

ASSESSMENT REPORT

Section 75W Modification Eastern Creek Waste Facility (06_0139 MOD 3)

1. BACKGROUND

In November 2009, the then Minister for Planning approved a major project application submitted by ThaQuarry Pty Ltd and ACN 114 843 453 (ThaQuarry, the Proponent) to construct and operate a resource recovery and non-putrescible landfill facility at the former Pioneer Quarry site, Eastern Creek in the Blacktown local government area (refer Figure 1).

The project approval provides for:

- a waste recovery facility including a materials processing centre (MPC) and greenwaste area;
- rehabilitation of the quarry void via a Class 2 (non-putrescible) landfill;
- a total throughput of up to 2 million tonnes of materials at the site per calendar year;
- landfilling of up to 700,000 tonnes of non-putrescible waste (including asbestos);
- stockpiling of up to 50 tonnes of tyres on site at any one time; and
- stockpiling of up to 20,000 tonnes of greenwaste on site at any one time.

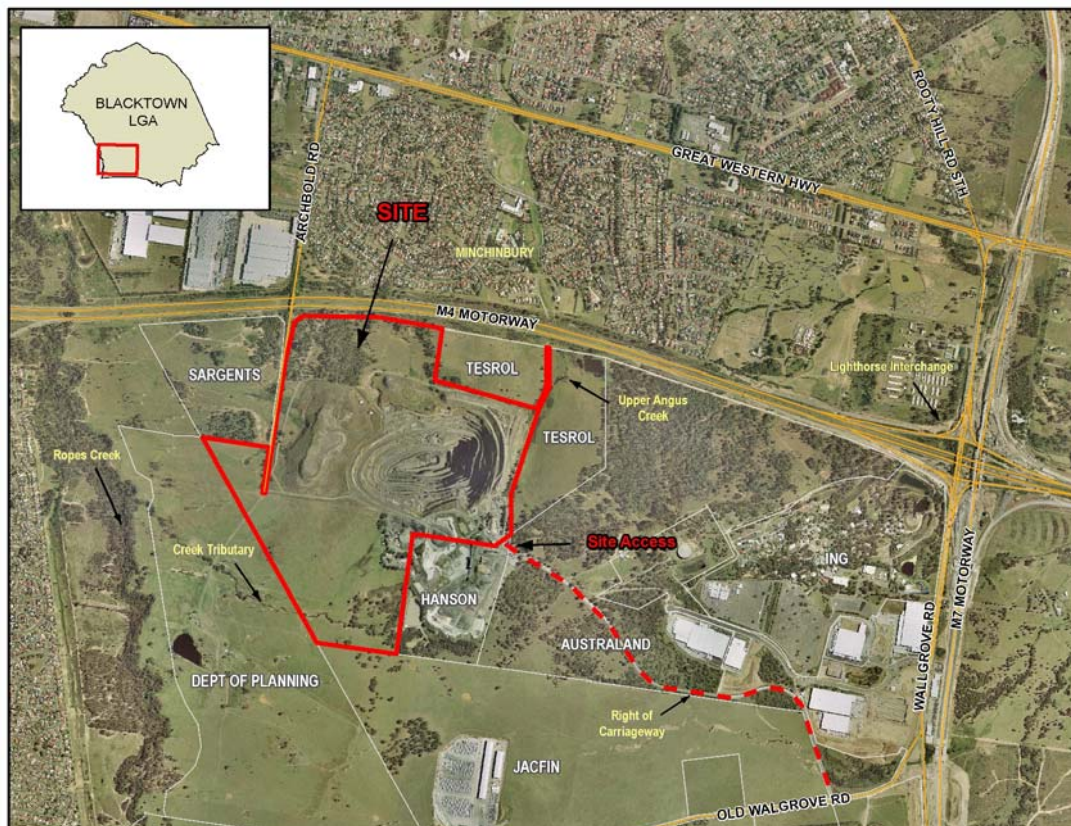


Figure 1 Regional Context

Following project approval, Blacktown Council lodged a merit appeal in the Land and Environment Court against the Minister's approval of the Project. In particular, Council was not satisfied with the level of local development contributions for stormwater and local roads. The appeal was upheld, and the Land and Environment Court issued consent orders that modified the conditions in relation to local development contributions, stormwater design requirements, and precinct infrastructure.

In December 2009 ThaQuarry undertook a boundary adjustment that resulted in a change to the land description and area.

The Minister has also approved a number of modifications to the Project. These modifications include:

- the construction of an electrically powered conveyor and chute for the conveyance of waste directly from the MPC to the base of the landfill;
- two-way traffic on fourth avenue;
- concrete bay walls within the greenwaste processing area and the requirement for each bay to be individually covered and fitted with aerobic equipment; and
- administrative changes.

1.1 Site and surrounding landuse

The site (see Figure 1) covers an area of approximately 120 hectares, however, the operational components of the project are largely restricted to the quarry void itself (for landfilling) and the area immediately to the west of the void (materials processing centre and associated infrastructure), which now totals 54.68ha (following the boundary adjustment described above).

The site is surrounded by land owned by Tesrol/Sumy (Tesrol), Australand, Hanson, Jacfin, the Department of Planning and Infrastructure and Sargents, all of which is earmarked under the *Western Sydney Employment Area State Environmental Planning Policy (WSEA SEPP)* to be redeveloped for higher end industrial and employment uses over the next decade. Tesrol is the adjoining landowner immediately to the east of site.

The closest residential areas are located approximately 120 metres from the northern boundary of the site at Minchinbury, and 800 metres to the west of the site at Erskine Park.

1.2 Status and staging of the Project

The Minister approved construction of the Project in three stages (Stage 1, 2a and 2b). Stage 2a construction works are largely complete. These works broadly include construction of the MPC, greenwaste area and access roads.

As part of modification 1, the Proponent sought to postpone construction of redundant sections of the MPC building, the approved Administration Building; Outdoor Recreation Facility, Washbay, Workshop and Truck Parking area until after commencement of operations. Modification application 1 was approved on 30 September 2010.

ThaQuarry is now seeking to commence the final stage of construction (Stage 2b). These works principally comprise the construction of the leachate collection, treatment and disposal system, construction of the landfill liner, construction of the conveyor and chute, and site landscaping including the amenity berms.

In addition, given the postponement of the approved administration building (mod1), the Proponent's current modification application seeks approval for the construction of a different administration building, in a new location, to that approved (and subsequently delayed in mod 1). It also seeks approval for a number of other structures (see Section 2 below).

1.3 Compliance Issues

There have been a series of incidents and non-compliances at the site to date including:

- unauthorised construction of a weighbridge, shed and portable office;
- realignment of a tributary to Ropes Creek;
- filling in a tributary of Ropes Creek along the southern site boundary;
- unauthorised construction of a component of the leachate system;
- stockpiling of a rock wall within the conservation area; and
- use of the site as a waste transfer station.

Both the Department and Office of Environment and Heritage (OEH) have followed up each of these incidents and dealt with them appropriately.

In early 2011, the Department became aware of unauthorised works on the fill pad in Area D on the north of the site (see Figure 2). The current modification application seeks to regulate this non-compliance by revising the final levels of the pad, in addition to revising the site's stormwater system, and introducing additional buildings and other supporting infrastructure.

However, since lodging the modification application the Department has become aware, through a site inspection (21 November 2011) that the Proponent has constructed a number of additional unauthorised structures. Some of these structures are the subject of the current modification application, and should have been part of the final 2b construction stage (ie. the amenities building and administrative office). Other structures and works have not been identified or assessed by ThaQuarry in their current application (ie. external amenities building to the weighbridge and relocation of the turning bay).

The Department is concerned with what now appears to be a systemic compliance issue at the site. This information above is provided by way of background only and is not and cannot be considered further as part of the merit assessment of the modification application. Section 4.4 of this assessment report discusses how the unauthorised buildings are proposed to be dealt with.

2. PROPOSED MODIFICATION

ThaQuarry is seeking to modify the Minister's approval (MP06_0239). The modification components are listed in Table 1, illustrated in Figures 2 to 6, and described in more detail in the following section. ThaQuarry's environmental assessment report for the proposed modification is at Appendix 2. The unauthorised buildings/structures identified by the Department have also been listed as components of this modification.

Table 1: Modification components

Component Reference	Description
A Fill Pad Level in Area D (Fill Pad D)	Revised final landform level of the fill pad at Area D
B Site Stormwater Design & Operational Landform Level	Revised operational landform levels and stormwater design for the site as reflected in Martens' report and LandPartner plan
C Weighbridge Office & Amenities	Internal office and external amenities associated with the weighbridge
D New Amenities Building	New Amenities Building for toilets and facilities adjacent to the MPC building
E Spotter Station Toilets and Facilities	New amenities buildings for toilets and facilities at the two existing spotters stations
F New Administration / Office Building	New office building located on the existing building pad and adjacent to the approved administration building
G Tarp Stand Area Additions	Additions to the tarp stand area to provide for amenities of the staff working in that location
H Relocation of the Vehicle Turning Bay	Relocation of the vehicle turning bay from the end of Fourth Avenue to the junction of Second, Third and Fourth Avenue
I Revised Offer for the VPA	Revised offer and associated conditions within the approval associated with the Voluntary Planning Agreement (VPA)

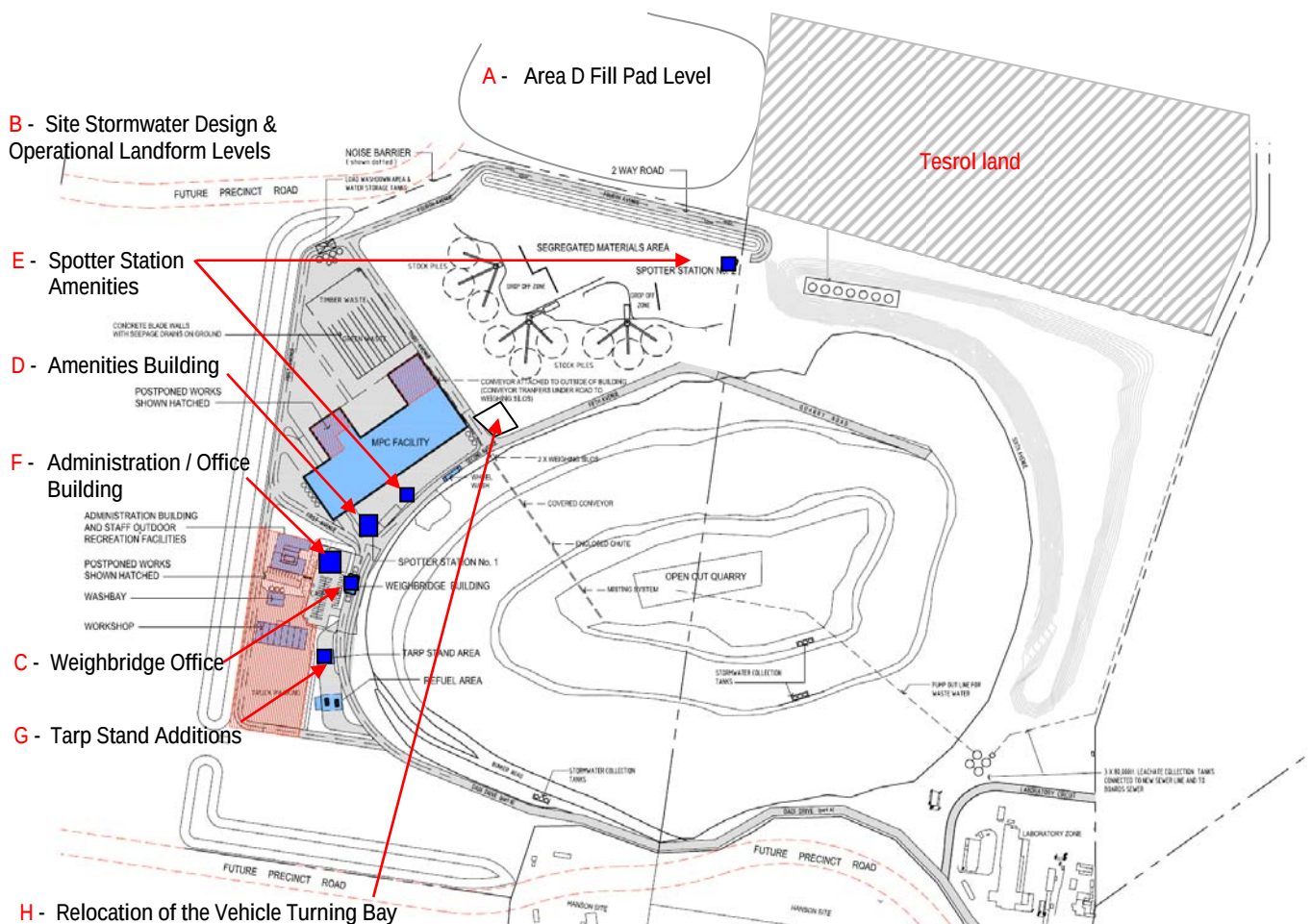


Figure 2 Modification components

2.1 Modification Components

A. Revised final landform level of the fill pad at Area D

The Proponent seek approval for works that have already been carried out to increase the final landform level of the Fill Pad D from the level shown in Hyder Consulting Pty Ltd plan DA001-A dated 28 April 2009 (which formed part of the initial project approval), by up to 4 metres to the levels shown in LandPartners Consultants plan 72757_Area D.

The following variations are evident in the fill pad Area D:

- the southern portion of the pad has been extended to the west;
- the eastern (*right of image*) alignment has been extended to the eastern site boundary and now abuts Tesrol land;
- the contours on the LandPartners plan run at a 45° angle as opposed to parallel with the northern boundary; and
- the north-eastern corner of the pad is up to 4 metres higher than the approved level.

B. Operational Landform Levels and Site Stormwater Design

The Proponent proposes to change the approved operational landform levels of the project reflected in Hyder Consulting Pty Ltd plans DA001 and DA020 dated 28 April 2009 (Hyder plans) to those shown in LandPartners Plan 72757.000 dated 28 August 2011 (see Appendix 3). The stormwater system for the site, including OSD, has also been revised to reflect the proposed operational landform levels and the stormwater requirements for the site.

C. Internal office and external amenities to the Weighbridge

The Proponent seeks approval for the construction of the (internal) office and (external) amenities associated with the weighbridge. The location of the proposed internal office is depicted in Figure 2. The office would house the computer equipment and staff required to process incoming vehicle weight. These structures have already been constructed and are discussed in Section 4.4.

D. New Amenities Building

The Proponent seeks approval for the construction of an amenities building, housing toilets and a lunch room, to be located on the hardstand adjacent to the MPC building. Sufficient toilet facilities had been provided for in the approved plan. However, these plans have been modified by the postponement of construction of certain areas through a previous modification (modification 1). It should be noted that this structure has already been constructed without approval. See section 4.4 below.

E. New Amenities Building associated with the Spotter Stations

The Proponent proposes to construct an amenities building to house toilets and a lunch room, as part of the two approved Spotter Stations. Sufficient toilet facilities had been provided for in the approved plan. However, these plans have been modified by the postponement of construction of certain areas through a previous modification (Modification 1).

F. New Administration/Office Building

The Proponent seeks approval for the construction of a new administration/office building. As part of modification 1, ThaQuarry postponed the commencement of the larger approved administrative building. An alternate administrative/office building has been constructed without approval on the existing hard stand area adjacent to the carpark and is considerably smaller than the approved administrative building. See section 4.4 below.

G. New Amenities at the Tarp Stand Area

Additions would be built onto the tarp stand area to provide for amenities of the staff working in that location.

H. Approval for the use and relocation of the vehicle turning bay which works have already been carried out

The Proponent seeks approval for the relocation of the vehicle turning bay from the northern end of Fourth Avenue to the junction of Second, Third and Fourth Avenue.

I. Voluntary Planning Agreement

The Department and the Proponent have sought to adjust the terms of the Offer for regional road infrastructure to reflect the Project's current land area. The Offer associated with the VPA is embedded in the project approval. These conditions require amending as a result of the adjusted Offer.

3. STATUTORY CONSIDERATION

3.1 Approval Authority

The Minister was the approval authority for the original project and is consequently the approval authority for this application.

However, under the delegation instrument of 14 September 2011, the Executive Director, Major Projects Assessment may determine this application on behalf of the Minister. The Minister has confirmed this delegation, subject to the local council not objecting to the proposal, there being no reportable political donations, and less than 25 public submissions objecting to the proposal.

ThaQuarry's modification application meets the terms of this delegation and the Executive Director, Major Projects Assessment may therefore determine the application under delegated authority.

3.2 Section 75W

In accordance with clause 3 of Schedule 6A of the EP&A 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 transitional Part 3A projects.

Under Section 75W of the EP&A Act, the Minister is obliged to be satisfied that what is proposed is indeed a modification of the original proposal, rather than being a new project in its own right.

The Department notes that:

- the proposed modification does not seek approval for a new and different project for which approval was granted;
- the proposed modification maintains the existing use of the site; and

- any potential impacts would be minimal and could be appropriately managed through the existing or modified conditions of approval.

It is therefore recommended that the Executive Director, Major Projects Assessment as delegate for the Minister, agree that the modification falls within section 75W of the Environmental Planning and Assessment Act 1979.

3.3 Exhibition and Notification

The Department made the EA for the modification publicly available on its website and sought submissions from the Office of Environment and Heritage (OEH), the NSW Office of Water (NOW) and Blacktown City Council (Council). Consultation with other government agencies and neighbouring sites was considered unnecessary, as the environmental impacts of the proposal would essentially remain unchanged from the approved project. Consultation was undertaken with the adjoining landowner (Tesrol at Lot 9 DP 241 859) as the proposed modification would result in temporary impacts to their site. A copy of all the submissions are at Appendix 4.

Council generally supported the project, however, concerns were raised in relation to the proposed stormwater management system and on-site detention. Council requested that the stormwater quality and quantity modelling be revised and that the Proponent demonstrate that Councils stormwater performance criteria could be achieved. Further, Council requested detailed design plans of the site stormwater system be prepared and submitted for approval prior to construction.

The **OEH** initially raised concerns regarding the size of the proposed detention basins, however, this component of the modification was revised. Upon review of the revised basins, OEH raised no further concerns or objections.

NOW did not object and raised no concerns in relation to the proposed modification.

Tesrol supported the proposed modification. Further, Tesrol provided a number of submissions acknowledging the temporary drainage impacts to their site, including ponding (see Appendix 4).

The Department has considered the agency and adjacent landowners comments in its assessment of the proposed modification.

4. ASSESSMENT

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

- environmental assessment and Director-General's assessment report for the original project application;
- approved modifications to the Project;
- the modification application and supporting documentation (see Appendix 2);
- relevant environmental planning instruments, policies and guidelines (see Appendix 6); and
- agency and adjacent landowner submissions (see Appendix 4).

The conclusions of this assessment are summarised below. The Department considers the key issues with the proposed modification to be stormwater, visual impacts, the future local precinct road and unauthorized works. All other issues are considered in Table 2.

4.1 Stormwater

Issue

The proposed revised operational landform and stormwater system for the Project has the potential to impact on adjacent landowners and the environment.

Consideration

ThaQuarry is seeking to change the approved operational landform levels of the Project reflected in Hyder plans (2009) to those shown in LandPartners Plan 72757.000 dated 28 August 2011 and 72757_Area D dated 2 February 2011 (LandPartners) (see Figure 3).

The Hyder Plans (2009) were submitted as part of the 'preferred project' during the course of the approvals process for the original application. The Hyder plans set out a series of bulk earthworks for the site along with the location and sizing of several on-site detention basins.

In regard to fill pad Area D the Proponent seeks approval for works that have been carried out to increase the final landform level from the level shown in Hyder Consulting Pty Ltd plan DA001-A dated 28 April 2009 (which formed part of the initial project approval), by up to 4 metres to the 'as constructed' levels shown in LandPartners plan 72757_Area D.

In regard to the operational landform for the whole of the site, the LandPartner's plan has been developed to replace the Hyder plans (2009) for the following reasons. The Hyder plans:

- were created in circumstances to deal with drainage of land in Lot 2 DP 1145808 outside of the currently approved Project area which is Lot 1 DP 1145808;
- incorporate on-site detention (OSD) basins that have volume capacities in excess of what is required and are shown in locations unsuitable and unnecessary for the current approved Project;
- designed OSDs with no regard to the Project's stormwater runoff requirements, and the capacity needed to retain such runoff;
- propose earthworks that are not relevant to the operation of the Project;
- were prepared before the conservation area had been properly mapped;
- did not accurately depict the size and location of the western berm; and
- show a proposed OSD located on the western side of Archbold Road to which Council had concerns with.

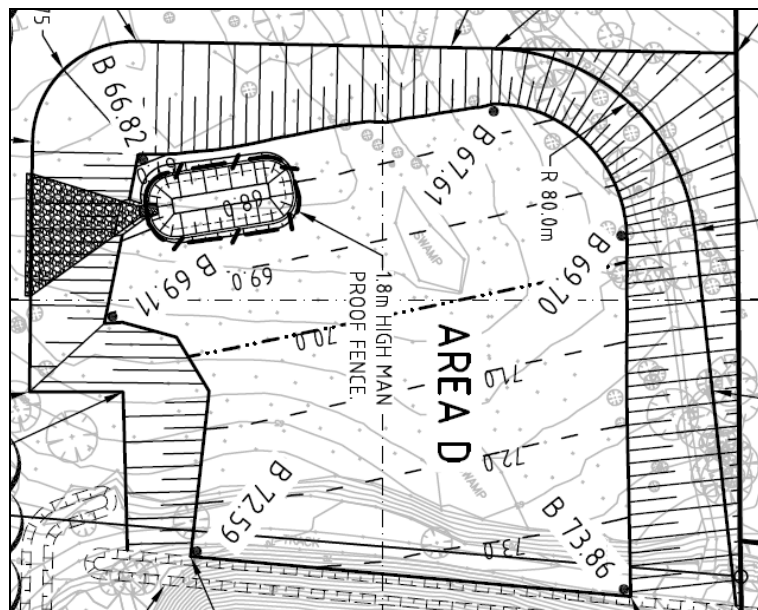


Figure 3: Extract of the fill pad in Area D from the approved 'Hyder Plans'

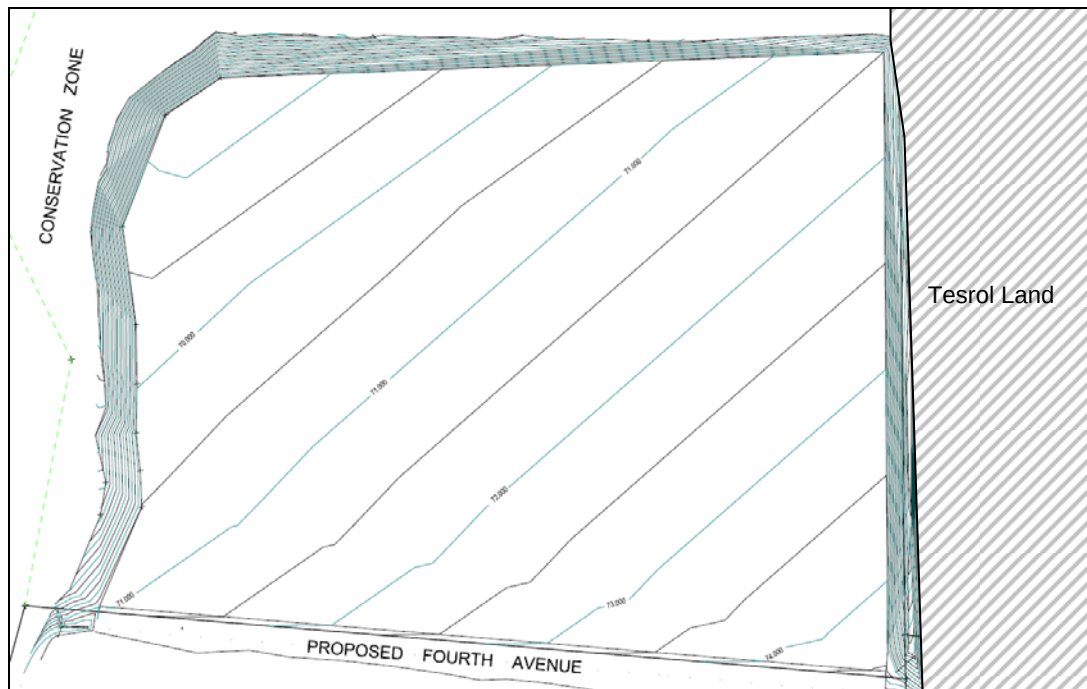


Figure 4: LandPartners proposed fill pad in Area D (as constructed)

Key issues associated with the revised operational landform and stormwater design for the Project include:

- surface water runoff in the area is directed to the north-west by the contours of the land. While this may be consistent with the current Precinct Plan for Eastern Creek, this could increase drainage flow into the existing conservation area if not captured;
- provision for adequate on-site detention for the site and adjacent to the north-western corner of the pad;
- drainage impacts to the adjoining properties;
- providing for the outcomes of the recent court imposed conditions in relation to final landform stormwater management system and catchment flows;
- achieving Council's stormwater performance criteria as detailed in Council's Stormwater Quality Control Policy and Precinct Plan for Eastern Creek; and
- maintain pre-development hydrological flows.

Drainage impacts to the adjoining site

Martens stormwater consultants were engaged to review the impacts of the modified landform and stormwater design. In regard to the adjoining property (Tesrol) and the conservation area, Martens' report found:

- there would be no hydrological change from the predevelopment situation;
- the area would continue to drain to the existing sediment pond;
- there would be no increase in hydrological flows of the area; and
- it would not be necessary to increase the size of the existing stormwater pond to the north-west of the area.

The Department and Council raised concerns regarding the area of ponding that would result on the adjoining land (Lot 9 DP 241859) owned by Tesrol (see Figure 5). While Condition 1 Schedule 4 of the project approval pertains to the final landform, as opposed to the operational landform, it does require that all earthworks required to reach the approved final landform shall be conducted without impacting on adjoining landowners.

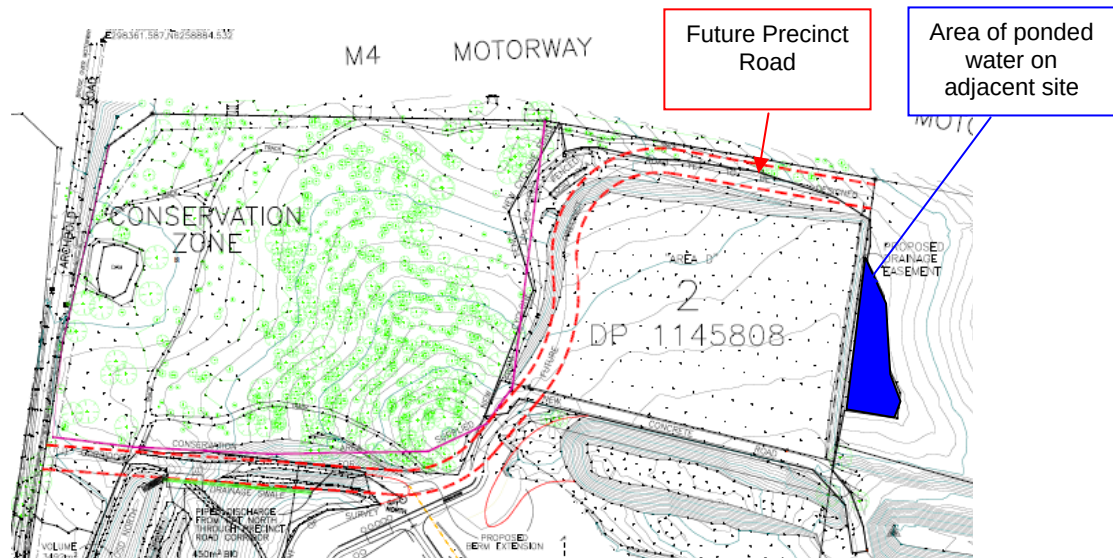


Figure 5: Excerpt from LandPartners plan showing ponding on Tesrol's land and the future precinct road

Tesrol made two submissions to the Department (4 April 2011 and 18 August 2011) on the proposed modification. In both submissions Tesrol supported the modification and acknowledged the temporary drainage impacts to their site, including ponding.

Further, Tesrol advised that:

- they have entered into discussions with the Proponent regarding development prospects for the fill pad in Area D, particularly how the developed levels of Tesrol's land would interface with that of ThaQuarry and how stormwater drainage would be managed;
- the ponding, shown on LandPartners plan is temporary, since that area would ultimately be filled and Tesrol's land levels would be higher than those proposed on ThaQuarry's fill pad;
- a deed exists between ThaQuarry and Tesrol which makes various provisions for land levels and drainage easements; and
- drainage of this temporary ponding has been provided for along the boundary of Area D.

The Department understands Council recently approved a development application by Tesrol for final landform levels consistent with ThaQuarry's proposed fill pad level. Should the LandPartners plan be approved the level on fill pad Area D would provide for a consistent interface between the two sites.

Other Stormwater Issues

In regards to modification components C-H (additional structures within the key operational area), it is considered that any impacts on stormwater would be relatively minor and able to be addressed through the existing conditions of approval because:

- the new building would be built on existing hardstand;
- the proposed weighbridge office would be located within an existing structure and would replace the current temporary office;
- the additional roof space is minimal and roof runoff would be contained in a tank;
- stormwater calculations were already considered based on all but one of the building footprints being impervious;
- the small additional impervious area (spotter stations 2) has been accounted for in the revised stormwater system for the site; and
- sewage/wastewater would be directed to the existing septic system.

Conclusion

Both the Department and Council have reviewed Martens' revised Consolidated Stormwater Management Plan (Martens, 2011), associated stormwater modelling data, OSD plans (DS145_1 and DS145_2), the LandPartners operational landform plans (72757 and 72757_PadD) and submissions by the adjacent landowner.

Both the Department and Council are satisfied that:

- the modelling undertaken by Martens demonstrates that Council stormwater performance criteria (detailed in Council's Stormwater Quality Control Policy and Precinct Plan for Precinct 3 at Eastern Creek) can be achieved;
- adequate on site detention is provided in the revised stormwater system;
- the concept stormwater design, including detention basins, is adequate;
- Council's concerns in relation to stormwater quantity and quality modelling have been addressed;
- pre-development flows would be maintained;
- the adjacent landowner is aware of the temporary impacts to its property and supports the proposed modification; and
- the revised stormwater system has accounted for the additional built structures.

The Department and Council consider that while the Martens report details the general/conceptual layout and requirements for the site stormwater system in relation to the revised operational landform plan, detailed design plans are still required. The Department understands that the Proponent is currently preparing these plans and has advised that they will be submitting the plans as part of the Soils, Water and Leachate Management Plan (SWLMP). The SWLMP is the only outstanding management plan required prior to the construction of Stage 2b. There is an existing condition that requires these detailed designs. As such no additional conditions are recommended.

4.2 Visual Impacts

Issue

The proposed revised landform, particularly fill pad Area D, has the potential to increase the visual impacts of the site.

Consideration

The visual character of the locality is primarily industrial with the M4 Motorway and an associated landscape buffer adjacent to the site. The site is surrounded by land owned by Tesrol, Australand, Hanson, Jacfin, Sargents and the Department of Planning and Infrastructure, all of which is earmarked under the WSEA SEPP to be redeveloped for higher end industrial and employment uses over the next decade. Tesrol is the adjoining landowner immediately to the east of site.

There are no receivers with elevated views of the site and the closest residential areas are located approximately 120 metres from the northern boundary of the site at Minchinbury, and 800 metres to the west of the site at Erskine Park. The principal receivers are drivers utilising the M4 Motorway which catch glimpses of the site.

As stated previously, ThaQuarry is seeking approval for works that have been carried out which include increasing the final landform level of the Fill Pad D. This would result in an increase in height of up to 4 metres to parts of the fill pad.

Conclusion

The Department considers that:

- long term receptor views are largely shielded from the operational area of the site by existing Cumberland Plain Woodland along the northern boundary and 10m high amenity berms along the north, south and western boundary of the operations area;
- Fill Pad D is located between the M4 motorway and the northern amenity berm, and would abut the amenity berm;
- the visual impacts associated with the raised pad are considered to be minor, as it would mostly impact upon the adjacent site. The adjacent site is owned by Tesrol and a DA has just been approved for the site which includes land levels consistent with the proposed level of the pad; and
- no additional conditions of approval are required.

4.3 Future (Local) Precinct Road

Issue

The proposed LandPartners operational landform plan provides for the Future (local) Precinct Road, however, it shows that the road would traverse private infrastructure (ie. Fourth Avenue) and the fill pad in Area D relevant to this project. (See Figure 5) The Department also notes that the site plan for the project is inconsistent with the LandPartners Plan with regard to the alignment of the Future Precinct Road. (See Figure 2 compared with Figure 5).

Consideration

Both the Department and Council raised concerns with ThaQuarry that the proposed LandPartners operational landform plan shows the future precinct road traversing private infrastructure relevant to the Project and the fill pad in Area D. The Department also raised concerns that ThaQuarry, or any subsequent owner of 'Area D', might at a later date, seek approval to construct the future Precinct Road within the conservation area or in close proximity to the conservation area both of which could possibly result in the removal of, and further edge effects to, the vegetation.

In response to this concern, ThaQuarry provided written correspondence dated 18 November 2011 acknowledging that the LandPartners plan indicated that the future precinct road would traverse private infrastructure (including Fourth Ave) and requesting that the LandPartners plan be approved (see Appendix 5).

The Department wants to be clear that it does not support encroachment of development within the conservation area, including any future precinct road. Therefore the Department notes that if the LandPartners operational landform plan is approved as part of this modification, it is likely that a further modification to the project approval would be required to accommodate the Precinct Road.

Conclusion

The Future Precinct Road would be subject to its own subdivision and development approval process with Council as the approval authority. Condition 58 of the project approval states that the Proponent shall not disturb those areas identified as Conservation Areas in the Precinct Plan.

4.4 Unauthorised Works

Issue

The Proponent has carried out the construction of buildings without obtaining approval.

Consideration

In relation to the unauthorised buildings that have been constructed on the site, while it is possible for the Minister to consider a modification application for those buildings, the Department considers there to be little utility in recommending that an approval be given in relation to the construction of the buildings. Both ThaQuarry and the Department have obtained legal advice on the matter. The Department's legal advice supports the Department's position that a construction certificate can never be granted in relation to those buildings (see section 109F(1A) of the Act).

Further, the Department considers that it is not in the public interest and could potentially undermine the planning system to approve the construction of the buildings in this case as the structural integrity of the buildings has not been validated. The Department considers this a potentially serious safety issue.

Notwithstanding, the Department recommends that approval for future use of the buildings be given and that a condition of approval be imposed requiring the Proponent to obtain building certificates for the buildings to ensure their structural integrity. The Department considers this achieves the appropriate balance by giving the Proponent the opportunity to use the buildings once building certificates are issued by Council under section 149D of the Act.

The Department has recommended conditions of approval accordingly.

4.5 Other Issues

Table 2: Other Issues

Issue	Consideration	Recommendation
Geotechnical	At the Department's request, ThaQuarry commissioned geotechnical engineers to undertake an assessment of the proposed building structures relative to the stability of the quarry pit. However, as discussed above, since the lodgement of this application, the Department discovered several buildings to which the application applies had already been constructed. Notwithstanding, the geotechnical engineers (Jeffrey and Katauskas (J&K)) made a number of observations in their assessment including: ▪ the proposed buildings would be founded on the existing concrete slab (min. 160mm thick) which forms access roads and hardstand areas surrounding the MPC; ▪ the eastern edge of the concrete hardstand is setback at least 5m from the perimeter of the quarry pit and the proposed new buildings have off-sets of 30m or more from the quarry pit perimeter; ▪ on the basis that the sub-grade preparation fill under the slab, and the concrete slab itself have been completed in accordance with J&K's previous geotechnical specification, they should provide suitable foundation for the proposed lightweight buildings; ▪ management of the stability of the quarry pit slopes is being carried out generally in accordance with advice provided in J&K's March 2008 report and ongoing geotechnical advice; and ▪ based on the above, J&K do not consider that the proposed buildings in their current proposed locations would cause any detrimental impact on the stability of the quarry pit. The Proponent should provide a copy of J&K's geotechnical report to Council when seeking certification for the constructed buildings. The Department is recommending conditions of approval requiring the Proponent to obtain and provide copies of all necessary building certificates from Council to the Director-General.	Recommended conditions require ThaQuarry to: ▪ obtain and provide copies of all necessary building certificates from Council to the Director-General, for: - the weighbridge and associated works (internal office and external amenities) - the administrative /office building, and - amenities building.
Voluntary Planning Agreement	Both the Department and the Proponent have sought to adjust the terms of the offer in relation developer contributions toward regional road infrastructure. The offer was revised to reflect the current project 'operational' land area amongst other minor adjustments. A revised Offer has been made by ThaQuarry made to the Department by the Proponent on 25 November 2011.	Recommended conditions require the ThaQuarry to: ▪ enter into a Voluntary Planning Agreement in accordance with the terms of its offer dated 25 November 2011 within 1 month after public notification has been given in accordance with section 93G.

5. CONCLUSION

The Department has assessed the proposed modification in accordance with the requirements of the EP&A Act.

This assessment has found that the proposed modification:

- can be carried out with minimal environmental impact; and
- provides a more appropriate stormwater outcome for the project.

Consequently the Department believes the proposed modification should be approved subject to some minor changes to the existing conditions of approval (see Tag A for the proposed notice of modification and the consolidated conditions of approval).

6. RECOMMENDATION

Under delegation of the Minister, it is RECOMMENDED that the Executive Director, Major Development Assessment:

- approve of the proposed modification under Section 75W of the EP&A Act; and
- sign the attached instrument (tagged A).

Felicity Greenway
5/12/11

Felicity Greenway
Team Leader - Industry

[Signature]

Chris Wilson
Executive Director
Major Projects Assessment

Christine Chapman
Major Project Assessment

5.12.11

APPENDIX 1 – Modification Instrument

APPENDIX 2 – Environmental Assessment

APPENDIX 3 – LandPartners Operational Landform Plan

APPENDIX 4 – Submissions

APPENDIX 5 – Acknowledgement letter from ThaQuarry

APPENDIX 6 – Environmental Planning Instruments

APPENDIX 7 – Consolidated Project Approval