

# Badgerys Creek Quarry & Brickworks Modification 5

# Importation of ENM and storage of building products

State Significant Development Modification Assessment (MP 10\_0014 Mod 5) January 2022



NSW Department of Planning and Environment | dpie.nsw.gov.au

Published by the NSW Department of Planning and Environment

#### dpie.nsw.gov.au

Title: Badgerys Creek Quarry and Brickworks Modification 5

Subtitle: Importation of ENM and storage of building products

Cover image: Badgerys Creek Quarry and Brickworks (Department of Planning, Industry and

Environment, 2019)

© State of New South Wales through Department of Planning and Environment 2022. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (January 2022) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

## **Executive Summary**

CSR Building Products Limited (CSR) owns and operates the Badgerys Creek clay/shale quarry and brick making facility located approximately 25 kilometres southwest of Parramatta in the Liverpool City local government area.

On 27 September 2011, the quarry was granted a project approval (MP 10\_0014) by the then Minister for Planning and Infrastructure for the Badgerys Creek Quarry and Brick Making Project under the now repealed Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The project was transitioned to a State significant development on 13 August 2021.

On 12 October 2021, CSR submitted a modification application and supporting Modification Report under section 4.55(1A) of the EP&A Act to modify the development consent to allow for the receipt of Excavated Natural Material (ENM) and finished building materials manufactured at other CSR sites. The ENM, combined with the already approved Virgin Excavated Natural Material (VENM), would be used for rehabilitating quarry voids. The receipt, temporary storage and subsequent dispatch of the finished building products would cease when the approved brick making at the site commences.

Exhibition or notification of an application to modify a consent under section 4.55(1A) is not required by the EP&A Act. The Department made the Modification Report publicly available on its website from 3 November 2021 and sought comments from the Environment Protection Authority (EPA), the Water Group within the Department, Transport for NSW, Liverpool City Council and Mining, Exploration and Geosciences (MEG) within the Department of Regional NSW. None of these agencies objected to the modification.

The key issue identified is the potential contamination risk due to the imported ENM not meeting the requirements of EPA's resource recovery orders and exemptions. CSR committed to, and the Department has recommended a condition for, the preparation of a Fill Management Plan which would ensure this contamination risk is minimised or avoided by strictly importing fill materials that meet the resource recovery requirements.

The Department is satisfied that the modification is unlikely to increase the development's approved traffic, noise, water resources, biodiversity, cultural heritage and air quality impacts, which would all continue to be managed by existing conditions of consent.

The modification affords CSR operational flexibility and more certainty in its ability to source fill materials (ENM/VENM) for beneficial reuse at the site for rehabilitation. The development would continue to create socio-economic benefits through local employment and the supply of building materials to the construction industry.

Based on its assessment, the Department considers that, on balance, the modification's socioeconomic impacts outweigh any potential environmental impacts, the modification is in the public interest and is approvable subject to the recommended conditions.

# **Contents**

1	Intro	Introduction			
	1.1	Background	1		
	1.2	Approval History	2		
	1.3	Regional Context	3		
2	Proj	posed Modification	3		
	2.1	Modification Application	3		
	2.2	Justification	4		
3	Stat	utory context	4		
	3.1	Scope of Modification	4		
	3.2	Consent Authority	4		
	3.3	Mandatory Matters for Consideration	5		
	3.4	Other Approvals	6		
4	Eng	agement	7		
	4.1	Department's Engagement	7		
	4.2	Agency Advice	7		
	4.3	Additional Information	7		
5	Ass	essment ·····	7		
6	Eva	luation	10		
7	Rec	ommendation	12		
8	Dete	ermination	12		
Арр	endic	es ·····	13		
	App	endix A – Modification Application and Modification Report	13		
	App	endix B – Agency Advice	13		
	App	Appendix C – Additional information1			
	App	Appendix D – Notice of Modification1			
	App	Appendix E – Consolidated Consent			

## 1 Introduction

#### 1.1 Background

CSR Building Products Limited (CSR) owns and operates a clay / shale quarry and brick making facility in Badgerys Creek, approximately 25 kilometres (km) southwest of Parramatta in the Liverpool City local government area (**Figure 1**). Operations have been occurring on the site since 1976.

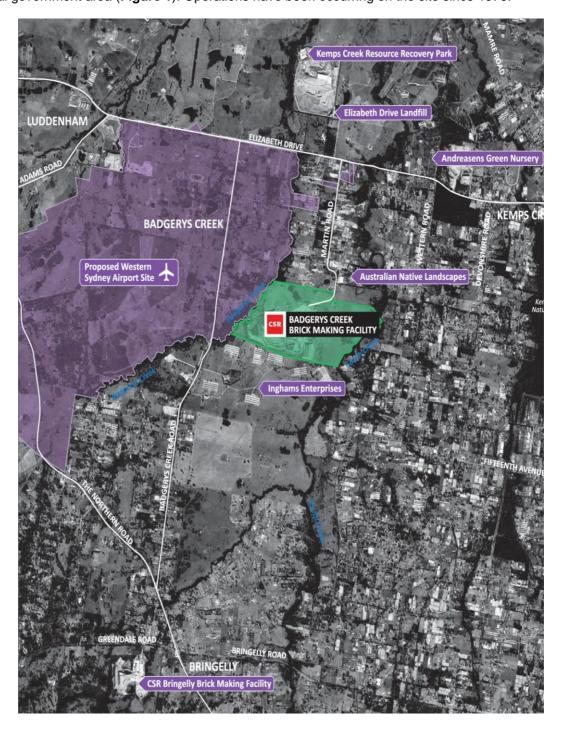


Figure 1 | Regional Context Map

The site is approximately 200 hectares (ha) in size. Badgerys Creek is located to the west, South Creek to the east, the former Ingham's chicken farm to the south and Australian Native Landscapes and rural residential properties to the north. The Western Sydney Airport is located on the west of the site.

The majority of the site has been historically cleared for agricultural and previous quarrying activities. Limited remnant vegetation occurs on the site and is primarily located along the creek lines and in isolated stands of scattered trees.

Access to the site is via a private road off the southern end of Martin Road, which joins Elizabeth Drive at a T-junction intersection to the north of the site. The nearest private residences are located approximately 30 metres (m) to the north along Lawson Road, with the next nearest groups of residences located between 500 and 600 m away along Victor Avenue/Ramsey Road to the southeast of the site and along Leggo and Fuller Streets to the west.

#### 1.2 Approval History

The quarry commenced operations under a development consent granted by the then Local Government Appeals Tribunal. On 27 September 2011, the then Minister for Planning and Infrastructure granted a project approval (MP 10\_0014) and Concept Plan Approval (PA 10\_0033) for the Badgerys Creek Quarry and Brick Making Project under the now repealed Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). On 13 August 2021, the project was transitioned to a State significant development under clause 6 of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017.* 

The development consent has been modified on four occasions, details of which are included in **Table 1**.

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Туре	Approval Date
MOD 1	Deferral of several obligations under the development consent for the duration of the shutdown period, including road upgrading, meteorological monitoring and environmental auditing and reporting.	Minister	S75W	9 May 2013
MOD 2	Export of up to 275,000 tpa of raw materials from the site, temporary storage of finished building products on the site and changes to approved hours of operation and noise mitigation.	Minister	S75W	5 May 2018
MOD 3 & MOD 4	Expand and upgrade the existing brick making facility, construct an innovation centre and an accredited advanced testing laboratory, dewatering of Pits 1, 2 and 3, increase in the amount of raw material imported to the site, increased brick production and transportation from the site and increased truck movements for VENM supply.	Minister	S75W	10 August 2020

The development consent (as modified) allows the extraction of up to 420,000 tonnes per annum (tpa) of clay /shale from Pit 3 until 27 September 2031 and the establishment of an extended brick manufacturing facility with a production rate of up to 300,000 tpa of bricks and roof tiles. CSR is currently permitted to import Virgin Excavated Natural Materials (VENM) for rehabilitation of Pits 1, 2 and 3 by backfilling.

#### 1.3 Regional Context

The quarry extracts a clay/shale resource which is identified in Schedule 1 of the *Sydney Regional Environmental Plan No 9 – Extractive Industry (No 2 – 1995)* to be of regional significance. Extraction at the quarry supplements clay/shale extracted for the brick making industries in the nearby Luddenham Quarry located on the western side of the Western Sydney Airport.

The Greater Sydney Regional Plan, *A Metropolis of Three Cities*, sets out the Greater Sydney Commission's vision to 2056 for the Western Parkland City, the Central River City and Eastern Harbour City. This Plan recognises the availability of clay within Greater Sydney and the need to protect the resource given its importance in supporting the construction industry to meet the objectives of the regional plan.

The region is changing rapidly with the development of the Airport on the west of the site and the commencement on 1 October 2020 of the *State Environmental Planning Policy (Western Sydney Aerotropolis)* 2020 (Aerotropolis SEPP). The area is expected to transition to urban / industrial purposes over the coming years in accordance with the *Western Sydney Aerotropolis Plan* (Aerotropolis Plan).

The site has been zoned Enterprise under the Aerotropolis SEPP. Accordingly, the quarry voids (existing and proposed) would need to be successfully rehabilitated to create the approved final landform by backfilling of the voids to natural ground level. The importation of Excavated Natural Material (ENM) proposed in the modification, in addition to the already approved VENM, would ensure rehabilitation can be completed and the site's final landform would be suitable for development under the Aerotropolis Plan.

# 2 Proposed Modification

#### 2.1 Modification Application

On 12 October 2021, CSR submitted a modification application and supporting Modification Report (**Appendix A**) under section 4.55(1A) of the EP&A Act to amend the consent MP 10\_0014 to:

- permit the importation of ENM, in addition to the already approved VENM, for use as fill material for the rehabilitation of quarry voids to ground level; and
- receive, temporarily store and dispatch finished building products at/from the site.

The modification is not seeking to amend the approved trucking movement limits. The proposed activities would be undertaken within the approved limits.

The finished building products (bricks, roof tiles, plasterboards, concrete and insulation products) would be manufactured at other CSR manufacturing facilities. Once received at the site, these products would

be temporarily stored at the existing hard stand storage yard, located to the east of the brick factory. Deliveries of finished products and quantities stored at the site would continue until brick making at the site recommences, which is not anticipated for some years.

The proposed modification would not increase the approved disturbance footprint, or amend the extraction rate, transportation limits of receival and dispatch of raw materials, finished products and VENM/ENM fill materials, the operating hours, the workforce or quarry life.

#### 2.2 Justification

CSR submits the inclusion of ENM for backfill material would ensure that the quarry would have a regular source of ENM or VENM for its site rehabilitation effort. CSR asserts that VENM would not always be available to it in volumes required to meet rehabilitation timing and at rates stipulated in the consent conditions, given the current high demand for clean fill material in major construction projects in Greater Sydney. ENM importation affords CSR flexibility in its operations while ensuring rehabilitation of the quarry voids would be undertaken in a timely manner.

Similarly, CSR's proposal to receive and temporarily store finished building products at the site would afford it operational flexibility and efficiency, and continuity of business at times when CSR manufacturing sites continue to produce building products and there is a respite in their demand by the construction industry for reasons ranging from a slow construction period to restrictions on construction works.

## 3 Statutory context

#### 3.1 Scope of Modification

The Department has reviewed the scope of the modification and considers that it:

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

The Department is therefore satisfied that the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act.

#### 3.2 Consent Authority

The Minister for Planning (the Minister) is the consent authority for the modification application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation of 26 April 2021, the Director Resource Assessments, may determine the modification application as:

Liverpool City Council did not object to the proposal;

- CSR did not report any political donations; and
- less than 15 public submissions in the form of an objection were received.

#### 3.3 Mandatory Matters for Consideration

In accordance with section 4.15(1) of the EP&A Act, a consent authority must consider the following matters, to the extent they are relevant, when considering the merits of the application:

- the objects of the Act (Section 3.3.1);
- the applicable environmental planning instruments (Section 3.3.2);
- any submissions (Section 4);
- likely impacts of the modification application, including environmental, social and economic impacts (Section 5);
- suitability of the site (Section 5); and
- the public interest (Section 6).

The Department has considered these matters carefully and summarised the findings in the relevant sections of this report.

#### 3.3.1 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 set out in section 1.3 of the Act. The objects of most relevance to the proposed modification are:

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

The Department considers that the proposed modification encourages the proper management and development of resources (Object (a)) and promotion of the orderly and economic use of land (Object (c)). The Department has considered the principles of ecologically sustainable development (ESD, Object (b)) in its assessment of the proposed modification. The Department considers the proposal can be carried out in a manner that is consistent with the principles of ESD. The Department's assessment has sought to integrate all significant environmental, social and economic considerations.

Consideration of the protection of the environment (Object (e)) is provided in **Section 5** of this report. The Department considers the proposal minimises potential environmental impacts.

The Department considers that consultation undertaken with key stakeholders satisfies the objectives to share responsibility between different levels of government (Object (i)), while making the application publicly available on its Major Projects website satisfies the objectives of Object (j).

#### 3.3.2 Environmental Planning Instruments

In undertaking its assessment, the Department has considered the provisions of relevant Environmental Planning Instruments (EPIs). The following EPIs are relevant to the modification:

- 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;
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Sydney Region Growth Centres SEPP):
- State Environmental Planning Policy (Western Sydney Aerotropolis) 2020;
- State Environmental Planning Policy (Koala Habitat Protection) 2021; and
- Liverpool Local Environmental Plan 2008.

The Department considers that the modification can be carried out in a manner that is consistent with the aims, objectives and provisions of these EPIs.

#### 3.4 Other Approvals

#### 3.4.1 Mining Lease

As clay/shale is a prescribed mineral under the *Mining Regulation 2016*, a Mining Lease (ML) under the *Mining Act 1992* is required to authorise clay/shale extraction at the site. ML1771 was granted on 4 May 2018 and covers Pits 1 to 5 over an area of approximately 111 ha. The proposed modification does not require any amendment to ML1771.

#### 3.4.2 Environment Protection Licence

The site operates under Environment Protection Licence (EPL) 684, issued under the *Protection of the Environment Operation Act 1997* (POEO Act), for scheduled activities of 'ceramic works', 'extractive activities' and 'mining for minerals' under clauses 7, 19, 29 respectively of Schedule 1 of the POEO Act.

A variation to EPL 684 would be required to include the receipt of ENM at the site.

#### 3.4.3 Water Access Licence

CSR holds Water Access Licence (WAL) 24346 with an annual allocation of 25 units under the *Water Management Act 2000*. No change to WAL 24346 is required due to the modification.

## 4 Engagement

#### 4.1 Department's Engagement

Exhibition or notification of an application to modify a consent under section 4.55(1A) is not required by the EP&A Act. The Department made the Modification Report publicly available on its website from 3 November 2021.

The Department requested and received comments on the modification from the Environment Protection Authority (EPA), the Water Group within the Department, Transport for NSW (TfNSW), Liverpool City Council (Council) and Mining, Exploration and Geosciences (MEG) within the Department of Regional NSW. Agency advice are included in **Appendix B**.

None of these agencies objected to the modification.

#### 4.2 Agency Advice

**Water Group** advised that the proposed modification would not impact groundwater or surface water and there would not be any additional water access licensing requirements.

**TfNSW** advised that the modification would not increase approved daily truck movements to the site and therefore it had no concerns.

**Council** advised it supports the ongoing operations at the site as these align with Council's future viison for the CSR manufacturing hub in the general area. It had no concerns on the modification and advised it considered the EPA was responsible for determining the acceptance of ENM at the site, including in accordance with the site's EPL requirements, to ensure minimal environmental impacts.

The **EPA** raised no concerns on the modification. It agreed with CSR's proposal to develop a Fill Management Plan to manage and/or avoid contamination risks due to the importation of ENM as a fill material. This plan would describe how the requirements of the ENM Exemption and ENM Order would be fulfilled. The EPA also advised a variation to EPL 684 would be required to include ENM in it as a waste.

The EPA's comments are further discussed in Section 5.

#### 4.3 Additional Information

During the assessment of the modification, the Department requested additional information. On 15 December 2021, CSR provided the requested information which was made available at the Department's Major Projects website from 16 December 2021 (see **Appendix C**).

### 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 the merits of the proposed modification application, the Department has considered the:

- Modification Report and additional information provided by CSR;
- existing conditions of consent for the quarry;
- previous environmental assessments, for the original project and subsequent modification applications;
- agency advice on the modification; and
- relevant EPIs, policies and guidelines and the requirements of the EP&A Act.

The Department considers contamination at the site from the received ENM as a key issue. This is discussed in **Table 2** along with other environmental aspects.

Table 2 | Assessment of Issues

Issue	Findings	Recommendation
Contamination	<ul> <li>A potential risk is site contamination resulting from the imported ENM not meeting the requirements of the relevant resource recovery orders and exemptions.</li> <li>The Department notes that CSR has committed to source material that meets definitions within the exemption orders and in accordance with a Fill Management Plan.</li> <li>The EPA had no objection to the proposed importation of ENM as a backfill material in rehabilitation. Regardless, it recommended the Fill Management Plan include details on how to ensure the ENM is appropriately tested and records kept. The Department accepts the EPA's recommendation in its recommended conditions of consent.</li> <li>Consequently, the Department is satisfied that the impact of the proposed ENM importation would be minor and manageable.</li> </ul>	The Department recommends that the existing VENM Management Plan be updated to incorporate ENM and renamed the Fill Management Plan. This management plan would include protocols for the handling, storage and emplacement of both imported ENM and VENM to avoid or minimise contamination of the receiving environment.
Rehabilitation	<ul> <li>The proposal to backfill all quarry voids with ENM, in addition to the already approved VENM, as a fill material does not affect the approved final landform. Backfilling of the quarry voids to natural ground level, to create free draining and geotechnically stable landform suitable for development under the Aerotropolis Plan, is required by consent conditions.</li> <li>The EPA recommended rehabilitation stages be included in the Fill Management Plan. The Department notes that the Rehabilitation Management Plan already requires a life of mine rehabilitation and the progressive rehabilitation conditions require Pits 1 and 2 to be back-filled within 6 years of the commencement of Phase 1, and Pit 3 within 2 years of completion of extraction activities within it.</li> <li>The Department considers the existing conditions of consent relating to rehabilitation in conjunction with the approved final landform would ensure the site's rehabilitation objectives would be achieved and would be consistent with the objectives of the Aerotropolis Plan.</li> </ul>	No changes to consent conditions relating to rehabilitation are recommended.
Traffic	The modification is not proposing to amend the permissible days and operating hours for truck arrival and dispatch	A condition for the cessation of receival and storage of externally

Issue	Findings	Recommendation
	<ul> <li>at/from the site relating to both fill importation and finished building products.</li> <li>Therefore, there is no increase in traffic impacts beyond that already assessed and approved for the development.</li> <li>The development would continue to operate under an approved Traffic Management Plan to manage its traffic impacts.</li> </ul>	produced finished building products, when brick making commences at the site, is recommended.
Noise	<ul> <li>The proposed modification would not increase road noise given that heavy vehicle movements would not increase.</li> <li>The receival, temporary storage and the subsequent dispatch of finished building products would be restricted until brick making activities commence at the site and are therefore unlikely to increase the approved noise emissions from the site operations.</li> <li>The development will continue to operate under an approved Noise Management Plan and strict noise criteria.</li> </ul>	A condition restricting the receival, temporary storage and dispatch of finished building products until the approved brick making commences at the site is recommended.
Water	<ul> <li>Groundwater quality is unlikely to be impacted given the new and existing consent conditions requiring fill materials to meet stringent quality controls, including ENM Order and ENM Exemption for ENM, to reduce site contamination risks.</li> <li>The approved disturbance footprint is not proposed to increase in the modification. The surface water quality at the site or the downstream receiving environment is unlikely to be impacted by the modification.</li> <li>The site's surface and groundwater impacts will continue to be managed by an approved Soil and Water Management Plan.</li> </ul>	No changes to consent conditions relating to soil and water impacts are recommended.
Waste	<ul> <li>The handling and temporary storage of finished building products would not result in significant waste generation. Any waste generated would be managed by existing conditions of consent.</li> <li>The quality of the imported fill material would be controlled by the requirements of the ENM Order and ENM Exemption.</li> <li>Notwithstanding this, the Department has recommended a condition under the Fill Management Plan requiring management of rejected materials.</li> </ul>	A condition for the management of rejected materials not meeting the relevant quality specifications of ENM and VENM is recommended.
Biodiversity	<ul> <li>The modification is not proposing to clear any native vegetation. Existing approved stockpiling areas and hardstand areas would be utilised for imported fill and the finished building products, respectively.</li> </ul>	No changes to consent conditions relating to biodiversity impacts are recommended.
Heritage	<ul> <li>No known Aboriginal or historic heritage items would be impacted by the proposed modification and therefore the heritage values at the site would not be degraded.</li> </ul>	No changes to consent conditions relating to heritage impacts are recommended.

Issue	Findings	Recommendation
	Any unexpected finds encountered during any works at the site would be appropriately managed in accordance with the approved Aboriginal Heritage Management Plan.	
Air quality	<ul> <li>No additional dust-generating activities, above those previously assessed and approved, have been proposed.</li> <li>The development would continue to be managed under the approved Air Quality Management Plan.</li> </ul>	No changes to consent conditions relating to air quality impacts are recommended.
Socio- economic	<ul> <li>The approval to import ENM as well as VENM provides CSR operational flexibility and more certainty in its ability to source fill materials for the rehabilitation of quarry voids in a timely manner, as required by the development consent conditions.</li> </ul>	No changes to consent conditions are recommended.
	<ul> <li>The development, when fully operational, would employ up to 70 full-time equivalent (FTE) personnel for extraction and brick making, 100 FTE personnel for rehabilitation and up to 50 FTE contractors.</li> </ul>	
	<ul> <li>The development would therefore create benefits through local employment and the supply of building materials to the construction industry including State significant infrastructure projects.</li> </ul>	

## 6 Evaluation

The Department has assessed the merits of the proposed modification in accordance with the relevant requirements of the EP&A Act and in consultation with relevant government agencies. None of the consulted agencies objected to the proposal.

The key issue identified was site contamination, resulting from the imported ENM not meeting the requirements of EPA's resource recovery orders and exemptions. CSR committed to, and the Department recommended a condition for, the preparation of a Fill Management Plan which would ensure this contamination risk is minimised or avoided by strictly importing fill materials that meet the resource recovery requirements.

The Department is satisfied the modification is unlikely to increase the development's approved traffic, noise, water resources, biodiversity, cultural heritage and air quality impacts, which would all continue to be managed by existing conditions of consent.

The modification affords CSR operational flexibility and more certainty in its ability to source fill materials for the rehabilitation of quarry voids to create the approved final landform, as required by the consent conditions. The creation of the approved final landform would also ensure the objectives of an Enterprise zoning under the Aerotropolis Plan, relevant to the site, would be met. The development would continue to create socio-economic benefits through local employment and the supply of building materials to the construction industry within the Aerotropolis and NSW.

The Department is cognisant that large volumes of both VENM and ENM are generated in large infrastructure projects in the Sydney region, such as the underground motorway and rail infrastructure

projects, which are required to be managed. The use of these materials for backfilling quarry voids in the modification represents a beneficial reuse, diverts them from landfills, and are allowed by the EPA's resource recovery orders and exemptions.

Based on its assessment, the Department considers that, on balance, the modification's socio-economic impacts outweigh any potential environmental impacts, the modification is in the public interest and is approvable subject to the recommended conditions outlined in the Notice of Modification (**Appendix D**) as proposed to be modified. The consolidated version of the development consent is included in **Appendix E**. CSR has reviewed the proposed conditions and accepted them.

## 7 Recommendation

It is recommended that the Director Resource Assessments, as delegate of the Minister for Planning:

- considers the findings and recommendations of this report;
- **determines** that the application MP 10\_0014 MOD 5 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 approve the modification;
- agrees with the key reasons for approval
- modifies the consent (MP 10\_0014); and
- signs the attached approval of the modification.

Recommended by:

13/1/2022

Lincoln de Haas Environmental Assessment Officer Resource Assessments 18/1/2022

Nagindar Singh Senior Environmental Assessment Officer Resource Assessments

## 8 Determination

The recommendation is Adopted by:

19/01/2022

Jessie Evans Director Resource Assessments Planning and Assessment

as delegate of the Minister for Planning

# **Appendices**

#### **Appendix A – Modification Application and Modification Report**

https://www.planningportal.nsw.gov.au/major-projects/project/42896

#### Appendix B - Agency Advice

https://www.planningportal.nsw.gov.au/major-projects/project/42896

#### **Appendix C – Additional information**

https://www.planningportal.nsw.gov.au/major-projects/project/42896

#### **Appendix D - Notice of Modification**

https://www.planningportal.nsw.gov.au/major-projects/project/42896

#### **Appendix E – Consolidated Consent**

https://www.planningportal.nsw.gov.au/major-projects/project/42896