

ASSESSMENT REPORT

s75W Modification - Hoxton Park (Len Waters) Industrial Estate Inclusion of Northern Basin 6

1. BACKGROUND

On 3 June 2010, the Planning Assessment Commission (PAC) approved a proposal from Mirvac Projects Pty Ltd (Mircvac) under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), for the Hoxton Park Warehouse Project. The project is located in the Liverpool local government area (LGA) near the intersection of Cowpasture Road and the M7 Motorway (see Figure 1).

The PAC's approval of the Hoxton Park Warehouse Project included a Concept Plan and three Major Project applications, to facilitate the development of the site for industrial use.



 The Site

Figure 1: Regional Context and Approved Concept Plan Boundary

The site previously formed part of the Hoxton Park Aerodrome, which ceased operations in December 2008. The former Aerodrome comprised 88 hectares of land, which since its closure, has been the subject of several strategic studies as part of Liverpool City Council's *Industrial Lands Strategy* and the new *Liverpool Local Environmental Plan 2008* (Liverpool LEP). As a result of this strategic work, Council developed a Masterplan for the site and subsequently rezoned the area for a mix of uses, including

infrastructure; industry; residential; and public recreation. This also included an environmental management buffer zone between the public recreation and industrial zones.

As part of the rezoning of the site, a Voluntary Planning Agreement (VPA) was entered into between Mirvac and Council. The VPA included the requirement for Mirvac to develop a biodiversity strategy to offset the loss of vegetation likely to occur as a result of the proposed development. As well as this, Mirvac was required to construct a stormwater detention basin to the north of the Hoxton Park Industrial Estate to capture flows from the eastern side of the M7, in accordance with Council's basin strategy for the area.

In 2010, Mirvac Projects Pty Ltd (Mircac) sought approval to redevelop the area of former Hoxton Park Aerodrome zoned as industrial, for warehousing and light industries, as well as other industrial uses.

The Hoxton Park Warehouse Project Concept Plan (10_0007) approval provides for the development of 50.17 ha of land for a range of warehouses and distribution facilities, including associated infrastructure and stormwater management for the site. The approved layout for the industrial estate is shown in Figure 2.

The site is also the subject of three project approvals, which were approved concurrently with the concept plan application. These approvals include: the Stage 1 Infrastructure Project (10_0008), the Big W Warehouse Facility Project (10_0009); and the Dick Smith Warehouse Facility Project (10_0010).

The site would employ in total around 1135 people once fully operational; including 525 at the Big W warehouse and 410 at the Dick Smith Warehouse, with the remainder employed in the future residual lots.

Concept Plan Declaration

As part of the original Concept Plan proposal, Mirvac included provision for a second access and bridge/link road over Hinchinbrook Creek, as well as a stormwater detention basin to be located in the northern part of the site. It was proposed that the basin be constructed in order to capture flows adjacent to the M7 Motorway, before being discharged into Hinchinbrook Creek.

However, the Department believed that the Concept Plan declaration for the project should be limited to that necessary to facilitate the development of the proposed Hoxton Park Industrial Estate only. It was considered that the proposed development of the drainage basin to the north of the site; the bridge across Hinchinbrook Creek; and the second intersection off Cowpasture Road were related principally to the redevelopment of the land to the north of the industrial zone, and not sufficiently related to the development that triggers the Part 3A declaration. Therefore, these development items were excluded from the Concept Plan declaration and subsequently removed from the proposal.

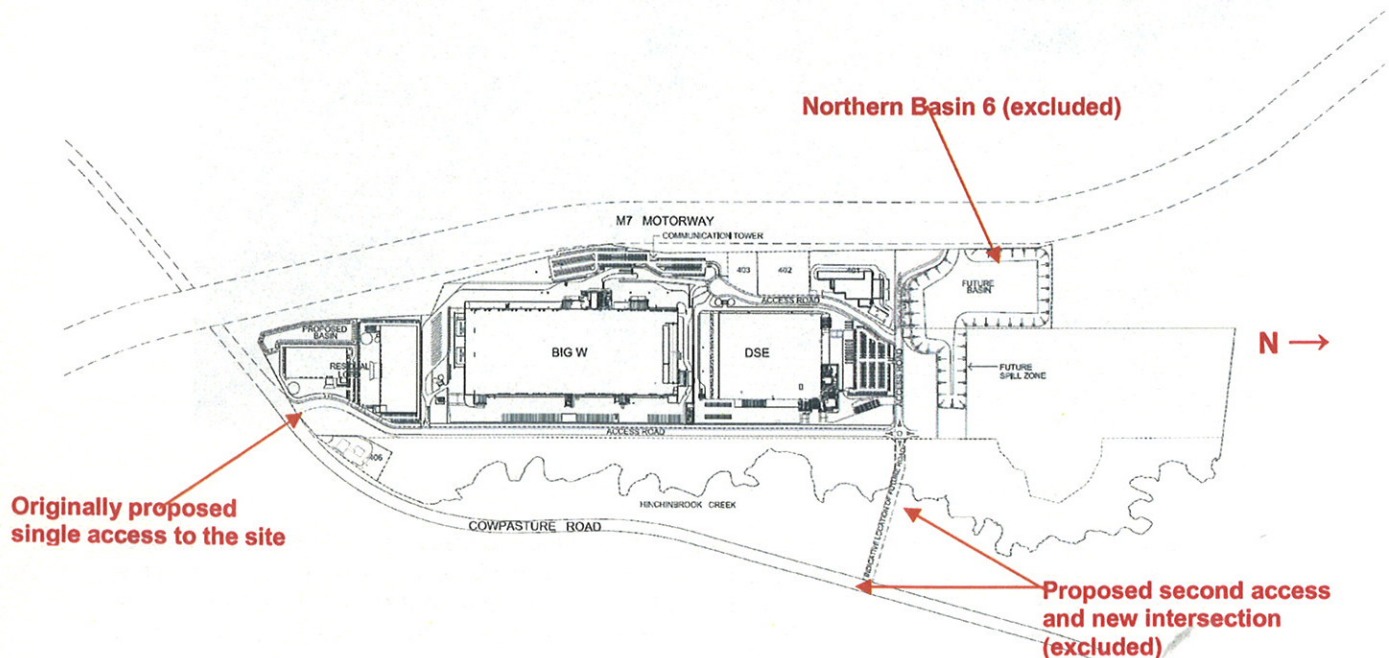


Figure 2: Approved Hoxton Park (Len Waters) Industrial Estate Layout

Second Access

However, during the assessment of the Concept Plan it was found that the proposed southern access to Cowpasture Road would be insufficient to accommodate the high levels of traffic generated by the industrial estate and surrounding areas. The RTA advised that if the northern access is not constructed prior to the development of the industrial estate, it would result in significant delays at the southern access road intersection for vehicles exiting the site. Therefore, the Concept Plan was modified, requiring Mirvac to make provision for a second access to the site, in order to alleviate any possible congestion issues with the main access (see Figure 3).

The Concept Plan required Mirvac to provide detailed plans and an assessment of the potential impacts of the proposed second access off Cowpasture Road, for the approval of the Director-General.

Prior to the current modification application, the Department also assessed Mirvac's application to amend the Concept Plan (10_0007) and Stage 1 Infrastructure Project (10_0008) to include the second access off Cowpasture Road and the construction of the bridge over Hinchinbrook Creek. As part of this application Mirvac also sought to amend the approvals to extend the layout of the residual lot, in the south west corner of the site, into the area zoned SP2, to facilitate the future development of this area for the purpose of warehousing and light industrial. The proposal was recommended for approval, and is expected to be determined shortly.

Basin 6

Following the detailed design of the second access and bridge crossing over Hinchinbrook Creek, Mirvac found that the design and construction of the northern basin is "related" to the design and construction of the bridge crossing. As a result, the basin could be considered to be "related development" for the purposes of s.75B(3) of the Act, and as such can be dealt with as a modification to the project. As such Mirvac is seeking approval for the construction of the northern detention basin and amendments to the subdivision layout for the lots north of the Dick Smith Warehouse to accommodate the proposed basin. Council agree that from a technical perspective the design and construction of the northern basin is closely related to the construction of the bridge crossing.

2. PROPOSED MODIFICATION

Mirvac is seeking approval to modify the Concept Plan (10_0007) and Stage 1 Infrastructure Project (10_0008) for the Hoxton Park Industrial Estate under Section 75W of the EP&A Act. Mirvac has proposed a number of modifications; however, following legal advice received, the Department has only assessed certain aspects of the proposal. Those not included as part of this application are considered to be beyond the scope of the Concept Plan and therefore have been excluded from the assessment.

Included in the Proposal:

The amendments proposed by Mirvac which have been assessed as part of this project include:

- a revision to the boundary of the site to allow for the development of Basin 6 and spillway to the north of the industrial area (see Figures 3); and
- the subdivision layout for the area north of the approved Dick Smith Warehouse, to accommodate the construction of the basin.

Excluded from the Proposal:

The amendments proposed by Mirvac which have been excluded from the assessment of the project include:

- rezoning the area to the north of the Hoxton Park Industrial Estate, to accommodate the revised basin design; and
- amendments to certain development controls for the land north of the Dick Smith Warehouse.

However, during the original re-zoning of the site, Council zoned a large area to the north of the proposed Hoxton Park Industrial Estate as SP2, to accommodate the construction of the proposed Basin 6. In light of the reduced basin design, Mirvac is also seeking to adjust the zoning strategy for the land adjoining the proposed northern Basin 6.

Further, Mirvac is seeking to amend the height and floor space ratio applying to the land that is immediately north of the approved Dick Smith warehouse development.

As mentioned, the Department sought legal advice with regard to the application to include the basin as part of the Concept Plan and Stage 1 project approval, as well as for the proposed re-zoning of the land north of the Hoxton Park Industrial Estate; this is discussed later in Section 3.

3. STATUTORY CONTEXT

3.1 Approval Authority

Section 75W of the EP&A Act confers on the Minister an implicit obligation to be satisfied that the modification request falls within this section of the EP&A Act.

The Department notes that:

- the proposed modification does not seek approval for a new and different project for which approval was granted; 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 Director-General, under the Minister's delegation of 25 January 2010, agree that the modification request falls within section 75W of the Act and that the request can be determined.

Basin 6

Mirvac is seeking to modify the Concept Plan (10_0007) and Stage 1 Infrastructure Project (10_0008) approval to include provision for the northern detention basin; amend the subdivision layout for the lots north of the Dick Smith Warehouse site; and rezone the land that lies immediately north of the Hoxton Park Industrial Estate.

The Department sought legal advice regarding the proposal to include the basin as part of the Concept Plan and Stage 1 Project approval, and for the proposed rezoning of land north of the site.

When the Concept Plan was originally authorised, the declaration specifically stated that the northern detention basin was not "sufficiently related to the development that triggers the Part 3A declaration", therefore it was considered that the northern basin extension was not "related development" and was subsequently removed from the original application. The recent legal advice received, therefore recommended amending the Concept Plan declaration to include the land required to construct the northern basin, prior to amending the Concept Plan and Stage 1 Project approval.

However, the legal advice also explained that the concept of related development is dealt with in section 75B(3) of the Act, which specifies that if part of a project is considered to be a development to which Part 3A applies, then the entire project would be considered to be a development to which Part 3A applies. Therefore, if the construction of the northern basin is considered to be "related" to the overall project, then Concept Plan and Stage 1 Infrastructure approvals could be amended to include the construction of the basin.

The Proponent asserts that the design and construction of the northern basin is "related" to the construction of the second access and bridge crossing. Therefore, due to the recent acceptance of the application to include the second access and bridge crossing as an amendment to the Concept Plan and Stage 1 project approval, the basin can be considered to be "related development" for the purposes of s.75B(3) of the Act, and as such can be dealt with as part of the project.

Both the Department and Council agree that from a technical perspective the design and construction of the northern basin is closely related to the construction of the bridge crossing, as the local flooding behaviour of Hinchinbrook Creek would be heavily influenced by the construction of the bridge and performance of the northern basin. On this basis, it is arguable that the northern basin is in fact "related

development" for the purposes of s.75B(3) of the Act, despite the fact that the Concept Plan authorisation originally excluded it from the clause 6 declaration (see attached memo tagged B).

However, following a revision to the size of the northern detention basin from that originally predicted and the amendments to the size and location of the proposed spillway, the zoning strategy for the northern part of the Masterplan area does not adequately accommodate the construction of the proposed stormwater infrastructure. Notwithstanding, the Director-General can still approve the proposal to construct the basin, as although an LEP may prohibit certain developments in particular zones, it does not prevent the Minister from granting approval for a development which may be prohibited, if the Minister has already authorised a concept plan in respect of the proposal area (see attached memo tagged B).

Therefore, the Department considers that it would be sufficient to amend the Concept Plan and Stage 1 Infrastructure Project to expand the scope of the proposal to include the construction of the northern basin and spillway and extend the project boundary into part of the areas currently zoned B1 (Business) and R3 (residential), which would allow Mirvac to develop the area for stormwater infrastructure regardless of the zoning prohibitions. Please note that the issue of rezoning would be dealt with by Council and is discussed below.

Further, the proposed amendments to the subdivision layout for the land north of the Dick Smith Warehouse development are considered necessary for the development of the northern basin and spillway and therefore have been assessed as part of this application.

Re-Zoning

In previous advice sought with regard to re-zoning areas of the site, it was found that the EP&A Act does not provide a mechanism to rezone land by modifying a Concept Plan under s.75W of the Planning Act and that only Part 3 of the Act sets out the statutory procedure for amending zones in an environmental planning instrument.

Further, Mirvac's proposed strategy to amend the zoning layout for the area north of the Hoxton Park Industrial Estate, to accommodate the construction of Basin 6 and the spillway, is considered to be beyond the scope of the original Concept Plan boundary and unrelated to the original proposal. As Council was the determining authority for the original zoning strategy, it should be the determining authority for the proposed zoning amendments also.

Council agrees that rezoning this part of the site should be undertaken by Council, and accepts that Mirvac would lodge an application with Council for the rezoning, once construction of the basin has commenced.

Also, with regard to the amendments to the development controls for the land north of the industrial estate, as mentioned above, this area is beyond the scope of the original Concept Plan and unrelated to the proposal. Thus, the proposed rezoning and development control amendments have not been assessed as part of this application. Mirvac has been advised of this, and as such, are now dealing with Council in this regard.

3.2 Exhibition and Notification

Under Section 75W of the EP&A Act, the Department is not required to notify or exhibit the application. Notwithstanding, the Department referred the proposed modification to Liverpool City Council; the Office of Environment and Heritage (OEH) (formerly known as the Department of Environment, Climate Change and Water); the Department of Primary Industries (DPI) (formerly known as the NSW Office of Water); and the Roads and Traffic Authority (RTA). Consultation with other government agencies and neighbouring sites was considered unnecessary, as it was determined that the environmental impacts of the proposal would essentially remain unchanged from the previously approved projects.

OEH did not object to the proposed modification, however raised concerns with the proposal to remove a small area of Cumberland Plain Woodland. OEH also questioned the adequacy of the proposed offset area and whether the monetary contribution of \$199,000 is enough to adequately restore vegetation within the offset area.

OEH recommended that if the existing tailouts in Hinchinbrook Creek are to be widened then subsurface testing for Aboriginal Heritage items should be undertaken. Also, OEH recommended that instead of members of the Aboriginal community monitoring earthworks during construction as proposed by Mirvac, they should be given the opportunity to collect items of significance prior to construction works

commencing on-site; and that the Proponent revise the Statement of Commitments to specify a storage location for any Aboriginal objects collected during the construction of the basin.

The **RTA** raised no objections to the proposal.

DPI does not support the proposed location of the basin as it considers that this would impact on the establishment of a naturalised functioning creek system and environmental corridor. DPI explained that the corridor linkage was to be provided via the Northern Creek on the Middleton Grange site and continue through the Hoxton Park Aerodrome site. DPI states that the basin should not be constructed where it diminishes the ability to maintain a continuous vegetation/riparian corridor.

DPI also discussed previous negotiations between DPI and Council, regarding the disused Aerodrome site, which included the rehabilitation of the drainage line section piped under the disused airport runway and explains that a naturalised functioning creek system was to be provided, including a category 1 vegetated environmental corridor established either side of the creek. DPI considers the corridor to be locally and regionally significant as it would link two significant natural areas.

Liverpool City Council supports the development of the detention basin and provided a response to DPI's comments. Council explained that Basin 6 forms part of a comprehensive drainage and detention system, developed in the 1980's, for the Cabramatta Creek catchment. The review of the Basin 6 location was prompted by the construction of the M7 Motorway which intersected the original Basin 6 location. In 2006 Council adopted the Basin 6 review, purchased the land and rezoned the site to SP2 Infrastructure (drainage).

Council argues that the construction of the Hoxton Park Airport and subsequent piping of a length of Northern Creek reduces the effectiveness of this location as an ecological link to Hinchinbrook Creek and that the development of the area could not be delivered without the implementation of the Cabramatta Creek basin strategy, including Basin 6.

Further, through the execution of VPA's with three landowners in the area, Council has secured various works within the RE1 zoned land and some local creeks and tributaries, including water quality measures; contamination audits; weed removal; rehabilitation of existing vegetation; and revegetation of core areas.

The Department has considered the submissions in the assessment provided below.

4. ASSESSMENT

The Department has considered the EA, the issues raised in submissions, and Mirvac's response to these issues, in its assessment of the project. The Department identifies the key issues to be biodiversity and the protection of the riparian corridor at Hinchinbrook Creek.

These issues are considered in detail below. All other issues are summarised in Table 1.

4.1 Flora and Fauna

An ecological assessment was undertaken by GHD, on behalf of Mirvac, for the construction of the proposed northern detention Basin 6, located north of the Hoxton Park Industrial site, which is currently under development by Mirvac.

Flora

Vegetation found in the area proposed for the detention basin consists of intact patches of native forest and partially disturbed and regrowth woodland, derived grassland and artificial wetlands. Areas of intact Shale Plains Woodland, are consistent with the definition of the Endangered Ecological Community 'Cumberland Plain Woodland', which is listed as a Critically Endangered Ecological Community (CEEC) under the *Threatened Species Conservation Act 1995* (TSC Act).

Further, the proposed spillway contains areas of highly degraded Exotic Grassland vegetation dominated by introduced plant species.

The construction of the detention basin would require the removal of approximately 3.09ha of intact native woodland and forest consistent with the CEEC, as well as 2.10 ha of Derived Tussock Grassland which is consistent with a form of CEEC in low condition. The proposal would also remove 0.20ha of valuable fauna habitat of Freshwater Wetlands, associated with the exiting open drains in the area.

Notwithstanding, GHD consider that the wetland in the disturbance area would have little value compared to the wetlands located within wider the area. Also, the CEEC amounts to 0.02% of the overall extent of equivalent woodland and forest vegetation communities within the locality and GHD considers that the value of this is limited, due to the isolation of the patch and its relatively minor contribution to the viability of the local population. Further, the area was previously zoned as SP2 to facilitate the construction of the basin in this location.

Fauna

Two fauna species, listed as being Vulnerable under the TSC Act, were identified within the proposed basin area, including:

- Large-footed Myotis; and
- Greater Broad-nosed Bat.

The area also contains five habitat areas, including a large hollow-bearing Spotted Gum. However woodland patches within the basin footprint would have little value for threatened arboreal mammals and forest owls as they are small and surrounded by disturbed, cleared land.

GHD found that although the proposed development would have an impact on some species through the removal of potential roosting and foraging habitat, it is unlikely to have a significant impact on any mobile or threatened species.

It is understood that the construction of the basin would result in a barrier to the movement of fauna in the locality by creating additional obstacles between the Hinchinbrook Creek corridor and the wetland to the west of the M7 Motorway. However, it is considered that the vegetation removed as a result of the basin's construction would have limited value as a corridor for the movement of species, as movement to the west is already limited by the M7 and to the south by the Hoxton Park Industrial Estate.

Further, GHD recommends that a pre-clearing survey be undertaken to mitigate any potential impacts to Cumberland Land Snails. This would include the salvage and relocation of any snails or woody debris from within the construction footprint.

Notwithstanding, it was found that the environmental measures undertaken in the development of the detention basin would not mitigate all impacts on native flora and fauna within the proposed disturbance area. Therefore, Mirvac has proposed to design the basin as an 'artificial wetland', which would include habitat resources such as aquatic and semi-aquatic plants and a buffer of planted vegetation; and also to develop an offset area to compliment that of the offset areas developed for the original rezoning of the site and the construction of the second access.

An offset strategy, which provides for the offset of the loss of 3.09ha of Shale Plains Woodlands, 2.1ha of Derived Tussock Grassland and 0.20ha Freshwater wetlands, has been developed by GHD and is aligned with the existing off-set strategy for the site. The proposed offset area was determined in consultation with Council, and amounts to the rehabilitation and revegetation of approximately 12.4ha (2.3:1) of existing vegetation along the eastern side of Hinchinbrook Creek (see Figure 5).



Figure 5: Proposed Bridge Crossing Offset Area

As mentioned, Mirvac and Council have an existing VPA regarding the previously approved offset area developed for the rezoning of the Hoxton Park Aerodrome. As the additional offset area is also on Council owned land, Mirvac has proposed to establish and maintain the offset for a period of 3 years, after which time all management responsibilities would return to Council. Mirvac proposes that funding and maintenance requirements for on-going management for the offset area would be included in an agreement between Mirvac and Council. Council has raised no objection to undertaking ongoing maintenance and management of the offset area.

Both DPI and OEH raised concerns with potential impacts to biodiversity in the area. OEH questioned the adequacy of the offset area proposed and the amount of money to be paid to Council as outlined in

the VPA for the revegetation and maintenance of the offset area. OEH also suggested the use of a bio-banking tool for determining the size of the offset area required.

Mirvac submitted additional information regarding the issues raised by OEH, as well as a revised framework for offsetting the proposed Basin 6. Mirvac also confirmed that the potential costs associated with the proposed offset works have been established using site specific criteria relating to the proposed offset areas and that these cost estimates have been accepted by Council.

Further, Mirvac argue that the proposed offset forms part of a number of offset actions associated with the Hoxton Park Project and that the newly proposed offset would deliver the following biodiversity outcomes:

- Effectively mitigate the unavoidable impacts associated with the construction of the basin.
- Increase the size of the continuous area of vegetation associated with the Hinchinbrook Creek corridor.
- Provide offset protection along the eastern side of Hinchinbrook Creek.
- Rehabilitate 12.4 ha of Shale Plains Woodland and improve ecological and habitat values.
- Is in keeping with the previous offset targets and outcomes for the Hoxton Park Project.

DPI objected to the location of the proposed detention basin, as it was considered that it would impact on the development of a naturalised functioning creek system and an environmental corridor, which was to be established to link the Western Sydney Regional Park to Hinchinbrook Creek. DPI also states that the Middleton Grange site (upstream of the M7 Motorway) was designed with its own water quality treatment/detention basins so does not understand why Council's Detention Strategy requires Basin 6 to be located on the downstream of the M7.

As mentioned, Council supports the development of the detention basin, which is to be constructed by Mirvac in accordance with Council's Basin Strategy and the existing VPA for the Hoxton Park Aerodrome.

Council provided a response to DPI's comments, explaining that Basin 6 forms part of a comprehensive drainage and detention system for the Cabramatta Creek catchment. Council argues that the construction of the Hoxton Park Airport and subsequent piping of a length of Northern Creek, reduces the effectiveness of this location as an ecological link to Hinchinbrook Creek; and that the development of the area could not be delivered without the implementation of the Cabramatta Creek basin strategy, which includes the construction of Basin 6. Further, Council assert that the basin has been sufficiently discussed during previous meetings with DPI and that both parties were of the understanding that there has not been a natural watercourse in the area since the construction of the Aerodrome in the 1940s. Council believe that reconstructing the corridor through to Hinchinbrook Creek after such time is unwarranted.

A Vegetation Management Plan (VMP) has also been prepared for the project which outlines the restoration programme for the area impacted by the project (see Figure 6). The revegetation activities would consist of mixes of canopy, mid-storey and groundcover species representative of native vegetation communities identified on-site. Mirvac also proposes to implement a fauna management protocol during the construction of the basin to limit any potential fauna impacts.



Figure 6: Vegetation Management Plan

The Department considers that due to the previous Masterplan rezoning for the future redevelopment of the area and the ongoing Cabramatta Creek Basin Strategy, the location of the Basin 6 has been adequately assessed and sufficient mitigation measures proposed to offset the loss of CEEC as a result.

The Department and Council are satisfied that the development of the offset area and the proposed revegetation of this part of Hinchinbrook Creek; the protection and improvement of the existing vegetation along the riparian corridor; as well as the revegetation of the Basin area, would result in an improved ecological outcome for the area. The Department has included a number of conditions of approval, requiring Mirvac to develop the offset strategy in accordance with the offset framework proposed and the VPA for the site, and to implement the recommendations outlined by GHD, regarding the VMP and Cumberland Land Snails.

4.2 Other Issues

Other issues raised during the assessment process, and the Department's consideration of the issues are summarised in Table 1 below.

Table 1: Consideration of Other Issues

Issue	Potential Impacts/Consideration	Recommendation
Stormwater	<ul style="list-style-type: none"> The catchment area draining to Basin 6 is approximately 85ha, consisting mainly of land within the Middleton Grange development and Western Sydney Parklands, on the western side of the M7 Motorway. The basin would have a capacity of 136,827m³ and would occupy an area of approximately 67,500m². The proposed basin would provide flood protection in the 100 year storm event and would minimise downstream erosion by storing water for a limited time and then slowly releasing it into Hinchinbrook Creek via the overland flow channel. The configuration of the basin delivers significant improvements to the original basin design as it allows the area to be used for active recreation as well as for stormwater detention. The Department and Council are satisfied that the basin has been designed in accordance with the Cabramatta Creek 	<ul style="list-style-type: none"> Recommended conditions require the Proponent to: <ul style="list-style-type: none"> update any relevant stormwater or environmental management plans to include the proposed detention basin; and to construct Basin 6 in accordance with the relevant stormwater management guidelines, to the satisfaction of Council.

	Basin Strategy and is sufficient in accommodating flows from the 1 in 100 year storm event.	
<i>Aboriginal Heritage</i>	<ul style="list-style-type: none"> ▪ The original Aboriginal Heritage assessment undertaken as part of the Concept Plan included the construction of the northern Basin. However, this was updated as part of the current application. ▪ The assessment found that the location of the proposed detention basin contained one previously recorded site. ▪ The item was considered to have low scientific potential and therefore it was recommended that the item be collected prior to excavation works commencing. ▪ The recommendations outlined in the original assessment and the existing conditions of approval remain relevant for the amended project. ▪ However, OEH requested clarification regarding the extent of works associated with the existing tailouts within the Hinchinbrook Creek corridor and whether subsurface testing would be undertaken to assess archeological significance of the identified potential archaeological deposit (PAD). ▪ OEH also made recommendations regarding the collection and storage of Aboriginal objects identified during the course of monitoring. ▪ Mirvac confirmed that the PAD would not be tested at this time, as it has committed to testing the location of the approved bridge and link road, which is within the same landscape unit and that the proposed testing would adequately characterise the significance of the PAD in this area also. ▪ Mirvac also agreed that the Aboriginal community would be given the opportunity to collect any artifacts identified prior to and during earth works, and that OEH would be advised of the location chosen to store any items found, once determined by the local Aboriginal community. ▪ The Department is satisfied that the proposal would not result in any significant impacts to Aboriginal heritage values in the area. 	<ul style="list-style-type: none"> ▪ The Department has included conditions of approval requiring Mirvac to: <ul style="list-style-type: none"> • undertake any subsurface investigations in accordance with OEH guidelines; • to allow the Aboriginal community to opportunity to collect and surface objects prior to works commencing; and • inform OEH of the storage location of any Aboriginal objects found, once determined.
<i>Construction Impacts</i>	<ul style="list-style-type: none"> ▪ A Construction & Environmental Management Plan has been developed by ADW Johnson, for the construction of the Basin. ▪ The plan includes measures for the management of traffic, waste, erosion and sediment during the construction phase, as well as processes for the monitoring of noise and air-quality impacts offsite. ▪ Further, the plan includes details for keeping the community informed about the proposal and outlines procedures for dealing with any complaints received. ▪ The Department is satisfied that the construction of the Basin would be managed so as not to result in any significant impacts at surrounding sensitive receivers. 	<ul style="list-style-type: none"> ▪ N/A

5. RECOMMENDED CONDITIONS OF APPROVAL

The Department considers that the proposal represents a minor modification of the project as approved and would not have any significant impacts beyond that assessed and approved.

The Department has recommended minor amendments to the Concept Plan and Stage 1 Infrastructure Project approvals to include the modification application within the terms of the approval.

6. CONCLUSION

The Department has assessed the merits of the proposal in accordance with the requirements in Clause 8B of the EP&A Regulation.

This assessment has found that the proposed modification is minor and is unlikely to cause any significant impacts beyond that assessed and approved. Consequently, the Department believes the proposed modification is in the public interest, and should be approved.

7. RECOMMENDATION

It is RECOMMENDED that the Director-General:

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

Haley Rich
Mining & Industry Projects



Chris Wilson
Executive Director

11.4.11



Sam Haddad
Director-General

28/4/2011

