potentially affected residents of the remaining remediation works.
Soil and Water	- Existing Condition 23 of the consent imposes requirements for a detailed Post Remediation Stormwater/Sediment Plan, to be developed in consultation with Council. - BHPB requested that this condition be amended to apply only to the Koppers (Stage 2 works). - Council did not support this amendment and the Department subsequently liaised with BHPB to provide a solution acceptable to Council. - BHPB revised its request, and has now agreed to provide Council with the Post Remediation Stormwater/Sediment Plan (prepared in accordance with the original consent condition). BHPB did however, request that this plan be 'de-linked' from the Construction Management Plan, so as to allow remediation works to commence while the Post Remediation consultation and plans are undertaken. - The Department and Council consider that the revised timing of the plan is acceptable and will not change the outcome of the original condition.	<u>Existing condition</u> Amend existing condition 23, to relate to the staging of the remediation and include new timing for the submission of the report(s) prior to the completion of remediation.
Minor amendments	- There were a number of conditions which BHPB considers were intended for the works to be undertaken by Koppers (Stage 2). - Specifically, these conditions are 6A, 8A, 24A, 24B & 26A. - BHPB has requested that these conditions be amended to	<u>Existing conditions</u> Amend condition 24B (odour monitoring) to apply only to the Koppers (Stage 2)

Issue	Consideration	Recommendation
	relate only to the Koppers remediation (Stage 2), not the remaining BHPB remediation site. • Council agreed to these amendments, with the exception of Condition 6A, which it has stated should apply to the entire site. • The Department does not agree to the amendments with the exception of 24B (odour monitoring). The Department has recommended that this condition should be amended to apply only to Stage 2 works. The Department recommends that conditions 6A, 8A, 24A and 26A remain unchanged. • Council also recommended that further clarity between the Stage 1 works should be provided in Condition 4A. It recommended that the works now proposed in Lot 223 West be retitled Stage '1A' and that Condition 4A be amended to include a description for Stages 1, 1A, 2 & 3. This would then permit the Department to retain those conditions that relate to the original Stage 1 works as well as impose new or amended conditions that independently address proposed Stage 1A works. The Department agrees and has amended conditions to reflect both Stages 1 and 1A as suggested.	works. • Amend condition 4A to reflect the current staging of works. • Conditions 6A, 8A, 24A and 26A remain unchanged.

6. CONCLUSION

The Department has assessed the application in accordance with the relevant requirements of the EP&A Act.

This assessment has found that:

- the changes to the approved cap of Lot 223 would not affect the remediation outcomes for the site;
- the revised capping material would enable remediation works to continue;
- the revised cap has been considered by the EPA as feasible and would improve the environmental impacts and remediation objectives of the approved development; and
- revised and additional conditions would ensure that expert review would be undertaken of the completed remediation and final documentation by an EPA accredited Site Auditor.

Consequently, the Department considers that the modification application should be approved subject to some amendments and additions to the existing conditions of consent.

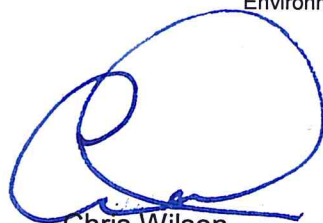
7. RECOMMENDATION

It is RECOMMENDED that the Executive Director, Major Projects Assessment:

- **consider** the findings and recommendations of this report;
- **determine** that the proposed modifications fall within the scope of section 75W of the EP&A Act;
- **approve** the proposed modifications under Section 75W of the EP&A Act; and
- **sign** the attached Notice of Modification (**Appendix C**).

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