



Karuah East Quarry Project

Acoustics Modification

*State Significant
Development
Modification Assessment
(MP 09_0175 MOD 8)*



December 2020

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Cover photo

Enclosed jaw crusher at Karuah East Quarry (ADW Johnson Pty Ltd, 2019)

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Executive Summary

Karuah East Quarry Pty Limited (KEQ), a wholly-owned subsidiary of Hunter Quarries Pty Limited, operates the Karuah East Quarry Project (Karuah East) located approximately 5.5 kilometres northeast of Karuah in the MidCoast local government area. Karuah East is a hard rock quarry which meets the demands of construction industries in the Hunter Region.

KEQ is proposing to modify the development consent for the quarry to allow a small increase in the day-time operational noise criteria for Karuah East's operations. The application has been submitted under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Despite extensive mitigation measures implemented at the quarry – including cladding of the primary jaw and secondary cone crushers and purchase of acoustically-treated generator sets – KEQ has not been able to meet the applicable noise criteria under its existing consent at the nearest receivers. These mitigation measures were implemented in response to a Pollution Reduction Program (PRP) undertaken under the quarry's Environment Protection Licence (EPL) in 2019.

Whilst the PRP achieved significant reductions in the noise emissions from the quarry, KEQ has struggled to meet the existing noise criteria at some receivers. Given the extent of noise mitigation already implemented at the site, further reasonable and feasible mitigation measures are considered unlikely to result in any material benefits.

The issue can be traced back to the original noise assessment for the quarry, which adopted unrealistically low sound power levels for some plant and equipment. As the criteria in the existing consent are based on modelled noise predictions, this resulted in the adoption of lower noise criteria at some receivers than would otherwise have been adopted if more accurate sound power levels were used.

To support the proposed modification, KEQ has prepared a contemporary noise impact assessment in accordance with the NSW *Noise Policy for Industry*. The noise assessment remodelled the noise predictions of the quarry operations and site layout as currently operated to produce more realistic predictions of noise impacts for residential receptors.

After receiving the modification application and accompanying Statement of Environmental Effects (SEE), the Department:

- exhibited the application and SEE for 14 days from 26 July until 8 August 2019: and
- referred the application to the EPA and MidCoast Council.

No public submissions were received. The EPA provided comments on the proposal, while MidCoast Council did not provide comments or object to the modification.

The Department has carefully considered the modification's impacts on the noise environment surrounding the quarry.

While the noise criteria at receivers would increase from the approved development, the Department is satisfied that the original noise criteria were based on unrealistically low sound power levels and notes that the revised noise criteria would still remain generally below the project-specific noise level criteria established for the original development. The Department is therefore satisfied that the predicted noise emissions from the quarry would be

generally compliant with criteria established under the NSW *Noise Policy for Industry*, and that the proposal would not result in any discernible change to the noise levels currently experienced at receptors.

The Department believes that the recently implemented noise attenuation measures, coupled with the conditions of consent, would appropriately mitigate and manage noise impacts from the Karuah East quarry.

The Department considers that the development, as modified, is in the public interest and is approvable.



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1. Introduction

1.1 Background

Karuah East Quarry Pty Limited (KEQ), a wholly-owned subsidiary of Hunter Quarries Pty Limited (Hunter Quarries), operates the Karuah East Quarry Project (Karuah East), located approximately 5.5 kilometres (km) northeast of the township of Karuah in the MidCoast local government area (see **Figure 1**). The Pacific Highway is located to the south of the quarry.

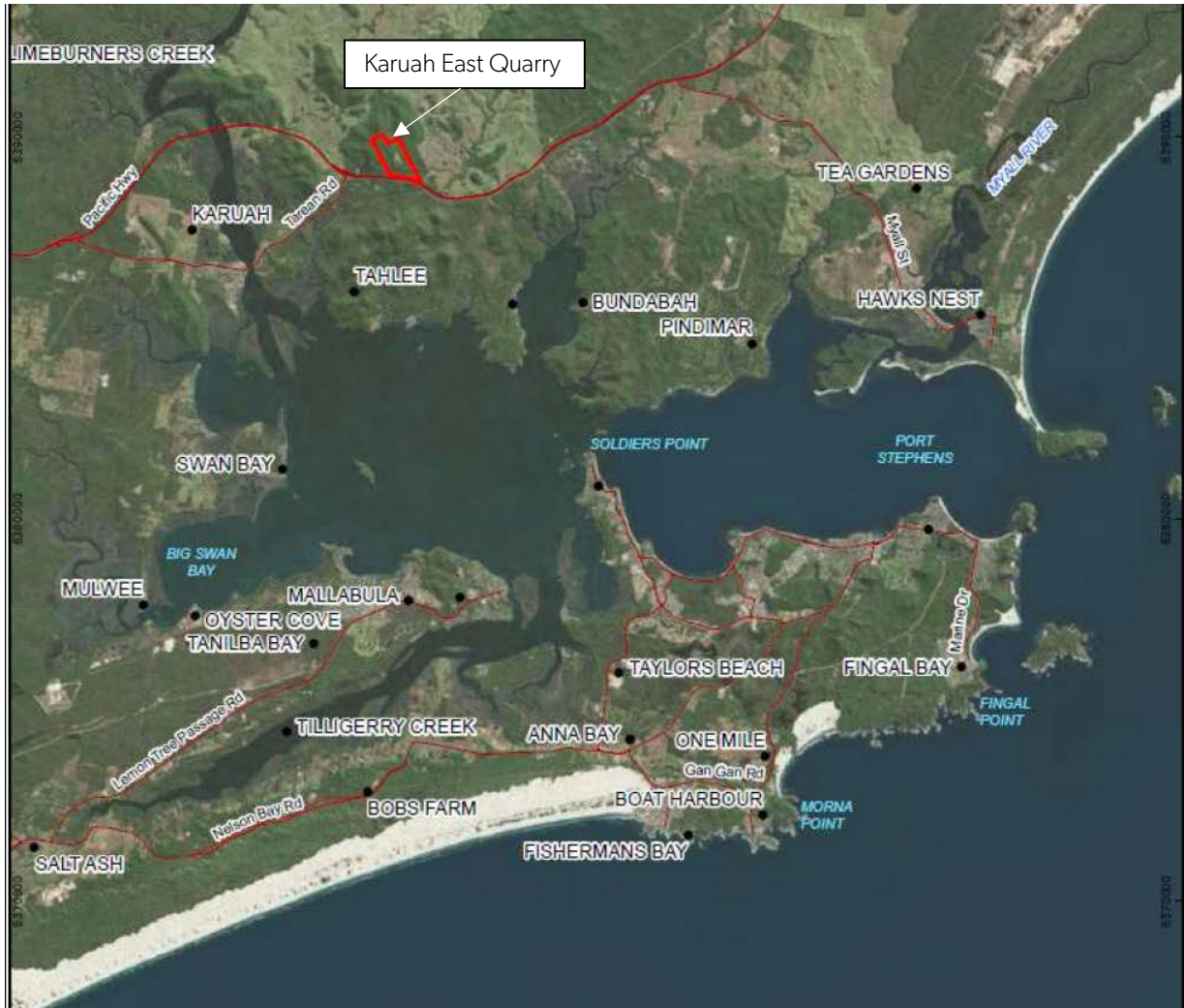


Figure 1 | Site Location

Karuah East operates under State significant development consent MP 09_0175, which was approved under the former Part 3A of the *Environment Planning and Assessment Act 1979* (EP&A Act) in June 2014.

Under the consent, Karuah East is approved to:

- extract, process and transport up to 1.5 million tonnes of hard rock per year for 20 years until 31 December 2034;
- construct and operate processing, storage facilities and supporting infrastructure;

- construct and use an access road;
- transport extracted material off site by road; and
- progressively rehabilitate the site.

Karuah East meets the hard rock demands of construction industries in the Hunter Region.

Karuah East operates separately from the adjoining Karuah Hard Rock Quarry to the west (see **Figure 2**), owned by an associated entity of Hunter Quarries. The Karuah Hard Rock Quarry was originally established under a development consent granted by Great Lakes Shire Council in 1997, and currently operates under a development consent (DA 265_10_2004) granted in 2005, that allows quarrying operations until 03 June 2027.

1.2 Approval History

On 25 January 2019, the original project approval for Karuah East was transitioned from the former Part 3A to a State significant development under clause 6 of Schedule 2 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (EP&A (STOP) Regulation).

The development consent has been modified on two occasions, as outlined in **Table 1**.

Table 1 | Summary of Modifications

Modification Number	Summary of Modification	Approval Authority	Type	Approval Date
MOD 1	Increased site disturbance	Minister	s 75W	27 April 2018
MOD 2	Increased site disturbance and improved water management	Minister	s 75W	19 December 2018
MODs 3 – 7	Modifications proposing vegetation clearing and administrative changes	NA	s 75W	Withdrawn

As outlined in **Table 1**, KEQ had previously proposed a number of modifications (Mods 3 to 7), which were later withdrawn. These applications were lodged prior to the conclusion of the transitional arrangements for Part 3A, however the applications were eventually withdrawn by KEQ as it was unable to submit the respective Environmental Assessments (EAs) within the required timeframe.

Accordingly, while the subject application would constitute the third modification of the consent, it is referred to as Modification 8.

1.3 Modification Rationale

A relatively small number of sensitive receivers are located in the vicinity of the Karuah East quarry, with the closest located approximately 600 metres from the quarry (see **Figure 2**). Receivers to the south-west of the quarry are located across the Pacific Highway, with the existing noise environment influenced by traffic noise on the highway.

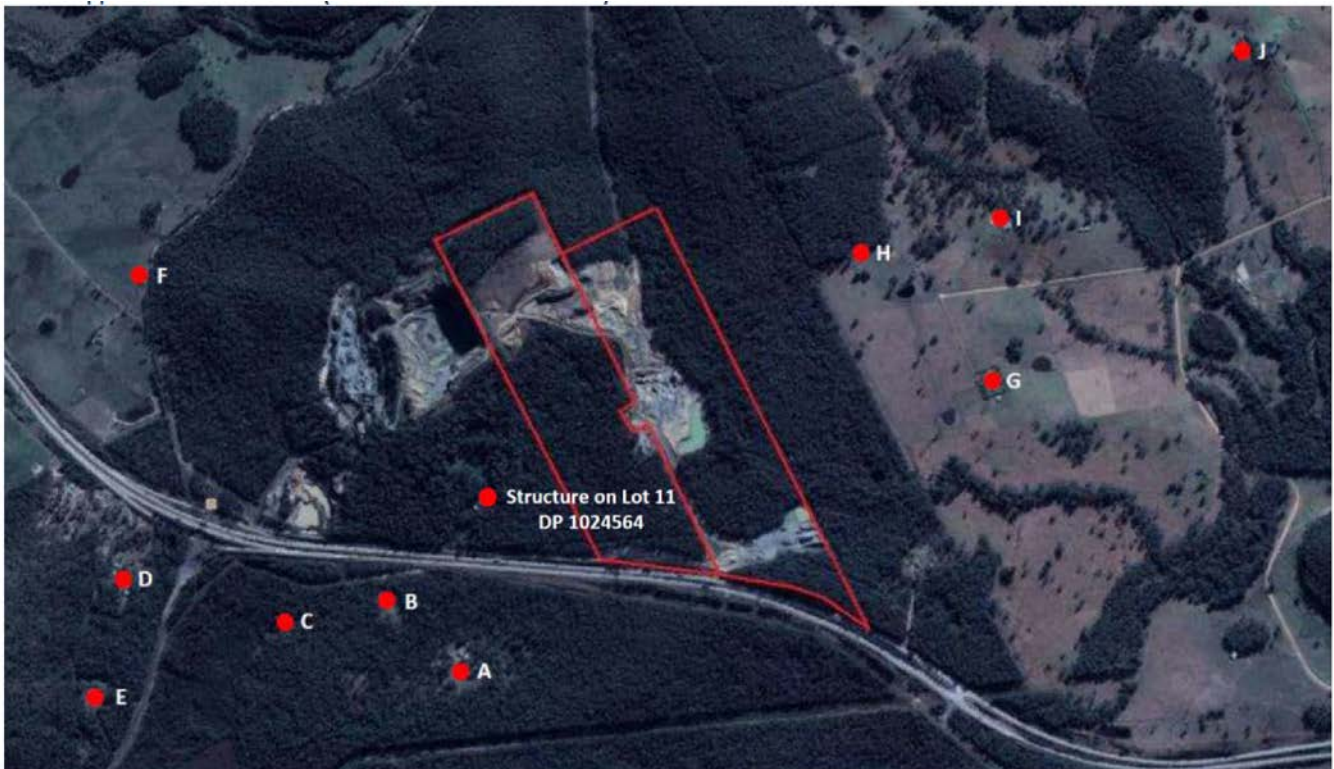


Figure 2 | Aerial Photo and Receivers

The EA for the original project application included a noise impact assessment to assess noise impacts on surrounding receivers. The noise assessment included predictions of noise levels to be generated at surrounding receivers, and these predictions were used to develop the noise criteria in the subsequent project approval.

However, the original noise assessment was based on assumed sound power levels for some plant and equipment that were quieter than the sound power levels of the actual equipment that was subsequently installed at the quarry. Consequently, the original modelling under-predicted the noise levels that would be experienced at some receivers, and KEQ has had difficulty meeting the noise criteria in the consent.

In January 2019, the EPA added a Pollution Reduction Program (PRP) on EPL 20611 which required KEQ to engage an acoustics engineer to investigate noise mitigation measures for all plant and equipment at the site that could be implemented to meet the consent noise criteria. KEQ undertook the acoustic study and provided a report to the EPA in May 2019.

Based on recommendations in the report, KEQ undertook a number of reasonable and feasible noise mitigation measures, including:

- enclosing the jaw crusher with 100 mm thick concrete panels on the north, east and south sides to a Sound Transmission Class (STC) of 40, and the roofing materials installed with an acoustic rating of STC 28 (see **Figure 3**);
- enclosing the cone crushers in a building with its northern and eastern walls clad with materials that have an acoustic rating of STC 28 (see **Figure 4**); and

- purchasing and use of generator sets which incorporate acoustically treated exhaust systems and cooling systems, including complete enclosure of the engine and generator.



Figure 3 | Primary Jaw Crusher Enclosure



Figure 4 | Secondary Cone Crusher Enclosure

KEQ was able to demonstrate to the EPA at a site meeting in June 2019 that significant reductions in measured noise levels from the site were achieved due to the implementation of the mitigation measures. However, despite implementing these reasonable and feasible mitigation measures, KEQ has identified that the quarry is still unable to meet the consent noise criteria.

KEQ initially approached the EPA to seek a variation of its EPL to permit higher noise limits however the EPA advised that it would not consider amending the noise limits in the quarry's EPL 20611 without a comprehensive assessment of background noise levels and a modification to their existing development consent.



2. Proposed Modification

In July 2019, KEQ submitted a modification application under section 4.55 (1A) of the EP&A Act, seeking to increase the noise criteria in development consent MP 09_0175 (as modified) and to include additional receivers which were not included in the original consent.

The application was accompanied by a Statement of Environmental Effects (SEE) (see **Appendix A**). The proposed revised noise criteria are based on the findings of a detailed noise impact assessment, which supported the SEE.

The proposed noise criteria are detailed in Section 5 below.

The proposed modification does not involve any other changes to the approved quarry, such as extraction and transportation rates, hours of operation or layout of the development.



3. Statutory Context

3.1 Scope of Modification

The Department has reviewed the scope of the modification application and is satisfied that it can be characterised as a modification involving minimal environmental impacts under Section 4.55(1A) of the EP&A Act, as the proposal:

- remains substantially the same development as originally approved, as the extraction and transportation rates, extraction methods, processing, operational activity and rehabilitation requirements would not change;
- would not involve any further disturbance outside the already approved disturbance areas for the development; and
- would not result in significant noise impacts on surrounding receivers (see Section 5).

3.2 Consent Authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act.

As KEQ has not reported any political donations, Council did not object to the modification, and no public objections were received, the Director Resource Assessments may determine the application under the Minister's delegation dated 9 March 2020.

3.3 Objects of the EP&A Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department has assessed the proposed modification against the objects of the EP&A Act, the most relevant of which are:

- Object 1.3(a): *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources;*

- Object 1.3(b): to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment;
- Object 1.3(c): to promote the orderly and economic use and development of land;
- Object 1.3(e): to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats; and
- Object 1.3(j): to provide increased opportunity for community participation in environmental planning and assessment.

The Department considers that the modification maintains the proper management and development of the quarry resource (Object 1.3 (a)) and does not impinge on the orderly and economic use of the land (Object 1.3 (c)), as the modification involves a permissible land use on the subject land, would be carried out within the existing quarry site, and would maintain socio-economic benefits to the community and NSW.

The Department has considered the principles of ecologically sustainable development (ESD, Object 1.3(b)) in its assessment of the proposed modification. The Department has also noted KEQ's consideration of these matters in the EA for the original application and considers that quarrying operations, as modified, would remain consistent with the principles of ESD. The Department has sought to integrate all significant environmental, social and economic considerations into its assessment.

The Department considered the protection of the environment and heritage, including Aboriginal cultural heritage (Objects 1.3(e) and(f)) in the original EA. The Department is satisfied that the modification, as proposed, would not significantly increase the quarry's environmental impacts.

The Department exhibited the modification application (Object 1.3(j)). No submissions from the public or special interest groups were received.

3.4 Other Licences

KEQ currently holds EPL 20611 issued under the *Protection of the Environment Operations Act 1997* for its extractive industry activities. The EPL would be updated to reflect the modified development consent.



4. Engagement

4.1 Department's Engagement

Although clause 117 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) does not require modification applications under section 4.55 (1A) to be made publicly available, the Department nonetheless placed a public exhibition notice in the *Port Stephens Examiner* and *Newcastle Herald* on 25 July 2019, and publicly exhibited the application and supporting documents from Friday 26 July until Thursday 8 August 2019 on the Department's website.

Electronic copies of the documents were available to be viewed at the Department's offices or at any Service NSW Centre. Hard copies of the documents were made available at:

- the Nature Conservation Council NSW office;
- the Tea Gardens Library;
- MidCoast Council's offices in Forster; and

- the Karuah Post Office.

The Department also invited the EPA and MidCoast Council to comment on the modification (see **Section 4.2**).

In response to the exhibition, the Department only received advice from the EPA (see **Appendix B**). No submissions were received from MidCoast Council or the community.

4.2 EPA Advice

The EPA advised that the noise assessment supporting the modification contained several discrepancies and requested additional information. In particular, the EPA identified that the calculations of the rating background levels (RBLs) for the establishment of background noise levels and project noise trigger levels were inconsistent with the NSW *Noise Policy for Industry* (NPfI) methodologies, and therefore may not be representative of the noise environment at the receivers.

The EPA also requested that KEQ justify the sound power levels of plant and equipment included in the noise model and demonstrate that all reasonable and feasible noise mitigation measures had been considered.

Following the provision of additional information and consultation with KEQ, the EPA advised that its residual issues had been addressed and provided recommended conditions including recommended noise limits and noise monitoring and management provisions.



5. Assessment

The Department has assessed the merits of the proposed modification in accordance with the relevant objects and requirements of the EP&A Act. In assessing these merits, the Department has considered the:

- EA for the original project;
- EAs for previous Modifications 1 and 2;
- SEE for this modification;
- relevant EPIs; and
- existing conditions of the consent.

The Department considers that the key issue for assessment of the modification is the operational noise impact on surrounding residential receptors. This issue is discussed in **Section 5.1**, while other issues are addressed in **Section 5.2**.

5.1 Noise

The noise criteria for the existing Karuah East Quarry (as outlined in condition 3 of schedule 3 of the consent) were established in accordance with the provisions of the former *NSW Industrial Noise Policy* (INP), and the Department's standard policy for setting noise criteria for extractive industry projects.

In this regard, the INP sets 'intrusive' project specific noise level (PSNL) criteria at sensitive receivers based on the background noise level at the receiver (known as the rating background level, or RBL), plus 5 decibels¹. For example, if the RBL is 40dB, the intrusive noise level criterion is 45 dB $L_{Aeq}(15min)$ at that receiver.

¹ The INP also requires consideration of amenity noise levels to derive PSNLs, however this is not relevant to this development.

Based on these PSNLs, applicants then undertake predictive modelling to confirm whether the operational noise from the proposed development meets the PSNL criteria at each receiver. If so, the Department generally sets the operational noise criteria for the development at the predicted noise level at each receiver. The Department does not generally set the noise criteria at the PSNL, as this would essentially allow operators to generate more noise than they predict (where the PSNL is higher than the predictions).

The PSNLs and the noise criteria in the consent based on the modelled predictions from the original noise assessment, are shown in **Table 2**. The consent only includes daytime criteria, as the consent restricts quarrying operations to the day time only².

Table 2 | PSNLs and Noise Criteria for the Existing Quarry, dB L_{Aeq}(15min)

Receiver	PSNL	Criteria (Day) in Consent
Residence on Lot 11 DP 1024564 ¹	49	43
A	49	40
B	49	37
G	39	38
All other residences ²	49	35

¹ It has since been confirmed by the Department and MidCoast Council that there is no legal residence on Lot 11, and therefore this receiver is no longer considered a sensitive receiver. It is also noted that the owner of the structure on this lot is seeking to establish a quarry on Lot 11, and that the structure is within the project quarry pit.

² Applies to Receivers C, D, E and F.

As indicated in **Table 2**, the criteria in the consent are generally well below the PSNLs established under the INP, as the original noise modelling for the development predicted noise levels at receivers well below the PSNLs.

However, KEQ has since identified that the assumptions in the original noise modelling undertaken by SLR Consulting (referred to as the SLR assessment) utilised unrealistically low sound power levels (SWLs) for certain plant and mobile equipment and is not reflective of the current layout of the quarry as developed. This led to under-predictions of the noise levels at surrounding receivers, which then flowed through to inform the noise criteria in the consent.

As outlined in Section 1, KEQ has had difficulty in meeting the noise criteria in the consent at some surrounding receivers, which led to the EPA requiring a Pollution Reduction Program (PRP) on the Environment Protection Licence (EPL) for the quarry. KEQ has since implemented a number of reasonable and feasible mitigation measures under the PRP, but is still struggling to comply with the noise criteria in the consent. Investigations indicate that additional reasonable and feasible noise mitigation measures are unlikely to reduce operational noise levels further and as such, KEQ is proposing to increase the operational noise criteria in the consent.

To support the proposed modification, KEQ has commissioned a revised noise assessment, undertaken by Thearle Acoustics in accordance with the contemporary standards in the *NSW Noise Policy for Industry* (NPfI) (hereafter referred to as the Thearle noise assessment).

The Thearle noise assessment includes a revised assessment of PSNLs³ based on additional background noise monitoring and has revised its predictive modelling based on updated sound power levels for actual project-

² The consent limits quarrying operations to 7:00am to 6:00pm Monday to Friday, and 7:00am to 1:00pm Saturdays.

³ PSNLs are now referred to under the NPfI as project noise trigger levels, but are referred to here as PSNLs for consistency.

related plant and equipment. The assessment also includes consideration of noise impacts at some receivers which were not considered in the original SLR assessment, including Receivers H, I and J.

The EPA initially raised some technical issues regarding the revised noise assessment, including the derivation of the revised RBLs and the revised PSNLs, as well as aspects of the noise modelling (including sound power levels and mitigation measures).

However, following a number of meetings and additional consultation between the EPA and KEQ in 2019 and 2020, the EPA confirmed its satisfaction with the revised noise assessment. It subsequently provided recommended conditions for the modification including revised noise limits, as well as monitoring, management and reporting requirements.

A summary of the revised RBLs, PSNLs, worst cased noise predictions, the EPA's recommended noise limits, as well as the Department's recommended revised noise criteria, is provided in **Table 3**.

Table 3 | Revised Noise Assessment Predictions (exceedance in bold)

Receiver	RBL, dBA	PSNL dB LAeq(15min)	Predicted Worst Case Noise Level dB LAeq(15min)	EPA Recommended Noise Limit² dB LAeq(15min)	Department's Recommended Noise Criteria³ dB LAeq(15min)
A	44	49	42	-	42
B	44	49	36	-	40
C	44	49	37	-	40
D	44	49	34	-	40
E	44	49	39	-	40
F	35 ¹	40	26	-	40
G	39	44	43	43	43
H	38	43	45	45	45
I	35	40	40	40	40
J	35	40	<35	-	40

¹ Assumed RBL. Location F would be unaffected by the quarry.

² The EPA only provided recommended noise limits for the most affected representative receivers (ie. those with predicted noise levels near or above the PSNLs).

³ The Department's recommended noise criteria are based on the noise predictions and the NPfl, which sets a minimum PSNL of 40 dBA for the day time period.

The revised noise assessment indicates that the quarry complies with the applicable PSNLs at all surrounding receivers, with the exception of Receiver H, which may experience a minor exceedance of up to 2 dB during worst case operating conditions. Such an exceedance would not be discernible by the average listener.

Under the Department's *Voluntary Land Acquisition and Mitigation Policy (VLAMP)*, noise exceedances of up to 2 dB (following application of all reasonable and feasible mitigation measures) are considered negligible, and do not warrant additional receiver-based treatments or controls.

It is noted that the revised PSNLs are generally consistent with those established in the original noise assessment, and that the predicted noise levels are generally below the original PSNLs. As such, if the original noise

modelling was undertaken using the correct sound power levels, it would have likely resulted in higher noise criteria in the consent (while still within the PSNLs).

The only exception to this is Receiver G, which has a revised PSNL of 44dB, compared to the original PSNL of 39dB. This matter was considered in detail by the EPA. As outlined above, following additional detailed consultation and provision of additional noise data and advice, the EPA is now satisfied that the revised RBL and PSNL for Receiver G (and other receivers) are appropriate.

Given that the noise level predictions are no higher than the original PSNLs (or the correctly established PSNL for Receiver G), the Department is satisfied that the noise impacts associated with the quarry are compliant with the noise criteria established under the applicable NPfl, with the exception of a negligible exceedance at Receiver H.

Consequently, the Department is satisfied that the development is unlikely to result in any significant operational noise impacts on surrounding receivers. The Department is also satisfied that the proposed modification would not result in any significant change to cumulative, traffic or construction noise levels associated with the quarry.

To manage ongoing noise emissions from the development, the Department has recommended conditions requiring KEQ to:

- comply with contemporary noise criteria based on the revised noise assessment predictions;
- comply with updated best practice noise operating conditions; and
- prepare and implement an updated Noise Management Plan for the development, including an updated noise monitoring program.

The Department also notes that the EPA has recently increased the monitoring frequency on the quarry under EPL 20611 from annual to quarterly monitoring, and this has been reflected in the updated Noise Management Plan.

5.2 Other Issues

The Department’s consideration of other issues associated with the modification is summarised in **Table 4**.

Table 4 | Summary of other issues considered

Issue	Findings	Recommended Condition
Biodiversity	<ul style="list-style-type: none"> • The Department considers that the modification would not impact biodiversity. 	<ul style="list-style-type: none"> • No changes to conditions of consent required.
Water	<ul style="list-style-type: none"> • The Department considers that the modification would not impact water quality or quantity. 	<ul style="list-style-type: none"> • No changes to conditions of consent required.
Air Quality	<ul style="list-style-type: none"> • The Department considers that there has been a net benefit to air quality following the enclosure of the jaw and cone crushers. 	<ul style="list-style-type: none"> • No changes to conditions of consent required.
Traffic	<ul style="list-style-type: none"> • The Department considers that the modification would not create additional traffic or road noise impacts. 	<ul style="list-style-type: none"> • No changes to conditions of consent required.
Heritage	<ul style="list-style-type: none"> • The Department considers that the modification would not create additional heritage impacts. 	<ul style="list-style-type: none"> • No changes to conditions of consent required.



6. Evaluation

The Department has assessed the merits of the modification in accordance with the requirements of the EP&A Act. The modification and accompanying documentation demonstrate that revising the approved operational noise criteria for the Karuah East Quarry would not adversely impact the amenity of the surrounding community, or the environment.

The Department is satisfied that KEQ is implementing all reasonable and feasible measures to attenuate noise from its operations, including enclosing both the jaw and cone crushers, and using acoustically treated generators, which are all significant sources of noise.

While the noise criteria at receivers would increase from the approved project, the Department is satisfied that the revised noise criteria are a more accurate reflection of the operations, are still generally below the PSNLs established for the original development and would not result in any discernible change to existing noise levels at surrounding receptors. Following consideration of the PSNLs and predicted noise impacts, the Department is satisfied that the proposal would not result in any significant noise impacts on surrounding receivers.

KEQ would still be required to implement best practice measures to mitigate operational noise impacts and review and update its Noise Management Plan to reflect the modification. The Department also notes that the quarry only operates during daytime hours and would not result in any noise impacts on residences during the more sensitive evening and night time periods. Therefore, the Department considers that the modification is in the public interest and can be approved.

In recommending conditions in relation to the modification, the Department has also taken the opportunity to contemporise a number of existing consent conditions to align with current best practice.

The Department has prepared a Notice of Modification (see **Appendix C**) to the existing consent. It has also prepared a consolidated version of the Karuah East Quarry development consent (see **Appendix D**).

KEQ has reviewed the proposed modified conditions of consent and has not objected to their imposition.



7. Recommendation

It is recommended that the 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 MP 09_0175 MOD 8 falls within the scope of section 4.55(1A) 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 grant approval to the application;
- **modifies** the development consent MP 09_0175; and
- **signs** the attached approval of the modification (see **Attachment C**).

Recommended by:

22/12/2020

Nagindar Singh
Senior Environmental Assessment Officer
Resource Assessments

Recommended by:

22/12/2020

Colin Phillips
Team Leader
Resource Assessments



8. Determination

The recommendation is: **Adopted by:**

22/12/2020

Matthew Sprott
Director
Resource Assessments
as delegate of the Minister for Planning and Public Spaces



Appendices

Appendix A – Statement of Environmental Effects

<https://www.planningportal.nsw.gov.au/major-projects/project/15386>

Appendix B – Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/15386>

Appendix C – Notice of Modification

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