



Roberts Road Quarry Modification 4

VENM / ENM Importation and Extension of Life
State Significant Development Modification Assessment
(DA 267-11-99 MOD 4)

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Subtitle: VENM / ENM Importation and Extension of Life

Cover image: View of Roberts Road Quarry site from across Old Telegraph Road (Umwelt, 2018)

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1 Introduction

1.1 Background

The Roberts Road Quarry (the Quarry) is an existing sand and sandstone quarry located at Maroota, approximately 60 kilometres (km) north west of the Sydney CBD, in the Hills Shire local government area (see **Figure 1**). The Quarry is owned and operated by Hodgson Quarries and Plant Pty Ltd (HQP) and produces a range of sand, clay and gravel products that supply the local Sydney construction and landscaping market.

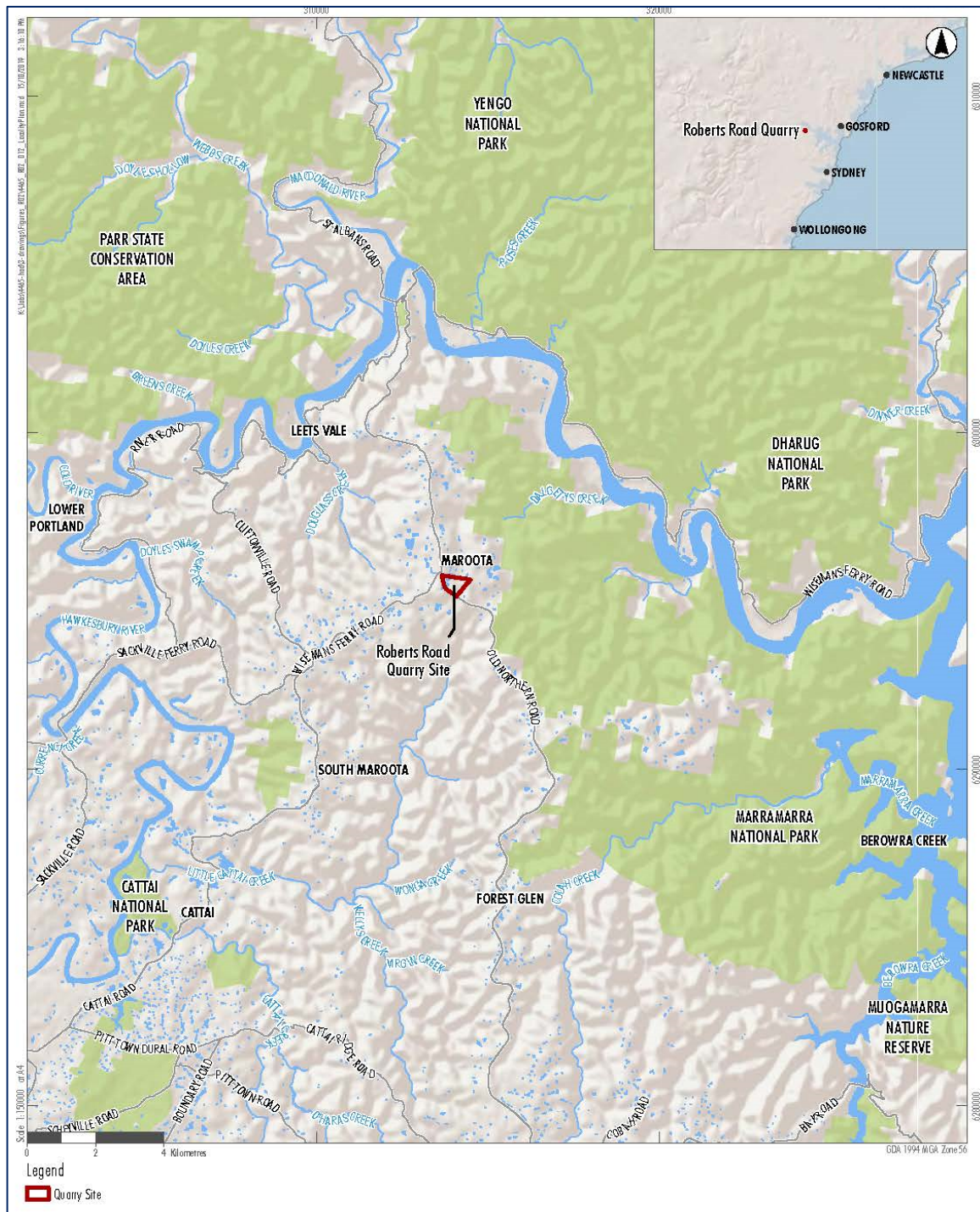


Figure 1 | Regional Location

The Quarry site is 27.8 hectares (ha) in size and was originally used for agricultural activities, primarily as an orchard and plant nursery. The north western corner of the site, comprising 0.9 ha, remains a commercial plant nursery. The Quarry is accessed via a sealed road that joins Roberts Road, providing access to the Old Northern Road, the primary transport route for quarry material to then be transported across Greater Sydney.

1.2 Approval History

Extractive operations have occurred at the Quarry since the 1970s, with materials initially being sourced from the construction of a large farm dam on the site. In 1990, the then Baulkham Hills Shire Council commenced Class 4 proceedings in the Land and Environment Court (LEC) against construction of the farm dam, as it considered it was an unapproved extractive industry. On 29 May 1991, the LEC determined to permit the continuation of the dam's construction and export of materials for a period of up to ten years, unless an extension was granted by Baulkham Hills Shire Council.

On 31 May 2000, the then Minister for Urban Affairs and Planning granted the current development consent (DA 267-11-99) for the continuation of quarrying at the site, under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The development consent has since been modified on three occasions, as summarised in **Table 1**.

Table 1 | Summary of Previous Modifications

Mod No.	Summary of Modifications	Approval Authority	Approval Date
MOD 1	Changed the approved method of extraction and the perimeter and processing area bunds, to mitigate noise emissions and visual amenity impacts.	Minister	29 November 2000
MOD 3	Provided a one-year extension to the approved extraction period to 31 May 2016, while Modification 2 was being assessed. Changed the limit of extraction depth from 183 m AHD to 186.08 m AHD.	Department	18 August 2015
MOD 2	Provided a longer-term extension to the approved extraction period to 31 May 2025. Changed the sand extraction sequence and techniques, the water supply dam and progressive rehabilitation requirements.	Department	18 March 2016

The development consent (as modified) currently allows for the extraction and processing of sand, clay and pebbles at a rate of approximately 480,000 tonnes per annum (tpa) until 31 May 2025 including the progressive rehabilitation of the site. The current approved site layout and extraction sequencing plan shown in **Figure 3**.

1.3 Regional Context

The town of Maroota is situated in a semi-rural setting. Quarries are the dominant land use to the south and north, while horticulture and rural-residential development are dominant towards the centre and to the east of the town. The Maroota Public School being is located approximately 650 metres to the north. Beyond Maroota, the predominant surrounding land use is the Marramarra National Park.

The Quarry is one of nine other quarry operations within the Maroota area that target the Maroota Sands geological layer. The Maroota Sands is a productive resource that allows easy access to sand and other materials for use in the construction and landscaping industries. The area is identified as a regionally significant resource by the *Sydney Regional Environmental Planning Policy No. 9 - Extractive industries* (SREP 9) (refer **Figure 2** for SREP 9 boundary).

The Quarry is strategically located to provide sand and soil products to the Greater Sydney construction industry, particularly to Western Sydney, which is expected to experience considerable growth over the next decade to support projected population increases.

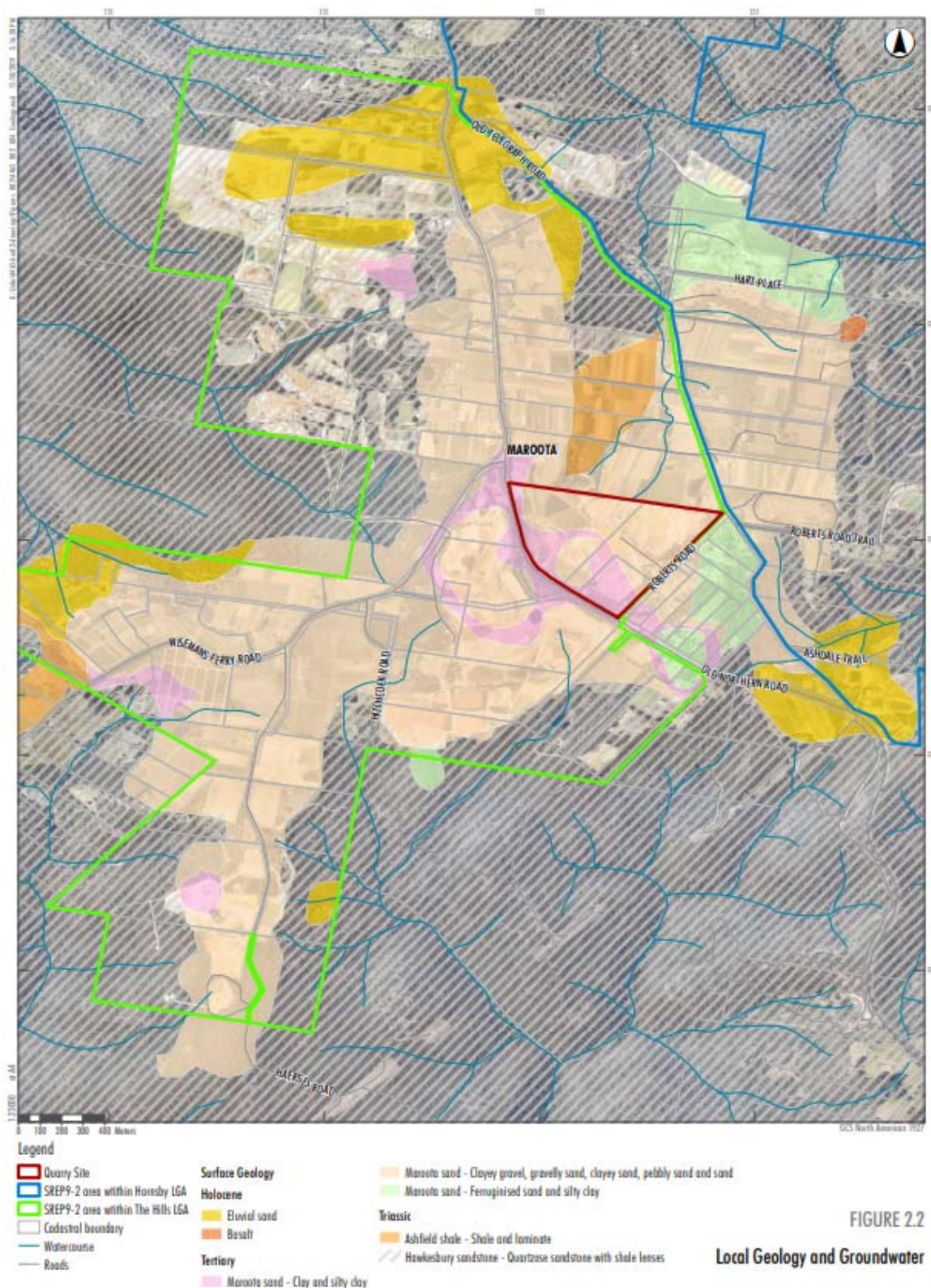


Figure 2 | Local context and SREP 9 boundary

2 Proposed Modification

In November 2019, HQP submitted a modification application (DA 267-11-99 MOD 4) under section 4.55(2) of the EP&A Act. The proposed modification is summarised in **Table 2**:

Table 2 | Approved vs proposed components

Component	Approved Operations	Proposed Modification
Quarry Life	31 May 2025	31 May 2030
Production Limit	Currently no specified limit but limited by maximum transport movements which HQP asserts equates to an estimated maximum of 480,000 tpa	480,000 tpa
Production Truck Movements	Up to 50 laden trucks (100 movements) per day and up to 20 movements per hour	Up to 70 laden trucks (140 movements) per day and up to 20 movements per hour (includes the material import truck movements)
Importation Truck Movements	-	Up to 40 truck movements per day for importation of VENM and ENM (included in the overall truck movement rate being sought)
Virgin Excavated Natural Material (VENM)/ Excavated Natural Material (ENM) Importation rate	-	200,000 - 320,000 tpa
Total VENM/ENM Importation	-	2 – 3 million tonnes
Extraction Sequence	Shown in Figure 3	Change to the extraction sequence to account for the importation of fill
Final Landform	Approved Final Landform in Figure 4	HQP has proposed two revised conceptual final landforms based on two different scenarios of backfill material availability. The approved vs proposed final landforms are shown in Figures 5a-5b .
Hours of operation	Construction 7.00 am – 6.00 pm Monday to Friday	No change
	Extraction and Processing 7.00 am – 6.00 pm Monday to Friday 7.00 am – 1.00 pm Saturday	
	Vehicle Loading 6.00 am – 6.00 pm Monday to Friday 6.00 am – 1.00 pm Saturday	

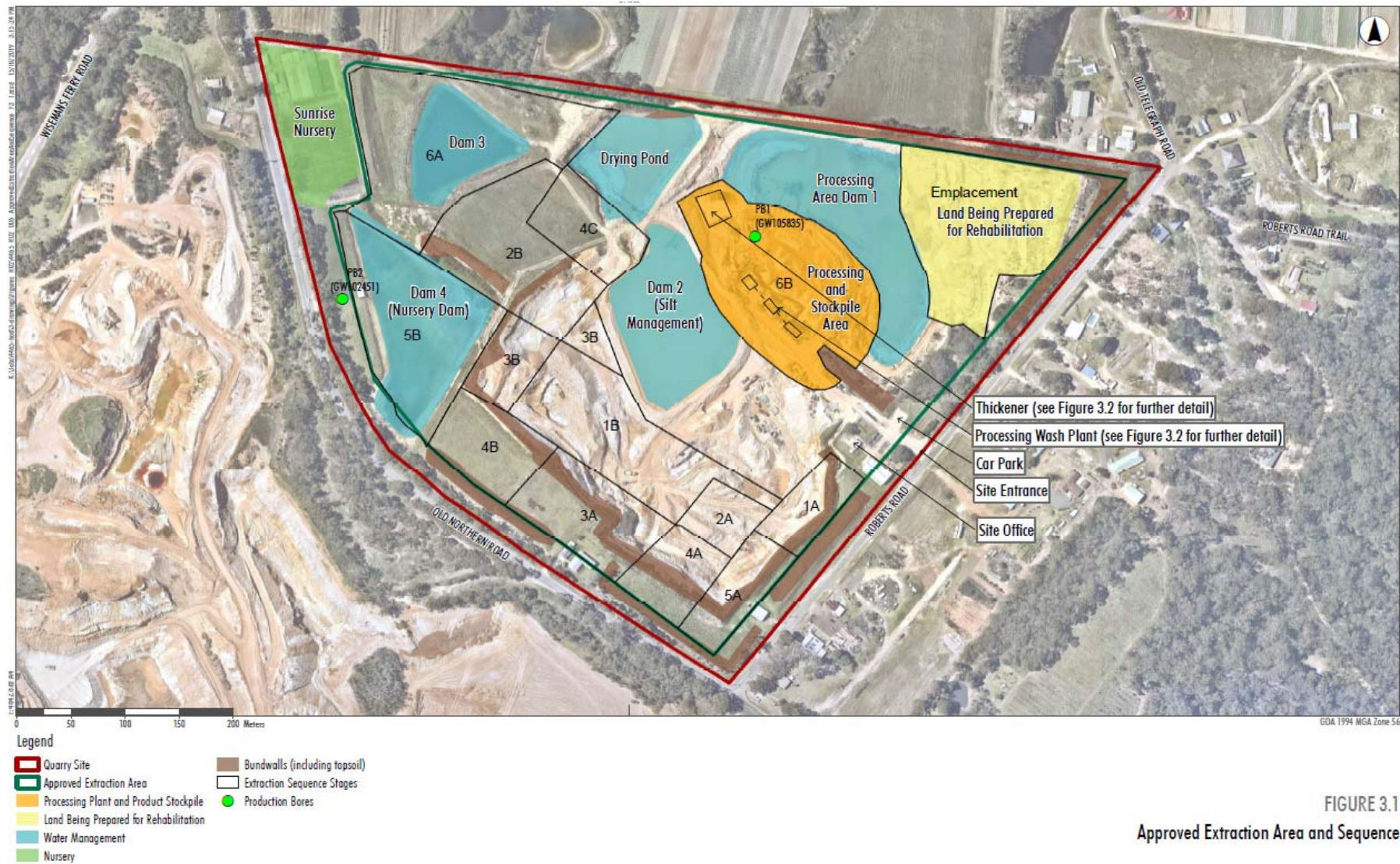


Figure 3 | Existing Quarry layout



FIGURE 3.4
Approved Final Landform

Figure 4 | Approved final landform

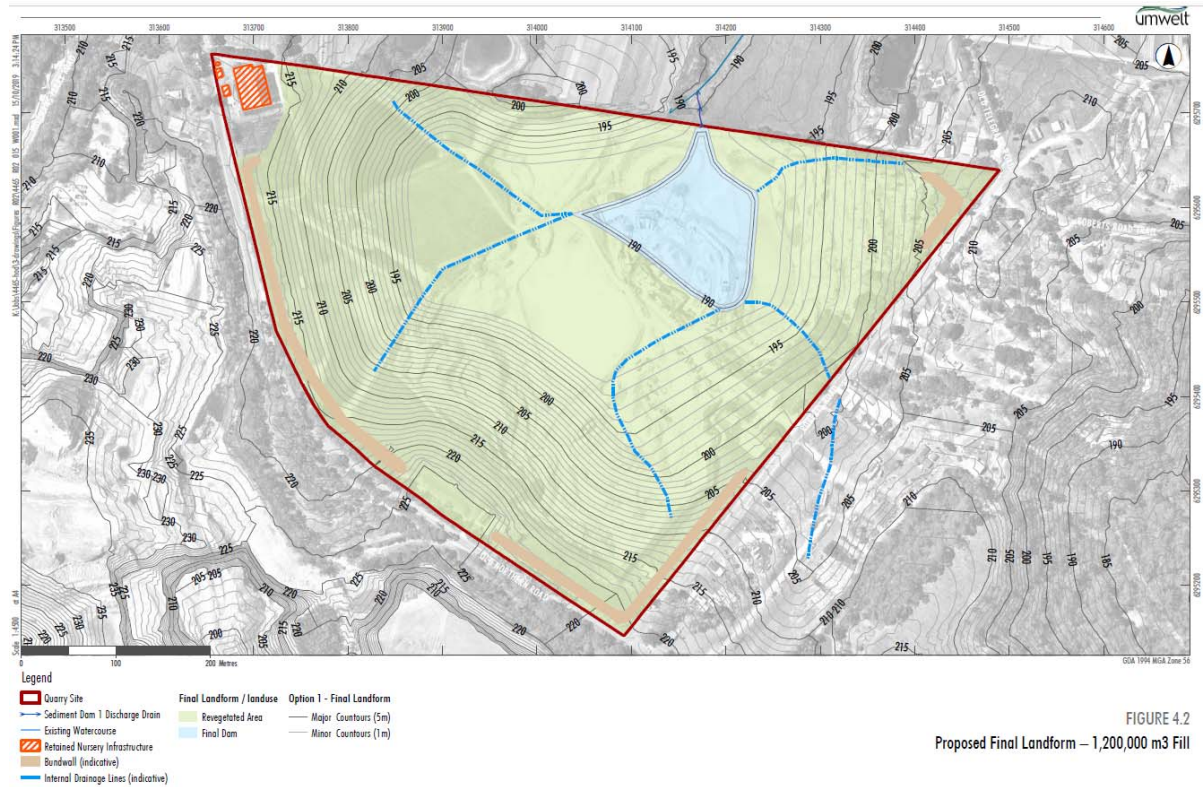


Figure 5a | Proposed final landform Concept 1 (with 1,200,000 m³ fill)

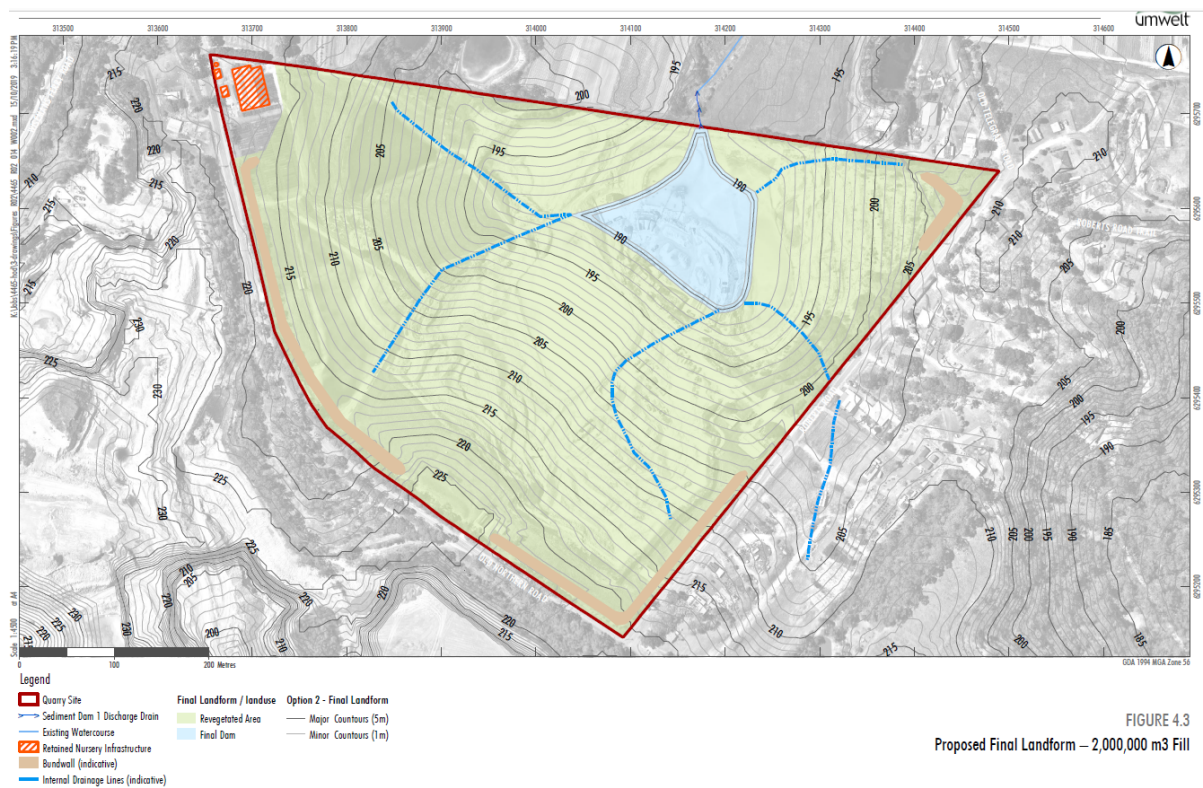


Figure 5b | Proposed final landform Concept 2 (with 2,000,000 m³ fill)

3 Statutory Context

3.1 Scope of Modification

The modification application was lodged under section 4.55(2) of the EP&A Act. The Department has reviewed the scope of the proposed modification and considers that it:

- would not significantly increase the environmental impacts of the project as approved (see Section 5);
- is substantially the same development as originally approved and as last modified under section 75W of the EP&A Act; and
- would not involve any additional disturbance outside of the already approved disturbance areas for the project.

The Department is therefore satisfied that the proposed modification is within the scope of section 4.55(2) of the EP&A Act and does not constitute a new development application (DA). Accordingly, the Department considers that the application should be assessed and determined under section 4.55(2) of the EP&A Act.

The Department has also:

- considered agency advice provided on the proposed modification (see Section 4); and
- considered the relevant matters in section 4.15(1) of the EP&A Act, including;
 - o the provisions of any relevant environmental planning instruments;
 - o the likely impacts of the proposed modification, including environmental impacts on both the natural and built environment and the social and economic impacts in the locality;
 - o the public interest, including any relevant objects of the EP&A Act; and
 - o the reasons given by the approval authority for granting the original approval.

3.2 Permissibility

The Quarry site is entirely zoned RU1 Primary Production under *The Hills Local Environmental Plan 2019* (The Hills LEP). Extractive Industries are permissible in this zone.

3.3 Consent Authority

The Minister for Planning and Public Spaces (Minister) is the consent authority for the application. However, the Director, Resource Assessments may determine the application under the Minister's delegation of 26 April 2021, as:

- The Hills Shire Council did not object to the proposal;
- fewer than 15 public submissions were received by way of objection; and
- HQP did not disclose any political donations.

3.4 Environmental Planning Instruments

Under section 4.15 of the EP&A Act, in determining an application for a new or modified consent, the consent authority is required to take into consideration any environmental planning instruments (EPIs) that apply to the land to which the application relates. A number of EPIs apply to the proposed modification, including:

- *State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007*;
- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *State Environmental Planning Policy No. 33—Hazardous and Offensive Development*;
- *State Environmental Planning Policy No.55 – Remediation of Land*;
- *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP);

- *Sydney Regional Environmental Plan No.9 – Extractive Industry* (SREP 9); and
- *The Hills Local Environmental Plan 2019* (The Hills LEP).

3.5 Other Approvals

HQP hold Environment Protection Licence (EPL) 6535, granted under the *Protection of the Environment Operations Act 1997* (POEO Act). The Environment Protection Authority (EPA) has advised that the EPL would require a variation to reflect the proposed modification relating to the final landform.

HQP also holds three Water Access License's (WALs) granted under the *Water Management Act 2000* (see **Table 3**). No changes to existing water access or allocations would be required from the modification.

Table 3 | Water Licence Summary

WAL	Land Holding	Extraction Limit (ML/year)
26163	Nursery Dam	264
24163	Groundwater for extraction operation and dams	45
24157	Groundwater for extraction operation and dams	6

A controlled activity approval under section 91(2) of the *Water Management Act 2000* is required as the modification proposes to emplace clean fill within 40 m of an intermittent drainage channel, as part of constructing the final landform. The Department acknowledges that this can be undertaken separate to and following determination of the modification application.

4 Engagement

4.1 Department's Engagement

The Department publicly exhibited the modification application and Modification Report (see **Appendix A**) from Monday 13 January 2020 until Friday 7 February 2020. The documents were made available on the Department's website and at the offices of the Department, at Service NSW Centres, and at The Hills Shire Council's (Council) offices. The Department also advertised the exhibition in *The Hills Shire Times* on 8 January 2020 and directly notified surrounding landowners in the vicinity of the site, by letter.

4.2 Summary of Submissions

The Department received seven submissions during the exhibition period, all from Government agencies commenting on the proposal. No submissions were received from the public or special interest groups. Copies of all submissions are included in **Appendix B**.

4.3 Submissions Report

On 20 March 2020, HQP provided a Submissions Report (see **Appendix C**). The report was made publicly available on the Department's website and provided to the relevant Government agencies for comment.

4.4 Agency Advice

The **EPA**, in its original submission, raised concerns with the adequacy of the assessments provided in the Modification Report regarding air quality (PM_{2.5}), noise and surface water impacts. HQP, in its Submissions Report, revised these assessments to address the concerns raised. Following review of the revised assessments, the EPA indicated it no longer had adequacy concerns and recommended draft conditions of approval. A key recommendation was for an independent technical review of the management of fine particles. The Department supports this recommendation and it is further discussed in **Table 5**.

Transport for NSW (TfNSW) initially did not support the application due to a lack of analysis on two key intersections. TfNSW requested that HQP update its Traffic Impact Assessment to consider the impact of increased trucking at the intersection of Old Northern Road and Wisemans Ferry Road. HQP provided a revised Traffic Impact Assessment in its Submissions Report. Following a review by TfNSW, it confirmed its concerns had been addressed. Management of traffic impacts is discussed in **Table 5**.

Council commented that the activities proposed by HQP may require a new development application, as the proposed increase to vehicle movements and the importation of VENM and ENM would partially change the site use from an 'extractive industry' to a 'waste and resource management facility'.

The Department notes the definition of an extractive industry in the local standard instrument includes '*processing of extractive materials by methods such as recycling*'. The Department is satisfied that the proposed increase in vehicle movements and site use remain consistent with the definition of extractive industry under the local standard instrument. The Department supports re-using clean fill material for the purposes of re-processing/sale and to achieve a more optimal final landform.

DPIE Crown Lands, DPI Agriculture, Mining Exploration and Geoscience within the Department (**MEG**), the **DPIE Water Group** and the **Natural Resources Access Regulator (NRAR)** did not raise issues with the proposal, but several provided standard recommended conditions of consent.

5 Assessment

In assessing the merits of the proposed modification, the Department has considered the:

- modification application, accompanying Modification Report, Submissions Report and additional information provided by HQP;
- existing conditions of consent, as modified;
- advice from Government agencies and Council; and
- relevant EPIs, policies and guidelines; and
- requirements of the EP&A Act, including the objects of the Act.

The Department considers that the key issues for assessment relate to rehabilitation and final landform. Consideration of these issues is provided below, with other issues discussed further in **Table 5**.

5.1 Rehabilitation and Final Landform

The existing approved final landform is shown in **Figure 4** and the proposed final landform options are shown in **Figure 5a** and **5b**. The Department acknowledges that the two proposed final landform options are considerably different to the current approved final landform. The approved final landform is characterised by short steep outer slopes contoured at 18 and 22 degrees and a generally flat pit floor draining to a large in-pit water storage that would not discharge from site.

The proposed final landform options are characterised by lower gradient slopes (between 8 and 11 degrees) and reduced pit floor footprints. They also include a free-draining basin that would discharge to

the Cooper Creek catchment, which eventually flows to the Hawkesbury River. **Table 4** details the key differences to the existing and proposed final landform.

Table 4 | Conceptual Final Landform Comparison

Aspect	Approved landform	Concept 1	Concept 2
Annual VENM/ENM Import	NA	200,000 tpa	320,000 tpa
Total tonnage of backfill material required	Not provided	2 Mt	3 Mt
Maximum slope	22 degrees	11 degrees	8 degrees

To allow discharge from the basin, HQP propose to vary EPL 6535 to include a licence discharge point allowing for surplus water from the final landform to be discharged off-site. HQP stated it will implement any required water treatment measures to ensure discharges do not exceed any proposed limit conditions. The Department has recommended a condition to reflect this commitment.

Rehabilitation of the site is currently required to be undertaken in accordance with conditions 58 - 61 of the consent. Importantly, condition 58 sets the rehabilitation objectives including requiring the *'Final landform integrated with surrounding natural landforms as far as is reasonable and feasible, and minimising visual impacts when viewed 'from surrounding land', and requiring quarry benches to 'Landscaped and vegetated using native tree and understorey species'*.

The proposed final landforms would be suitable for native woodland vegetation and biodiversity conservation post-quarrying operations in addition to the recommencement of agricultural and horticultural activities, which would be consistent with the objectives of the site's current land use zone RU1 – Primary Production, under the Hills LEP. Also, the plant nursery would continue to operate on part of the broader Quarry site. As part of the rehabilitation strategy, HQP proposes to undertake direct seeding, hydromulching, and tube stock planting to achieve the rehabilitation outcomes.

The Department has reviewed the two conceptual final landforms provided in the Modification Report and has compared them to the approved landform and considers both conceptual landforms would:

- be more consistent with the surrounding topography;
- achieve better integration of the site into the surrounding landform;
- be more resistant to erosion
- facilitate improved vegetation establishment;
- allow reinstatement of the drainage channels to mimic a more natural setting; and
- promote a more stable final landform by using VENM/ENM in combination with processing fines and topsoil for rehabilitation.

Given the above, the Department considers that either of the proposed final landforms options would improve project rehabilitation outcomes and HQP's ability to meet the rehabilitation objectives set out in the conditions of consent. Furthermore, the existing conditions of consent require HQP to develop and implement a Landscape and Rehabilitation Management Plan to detail the rehabilitation management, monitoring and maintenance requirements for the project in accordance with the conditions of consent. The Department is satisfied that the current Landscape and Rehabilitation Management Plan can be updated and implemented to facilitate successful rehabilitation of the Quarry site.

5.2 Other Issues

The Department's consideration of other issues associated with the proposed modification is summarised in **Table 5**.

Table 5 | Summary of Other Issues

Issue	Findings	Recommendations
Traffic	The Modification Report included a Traffic Impact Assessment which assessed increasing the overall daily heavy vehicle movements from 100 to 140. The maximum hourly heavy vehicle movements would remain the same at 20. The proposal would maintain the current 80:20 distribution of heavy vehicles along the two primary transport routes and would result in a total of: • 112 heavy vehicles (80%) using Wisemans Ferry Road; and • 28 heavy vehicles (20%) using Old Northern Road. The assessment concluded that the additional heavy vehicle movements would not significantly impact the performance of key intersections and the local road network, which have been modelled to maintain Level of Service A up until 2030 and operate well within their capacity. The Department is satisfied that traffic related impacts as a result of the modification would be minimal and can be adequately managed.	The Department has recommended a condition that would limit the total daily truck movements to a maximum of 140 trucks and a condition requiring HQP to provide a Traffic Management Plan and component Driver's Code of Conduct, to be prepared in consultation with TfNSW and Council.
Air Quality	The Modification Report included an Air Quality Impact Assessment which assessed the existing and proposed operational scenarios against the EPA's air quality criteria for TSP, PM₁₀ and dust deposition and PM_{2.5}. The assessment concluded that the modification would not contribute to any exceedances of the relevant impact assessment criteria at any sensitive receivers. However, on-site monitoring showed that the background levels of PM_{2.5} exceeded the existing criteria. The EPA advised this was likely the result of poor-quality monitoring data as the onsite high volume air sampler (HVAS) monitoring equipment was reporting high levels of PM_{2.5} when compared to nearby and regional air quality monitoring stations, while reporting similar level of PM₁₀. Given PM_{2.5} is a component of PM₁₀, if onsite concentrations of PM_{2.5} were high due to local factors so would levels of PM₁₀. To verify and correct the on-site air quality monitoring of PM_{2.5} the EPA recommended conditions of approval requiring HQP to commission an expert review and Independent Environmental Audit (IEA) of the current and past air quality monitoring management system and implement any recommendations. The Department agrees and has recommended conditions of approval accordingly. The proposal also involves removing the requirement within the Air Quality Management Plan to implement measures to limit the amount of "exposed and active" land to 3 ha at any one time to allow for the storage of imported VENM/ENM. The Department acknowledges limiting the amount of exposed and active areas would limit dust emissions. However, the Department	The Department has recommended HQP undertake an expert review and IEA and implement any recommendations. The Department has recommended HQP minimise exposed and active areas of the Quarry site.

Issue	Findings	Recommendations
	considers the best way to reduce emissions is to set strong air quality criteria and for management plans to contain details on how the criteria would be met, how monitoring would be undertaken and how corrective action would be implemented should exceedances be detected. Consequently, the Department has recommended conditions of approval setting contemporary air quality criteria including for PM_{2.5}. The Department considers adherence to these criteria rather than arbitrarily limiting the operational area is the best way to allow extraction and rehabilitation to occur concurrently while protection local and regional air quality. The Department is satisfied that the air quality impacts associated with the proposal are minimal and can be managed under the existing and proposed mitigation measures in addition to the Departments recommended conditions.	
Noise	The Modification Report included a Noise Impact Assessment in accordance with the <i>NSW Noise Policy for Industry</i> (NPfI) and the <i>NSW Road Noise Policy</i> (RNP). The existing noise criteria for the Quarry were established under the <i>Industrial Noise Policy</i> (INP) and last revised during Modification 2. Whilst the assessment determined that the modification would result in substantially the same noise impacts as the existing project, potential noise increases associated with the importation of VENM and ENM at the site were predicted. The assessment concluded that the modification would result in one potential exceedance of 1 dB(A) at Receiver B. While the Department notes that increased of below 2 dB(A) are not discernible, the Department has recommended revised criteria apply at Receiver B. The assessment also concluded that impacts of road traffic noise as a result of the modification would be negligible. The Department is satisfied that the modification can be readily managed by the existing noise management framework set by the existing conditions of consent. The conditions require HQP to update the Noise Management Plan following the determination of the modification.	The Department has recommended revised noise criteria to apply at Receiver B.
Water	The modification would not result in any changes to the approved surface water regime or water management system during the Quarry's operational phase. The Department considers that any unforeseen impacts to surface and groundwater water quality and erosion and sediment control can be managed appropriately under the existing and recommended consent conditions. The Department recommends HQP update the Soil and Water Management Plan, within the overarching Water Management Plan.	No additional conditions required to manage water impacts.

Issue	Findings	Recommendations
Visual	The Department considers that the modification would not significantly alter the visual appearance of the site during operation and would result in an improved proposed final landform.	No additional conditions required to manage visual impacts.
Heritage	The Department is satisfied that the proposal is unlikely to result in any impacts to Aboriginal or historic heritage, and that any unforeseen impacts could be managed in accordance with the existing unexpected finds protocol.	No additional conditions required to manage historic or Aboriginal cultural heritage impacts
Biodiversity	The Department is satisfied that the proposed modification would not involve any vegetation clearing and create any additional biodiversity impacts and considers that any unforeseen impacts can be managed in accordance with the approved Flora and Fauna Management Plan.	No additional conditions required to manage biodiversity impacts
Social and Economic	The modification would allow the beneficial reuse of VENM/ENM material and would avoid it going to landfill. The blending of the material allows the continued employment of 10 full time employees at the Quarry and enable the continued long-term supply of construction materials to the Greater Sydney region.	No additional conditions required to manage social and economic impacts

6 Evaluation

The Department has assessed the proposed modification in accordance with the requirements of the EP&A Act, and in consultation with relevant Government agencies. The Department has undertaken a comprehensive assessment of the proposed modification's merits by taking into consideration the likelihood and magnitude of potential adverse and beneficial social, economic and environmental impacts and assessing its strategic need.

The Department notes the Sydney region is undergoing a once in a generation infrastructure boom, with several large underground motorway and metro rail projects under construction or nearing construction. These projects undertake large scale tunneling and excavation activities generating large volumes of excavated and crushed rock, known as VENM/ENM. The millions of tonnes of material that is generated every year needs an appropriate location to accept this material.

The EPA's Resource Recover Orders and Exemptions allows for beneficial reuse of VENM/ENM. The Department considers the importation of this material at local quarries for the purpose of reprocessing and for constructing the final landform to be a beneficial reuse, rather than diverting the material to landfill.

The modification proposes two final conceptual landform options that would improve HQP's ability to meet the existing rehabilitation and final landform criteria when compared to the existing approved final landform. This would be an improved outcome for Maroota, as the Quarry void would better integrate with the surrounding landform. The Department considers that the existing conditions of approval would ensure the final landform is completed and vegetated.

Also, the project would support the ongoing supply of sand to the Greater Sydney construction market and provide for the beneficial reuse of fill material. It would also secure future employment for the existing 10 full-time employees at the Quarry for an additional 5 years.

The proposal would result in minor increases to noise and dust emissions associated with increased daily truck movements and the use of the dozer associated with rehabilitation. The Department has recommended revised noise criteria to apply in accordance with the NPfl. The Department has also recommended a condition which requires HQP to commission an expert review of the air quality management system and adopt the recommendations of that review, in consultation with the EPA.

None of the State Government agencies objected to the proposal. While some agencies initially expressed concerns with the information provided, following revised assessments by HQP, all agencies subsequently considered that the impacts could be appropriately managed through strict conditions of consent and, where appropriate, made recommendations for additional conditions to be included.

The Department concludes that the positive social and economic impacts created by the proposal would outweigh any negative environmental and social impacts, which are not predicted to be significant. The Department is satisfied that the modification is in the public interest and should be approved, subject to conditions.

The Department has drafted a Notice of Modification (see **Appendix D**) and a consolidated version of the development consent (see **Appendix E**). HQP has reviewed the proposed conditions and accepts them.

7 Recommendation

It is recommended that the A/Director, Resource Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application Roberts Road Quarry Modification 4 falls within the scope of section 4.55(2) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **agrees** with the key reasons for approval listed in the draft notice of decision;
- **modify** the consent DA 267-11-99
- **signs** the attached approval of the modification.

Recommended by:



12 August 2021

Joel Herbert
Environmental Planning Officer
Resource Assessments

8 Determination

The recommendation is **Adopted** by:



13 August 2021

Carl Dumbleton
A/Director
Resource Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendices should follow this general layout but may be modified for specific reporting needs where necessary:

Appendix A – Modification Report

See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/25871>

Appendix B – Agency Advice

See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/25871>

Appendix C – Submissions Report

See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/25871>

Appendix D – Notice of Modification

See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/25871>

Appendix E – Consolidated Consent

See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/25871>