



# ***ResourceCo Waste & Resource Management Facility***

*State Significant  
Development  
Modification Assessment  
(SSD 7256 MOD 4)*



August 2019

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### **Cover photo**

Road sign to waste facility in Wetherill Park, NSW.

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## Glossary

| Abbreviation    | Definition                                                                 |
|-----------------|----------------------------------------------------------------------------|
| C&D             | Construction and Demolition                                                |
| C&I             | Commercial and Industrial                                                  |
| Consent         | Development Consent                                                        |
| Council         | Fairfield City Council                                                     |
| Department      | Department of Planning, Industry and Environment                           |
| EIS             | Environmental Impact Statement                                             |
| EPA             | Environment Protection Authority                                           |
| EP&A Act        | <i>Environmental Planning and Assessment Act 1979</i>                      |
| EP&A Regulation | Environmental Planning and Assessment Regulation 2000                      |
| EPI             | Environmental Planning Instrument                                          |
| FRNSW           | Fire and Rescue NSW                                                        |
| Minister        | Minister for Planning and Public Spaces                                    |
| MSW             | municipal solid waste                                                      |
| PEF             | Processed Engineered Fuel                                                  |
| Secretary       | Planning Secretary of the Department of Planning, Industry and Environment |
| SEPP            | State Environmental Planning Policy                                        |
| SRD SEPP        | State Environmental Planning Policy (State and Regional Development) 2011  |
| SSD             | State Significant Development                                              |
| WARR Strategy   | NSW Waste Avoidance and Resource Recovery Strategy 2014-2021               |
| WRMF            | waste and resource management facility                                     |



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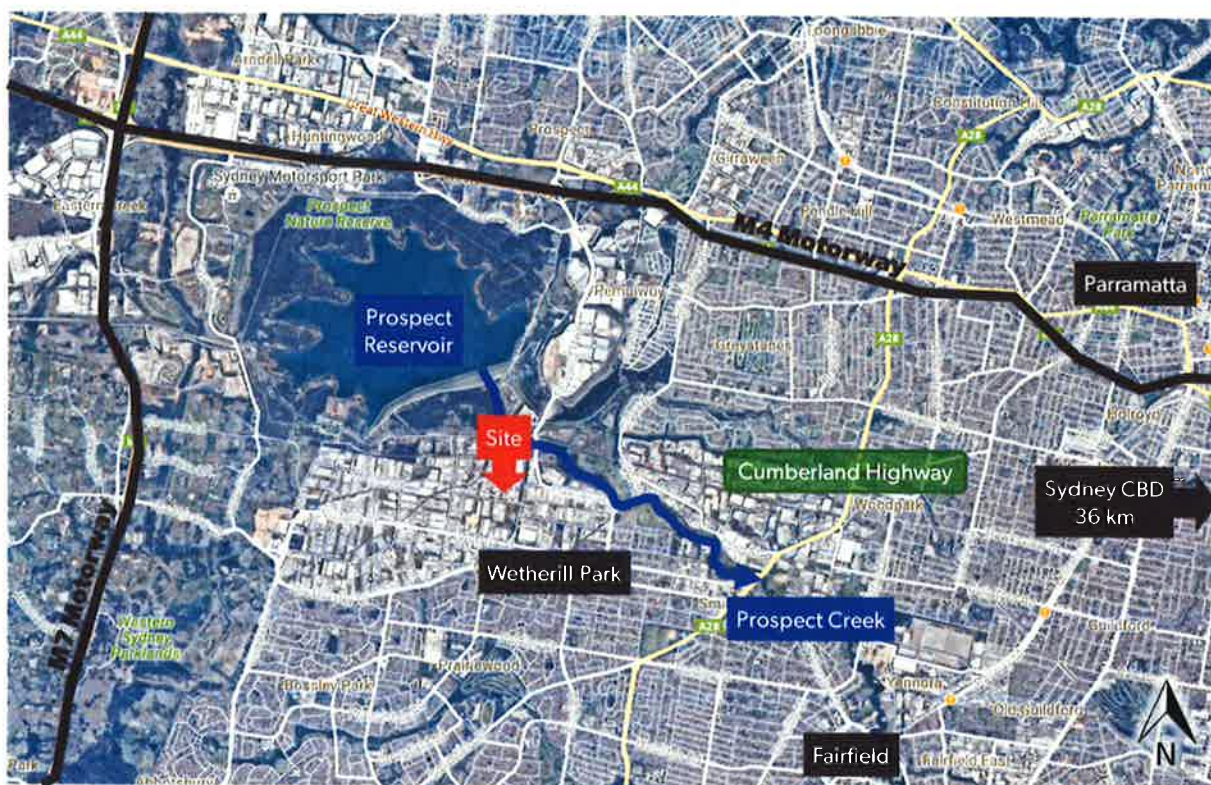
# 1. Introduction

This report assesses a modification application by ResourceCo RRF Pty Ltd (the Applicant) for 24 hour, 7 days per week operations at its Waste and Resource Management Facility (WRMF) in Wetherill Park. The application has been lodged pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.1 Background

The Applicant operates a WRMF at 35-37 Frank Street, Wetherill Park in the Fairfield local government area (LGA) (see **Figure 1**). The WRMF is capable of processing up to 250,000 tonnes per annum (tpa) of commercial and industrial (C&I) waste, construction and demolition (C&D) waste and municipal solid waste (MSW). The WRMF converts the combustible portion of the waste stream into an alternative fuel known as Process Engineered Fuel (PEF).

The PEF is used as an alternative fuel in the Australian cement industry and in overseas markets. PEF to be sent overseas is compacted, baled, wrapped in plastic wrap and then stored temporarily on-site prior to being loaded into shipping containers and transported off-site by semi-trailers. PEF for use in Australia is loaded in loose form into trucks for removal off-site. In addition, non-combustible commodities such as metals, wood, concrete, bricks, rubble and soil are separated and transported off-site for reuse. Any remaining, non-recyclable waste is removed for disposal at an appropriately licensed landfill.



**Figure 1** | Site Location

The site is situated in the Wetherill Park industrial estate within the wider Smithfield/Wetherill Park industrial area, a key manufacturing and distribution hub in Greater Western Sydney. Along the south-east and north-east boundary of the industrial estate is a mix of recreational and low-density residential lands. The nearest sensitive

receiver, a residence at Maugham Crescent, is approximately 840 metres (m) south of the site. Prospect Creek is approximately 700 m north of the site.

## 1.2 Approval History

On 10 April 2017, development consent was granted by the Executive Director, Key Sites and Industry Assessments, as a delegate of the then Minister for Planning, for the development of the ResourceCo WRMF (SSD 7256). The development consent permits the following works:

- construction of the WRMF
- operation of the WRMF with a waste throughput of 250,000 tpa.

The development consent has been modified on two occasions and a third modification application is currently under assessment (see **Table 1**).

**Table 1** | Summary of Modifications

| Mod No. | Summary of Modifications                                                                                                  | Approval Authority    | Type             | Approval Date     |
|---------|---------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------|-------------------|
| MOD 1   | Construction of a three-sided structure around the baling and wrapping machinery, within the footprint of the roof awning | Minister for Planning | Section 4.15(1A) | 24 September 2018 |
| MOD 2   | Extend the operating hours for receipt and removal of material                                                            | Minister for Planning | Section 4.15(1A) | 28 March 2019     |
| MOD 3   | To increase the outdoor storage area of processed, baled and wrapped Processed Engineered Fuel (PEF)                      | Minister for Planning | Section 4.15(1A) | Under assessment  |



## 2. Proposed Modification

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act to increase the operating hours at its WRMF to 24 hours a day, 7 days a week. The proposed modification would not result in an increase in the WRMF production capacity or change in the operational processes. The modification is described in full in the modification application included in **Appendix B** and is summarised in **Table 2**.

**Table 2** | Summary of Modifications

| Activity                                       | Day      | Approved Time (as modified by MOD 2)                                                                                     | Proposed Time                 |
|------------------------------------------------|----------|--------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| Earthworks and construction                    | Monday   | – 7.00 am to 6.00 pm                                                                                                     | No change                     |
|                                                | Friday   |                                                                                                                          |                               |
|                                                | Saturday | 8.00 am to 1.00 pm                                                                                                       |                               |
| Operation – waste receipt                      | Monday   | – 4.00 am to 5.00 pm                                                                                                     | 24 hours a day, 7 days a week |
|                                                | Saturday |                                                                                                                          |                               |
| Operation – waste processing (plant operation) | Monday   | – 6.00 am to 10.30 pm                                                                                                    | 24 hours a day, 7 days a week |
|                                                | Friday   |                                                                                                                          |                               |
|                                                | Saturday | 6.00 pm to 5.00 pm                                                                                                       |                               |
|                                                | Sunday   | 8.00 pm to 6.00 pm                                                                                                       |                               |
| Operation – removal of materials               | Monday   | – 4.00 am to 10.30 pm ('loose' PEF only)                                                                                 | 24 hours a day, 7 days a week |
|                                                | Friday   | 5.00 am to 5.00 pm (recyclable materials and residual waste)                                                             |                               |
|                                                | Saturday | 5.00 am to 12.00 pm ('loose' PEF only)<br>No removal of baled PEF for export, recyclable materials and/or residual waste |                               |
|                                                | Sunday   | No removal of PEF, recyclable materials and /or residual waste                                                           |                               |

### 2.1 The Applicant's Need and Justification

In support of the modification application, the Applicant has suggested that the proposal would assist the facility meeting the growing demand for alternative waste management solutions and PEF products. The Applicant argued that the modified operating hours would allow waste collectors to deliver waste outside peak hours and avoid traffic congestion, the facility to operate at its full capacity to meet the market's demands and transport loose PEF products to Boral Berrima Cement Works efficiently outside peak hours.

The Applicant further advised the requested operating hours would assist in achieving the targets of the NSW Waste Avoidance and Resource Recovery Strategy 2014-2021 (WARR Strategy) through producing more PEF materials, encouraging resource recovery and diverting waste from landfill.



## 3. Strategic Context

### 3.1 Greater Sydney Region Plan

In March 2018, the Greater Sydney Commission released the *Greater Sydney Region Plan – A Metropolis of Three Cities* (the Plan). The Plan is built on a vision of three cities, the Western Parkland City, the Central River City and the Eastern Harbour City. The 40-year vision to 2056 brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth. The development is located in the Western City District, which was identified as one of the fastest growing districts in Greater Sydney.

The modification application is consistent with the directions and objectives outlined in the Plan, primarily to assist in industrial land being retained and managed to support the retention of local recycling and waste management facilities and the recycling of municipal, commercial, industrial and hazardous waste (Objective 23). The proposed modification would ensure more waste is recycled to support development of a circular economy (Objective 35).

The modification application would assist in meeting Actions 83 and 84 of the Western City District Plan, as it supports the reduction of waste volume through increased waste reuse and recycling.

### 3.2 Waste Avoidance and Resource Recovery Strategy 2014-2021

Reducing waste and keeping materials circulating within the economy are priorities for the NSW government. To meet this challenge, the government has prepared a state-wide WARR Strategy. The strategy sets waste recovery targets to be achieved by 2021–22, comprising:

- C&I waste from 57% (in 2010-11) to 70%
- C&D waste from 75% (in 2010-11) to 80%
- MSW from 52% (in 2010-11) to 70%
- increase the waste diverted from landfill from 63% (in 2010-11) to 75%.

By utilising waste material that would otherwise be destined for landfill, the proposed modification would continue to contribute to the State's recovery performance in both C&I and C&D waste.



## **4. Statutory Context**

### **4.1 Scope of Modifications**

The Department has reviewed the scope of the modification application and is satisfied the proposed modification would result in minimal environmental impacts, and relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the approved project would not change due to the modification
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act
- the approved waste processing rate of 250,000 tpa, including PEF production, would not change
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of approval.

Therefore, the Department is satisfied 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 rather than requiring a new development application to be lodged.

### **4.2 Consent Authority**

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. Under the Minister's delegation of 11 October 2017, the Director, Industry Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.



## 5. Engagement

### 5.1 Department's Engagement

Clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to State significant development. However, the Department made the application publicly available on the Department's website and notified adjacent landowners and occupiers. The application was also referred to Fairfield City Council (Council) and the Environment Protection Authority (EPA) for comment.

### 5.2 Summary of Submissions

The **EPA** did not object to the proposed modification, however requested further information on the Noise Impact Assessment (NIA). Further detail was sought on monitoring locations, the type of model utilised, noise calculations (including corrections for annoying noise characteristics) and sleep disturbance.

**Council** did not object to the proposed modification, subject to the EPA's comments and the Environment Protection Licence (EPL) conditions.

### 5.3 Response to Submissions

On 26 June 2019, the Applicant submitted a response to the EPA's submission. The EPA reviewed the response and advised that the EPA noted the Applicant did not carry out attended noise measurements, should the EPA receive any complaints after the commencement of the extended operation, the Applicant would be required to provide a further NIA.



## 6. Assessment

The Department has assessed the merits of the modification request. During this assessment, the Department has considered the:

- Environmental Impact Statement and assessment report for the original application and subsequent modification applications
- existing conditions of development consent (SSD 7256) (as modified)
- the modification request and supporting documents (**Appendix B**)
- Council and the EPA submissions made in accordance with the EP&A Act and the EP&A Regulation (**Appendix C**)
- the Applicant's response to issues raised in submissions
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department's assessment of the modification application is provided in **Table 3** below.

**Table 3** | Assessment of the Modification Application

| Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Recommended Conditions                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <b>Noise Impacts</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                     |
| <ul style="list-style-type: none"><li>• The extension of operating hours has the potential to generate noise which could impact the locality's amenity. The primary noise sources would be heavy vehicle movements to, from and within the site, staff vehicle trips and operation of machinery. Loading and unloading of materials would also cause noise impacts, however it is noted this would occur within the enclosed building.</li><li>• Wilkinson Murray prepared an addendum Noise Impact Assessment (NIA) assessing the noise impacts of the extended operation compared to the project specific operational noise criteria developed for the original development (SSD 7256) in accordance with the <i>Noise Policy for Industry</i> (NPI) 2017.</li><li>• The addendum NIA assessed the operational noise impacts during night time against the relevant NPI criteria. The addendum NIA predicted that operational noise level at the nearest residential receiver (15 Maugham Crescent, Wetherill Park) was 11 dB(A) lower than the relevant criteria during night time.</li><li>• The addendum NIA noted that the attended noise measurements confirmed activities were inaudible during the day and this would be the case at all times, thus night time activities would comply with any criteria in relation to sleep disturbance.</li><li>• The modification request would not change the approved total truck movements but would spread across an amended pattern. It was estimated that the amended pattern would reduce traffic movements during daytime by 30% which would subsequently reduce noise levels during daytime.</li></ul> | Amendment of condition B24 to reflect the modified operating hours. |

| Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Recommended Conditions |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| <ul style="list-style-type: none"> <li>• The addendum NIA projected that the modification request would cause less than 0.1 dB(A) increase of road noise levels at the nearest residential receivers which complied with the RNP's criteria of less than 2 Db(A) increase.</li> <li>• The EPA requested further information regarding the exact location of noise monitoring, the adopted noise modelling with associated noise contours, noise calculation methods, sleep disturbance assessment and correct acoustic characteristics of machines. After reviewing the Applicant's RtS, the EPA advised that although the Applicant did not carry out attended noise measurements, they were confident any issues with noise could be dealt with under the Environment Protection License No. 20937.</li> <li>• Council was satisfied the proposed changes in operating hours would have negligible effect on noise impacts.</li> <li>• Whilst only a qualitative noise assessment was provided by the Applicant, the Department is satisfied that the noise impacts of the modification would be negligible as the site is located centrally within an established industrial area and is approximately 720 m from the nearest residence.</li> <li>• The Department's assessment concludes that the noise impacts caused by the modification request are minimal, however requires the Applicant to maintain noise generated by the operation of the development within the noise limits predicted in the original approval. As such, no changes are recommended to the noise limits stipulated in condition B28 of the development consent, which includes limits for night time operations. The Department has recommended an amendment to condition B24 to align with the amended operating hours.</li> </ul> |                        |
| <b>Traffic Impacts</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                        |
| <ul style="list-style-type: none"> <li>• The extension of operating hours would not change the total approved traffic movements but spread them over a more extended period.</li> <li>• The Applicant provided a Traffic Impact Statement (TIS), which compared the requested modification to the existing approved traffic volumes and distribution.</li> <li>• The TIS predicted the following truck movements during night time (9 pm – 5 am): <ul style="list-style-type: none"> <li>– weekdays: 58 (29 in, 29 out)</li> <li>– Saturdays: 54 (27 in, 27 out)</li> <li>– Sundays: 24 (12 in, 12 out).</li> </ul> </li> <li>• The extended operation also required employees on-site during night time. The addendum NIA noted 39 staff vehicle movements (19 arrival, 20 departure) would occur during night time.</li> <li>• SSD 7256 MOD 2 approved the Applicant to receive waste at the following times: <ul style="list-style-type: none"> <li>– between 4 am and 5 pm from Mondays to Saturdays</li> <li>– transport loose PEF to Boral Berrima Cement Works between 4 am and 10.30 pm from Mondays to Fridays and between 5 am and 12 pm on Saturdays</li> <li>– transport baled PEF between 5 am and 10.30 pm from Mondays to Fridays</li> <li>– no waste receipt or materials removal were approved to occur on Sundays.</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Not applicable         |

- 
- The modification request would extend the waste receipt and removal outside the MOD 2 approved scheme (i.e. night time on weekdays, 12 pm – 5 am on Saturdays alongside Sundays).
  - The Department notes the modification request would change the truck movements as follows:
    - reduce the current 404 movements (202 in, 202 out) to 278 movements (139 in, 139 out) on weekdays
    - increase the current 204 movements (102 in, 102 out) to 216 movements (108 in, 108 out) on Saturdays, including 54 movements (27 in, 27 out)
    - introduce 102 truck movements (51 in, 51 out) on Sundays.
  - The Department has considered that the modification request would marginally increase truck movements on Saturdays and redistribute small amounts of truck movements to Sundays. The requested extended operational hours would significantly reduce truck movements on weekdays, with the additional movements to fall outside of the morning and afternoon peak hours. The Department is satisfied the modification would have no additional impact on the capacity or efficiency of the surrounding road network.
  - It is noted that the EPA and Council had no concerns regarding the traffic impact on the proposed changes in operating hours.
  - The Department's assessment concludes the traffic impacts of the modification request would be negligible, especially within the context that many businesses in the area load and unload trucks 24 hours per day 7 days per week.
  - The existing consent includes conditions relating to the management of traffic impacts and, as such, the Department concludes traffic impacts are sufficiently addressed via the existing conditions of consent.



## 7. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department's assessment of the proposed modification concludes the following:

- the site is located in an area of ongoing industrial development
- the impacts can be adequately managed through conditions.

The Department has assessed the proposed modification and Environmental Assessment and considered the submissions provided by Council and the relevant government agencies. The Department has also considered the objectives and the relevant considerations under section 4.55 of the EP&A Act. The Department considers the proposed modification is appropriate on the basis that:

- the proposal would result in minimal environmental impacts beyond the approved development
- satisfactory mitigation measures would be put in place to manage potential impacts

Overall, the Department is satisfied the impacts from the proposed modification can be appropriately managed through the Applicant's proposed mitigation measures and the Department's recommended conditions. It is therefore recommended that the modification should be approved, subject to conditions.



## 8. Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 7256 MOD 4 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the draft notice of decision
- **modify** the consent SSD 7256
- **signs** the attached approval of the modification (**Attachment D**).

Prepared by:  
John Booth  
Environmental Assessment Officer

Recommended by:

  
**Kelly McNicol**  
Team Leader  
Industry Assessments  
29/07/19



## 9. Determination

The recommendation is: **Adopted by:**

**Chris Ritchie**

Director

Industry Assessments

1/8/19.



# Appendices

## Appendix A – List of Documents

The Department has considered the:

- Application to Modify Development Consent – SSD 7256, prepared by Wilkinson Murray Pty Ltd, dated 21 May 2019 and all attachments
- Acoustics and Air Report (Version B), prepared by Olsson Fire & Risk Consulting Engineers, dated 27 May 2019
- Traffic Impact Statement (Reference 19.103r01 Version 02), prepared by Traffix, dated 13 May 2019
- addendum Acoustics and Air Report provided by Wilkinson Murray Pty Ltd, dated 18 June 2019
- advice from Fairfield City Council and the Environment Protection Authority
- Environmental Impact Statement, Waste and Resource Management Facility, SSD 15-7256, ResourceCo Pty Ltd, 35-37 Frank Street, Wetherill Park, prepared by Nexus Environmental Planning Pty Ltd, dated 8 March 2016
- State Significant Development Assessment: ResourceCo Pty Ltd, Waste and Resource Management Facility, Wetherill Park, SSD 7256, prepared by the Department of Planning and Environment, dated March 2017
- existing conditions of consent
- relevant environmental planning instruments, policies and guidelines
- relevant requirements of the EP&A Act.

## Appendix B – Modification Application

Available on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/14041>

## Appendix C – Submissions

Available on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/14041>

## Appendix D – Notice of Modification

Available on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/14041>