



Lidsdale Siding Upgrade Project Modification 3

Removal of Rail Unloading Restrictions
State Significant Development Modification Assessment
(08_0223 MOD 3)

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Contents

Contents	iii
1 Introduction	1
1.1 Background	1
2 Proposed modification	4
2.1 Justification	4
3 Statutory context	4
3.1 Scope of modification	4
3.2 Consent authority	5
3.3 Mandatory Matters for Consideration	5
3.4 Objects of the EP&A Act	6
4 Engagement	7
4.1 Department's Engagement	7
4.2 Summary of Agency Advice	7
5 Assessment	8
5.1 Introduction	8
5.2 Noise	8
5.3 Other issues	12
6 Evaluation	14
7 Recommendation	14
8 Determination	15
9 Appendices	16
Appendix A – Modification report	16
Appendix B – Advice from public authorities	16
Appendix C – Submissions report	16
Appendix D – Notice of modification	16
Appendix E – Consolidated consent	16

1 Introduction

1.1 Background

The Lidsdale Siding is a coal rail loading facility located immediately north of Wallerawang in the Lithgow City local government area (see **Figure 1**). The site is owned and operated by Ivanhoe Coal Pty Limited which is a wholly-owned subsidiary of Centennial Coal Company Limited (Centennial).

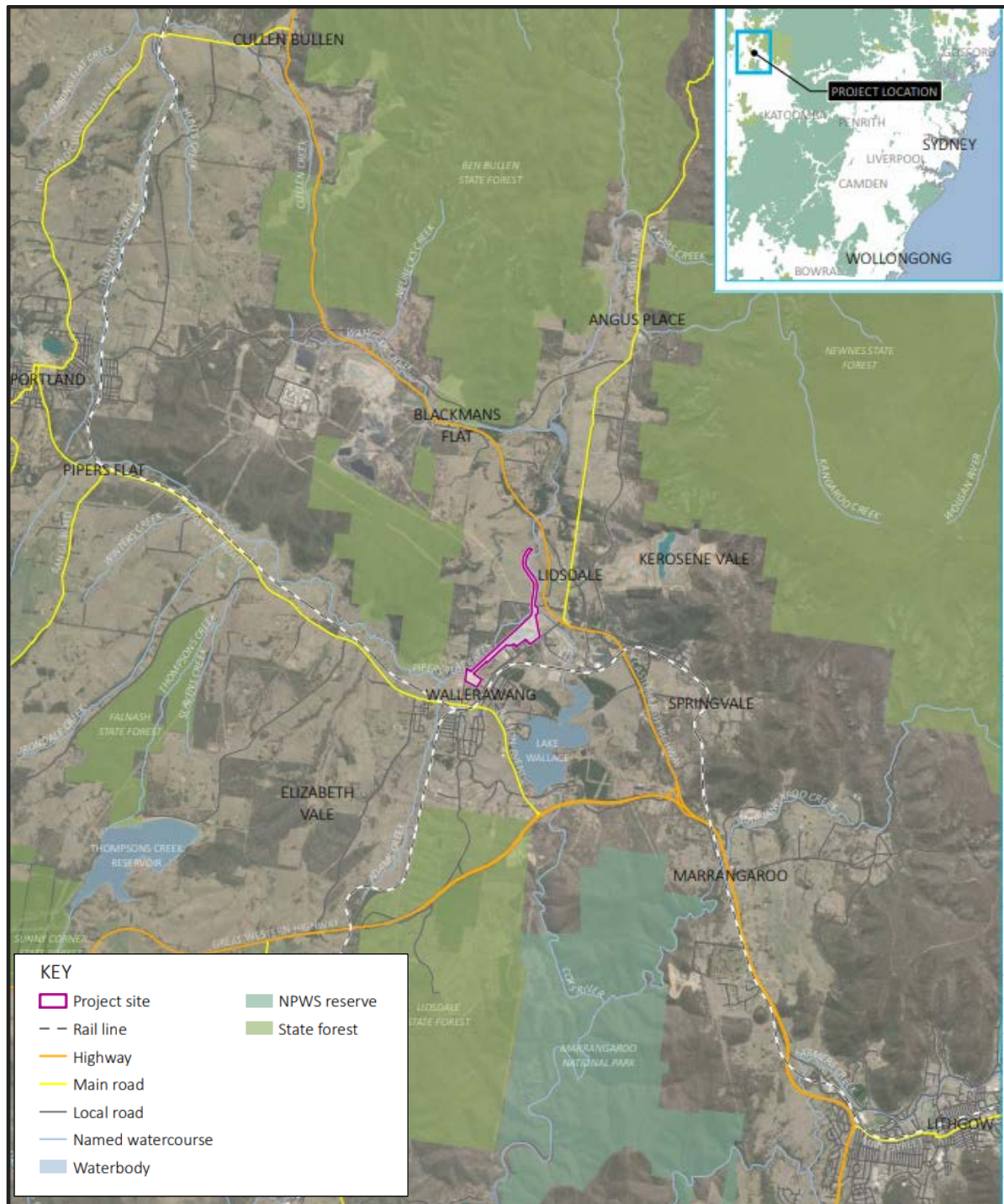


Figure 1 | Regional Location

The facility was constructed in the 1950s and has been used for coal storage and rail coal loading since 1974. Lidsdale Siding (see **Figure 2**) is Centennial's main rail export facility for the Springvale and Angus Place coal mines, both of which transfer coal by conveyors to the adjacent Western Coal Services Project (SSD 5579) coal processing facility.

The site operates under development consent 08_0223 granted in 2013 for the Lidsdale Siding Upgrade Project. This consent was granted under the former Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) by the then Planning Assessment Commission (now, Independent Planning Commission). The project was transitioned to a State Significant Development (SSD) project on 12 October 2018.

The development has been modified on two previous occasions, which allowed for:

- coal to be unloaded, handled and transferred to the Western Coal Services Project for subsequent transfer to the Mount Piper Power Station, only during times when coal stockpiles at the Mount Piper Power Station are low – Modification 1; and
- an increase in the allowable number of trains importing coal to the site – Modification 2.

Approved operations at Lidsdale Siding allow:

- receiving up to 6.3 Million tonnes per annum of coal from:
 - o the Western Coal Services Project by overland conveyor; and
 - o trains arriving to the site;
- stockpiling, loading and exporting coal by rail;
- unloading coal from arriving trains, handling and transferring coal via an overland conveyor to the Mount Piper Power Station via the Western Coal Services Project; and
- the arrival of up to 7 trains on any day (ie 14 movements) and up to 5 trains per day on average over a calendar year.

Lidsdale Siding is permitted to carry out train loading and unloading operations at the site until 31 December 2042. Coal handling and train loading operations can occur at the site 24 hours per day, 7 days per week. However, the receipt and unloading of trains can only occur during the day period. Coal loading and unloading operations are not permitted on the same day.

Modification 1 approved coal unloading activities to occur during defined 'emergency' supply situations at the Mount Piper Power Station. This 'emergency' supply situation was defined in supporting documentation for Modification 1 and permits unloading activities to occur when coal stockpiles at Mount Piper Power Station are forecast to fall below 400,000 tonnes for two consecutive months. Coal unloading and transfer activities are then permitted to continue until coal stockpiles are forecast to stay above 400,000 tonnes for a six-month period. Each train delivers approximately 3,900 tonnes of coal, which represents almost half the daily coal supply requirement at the power station.

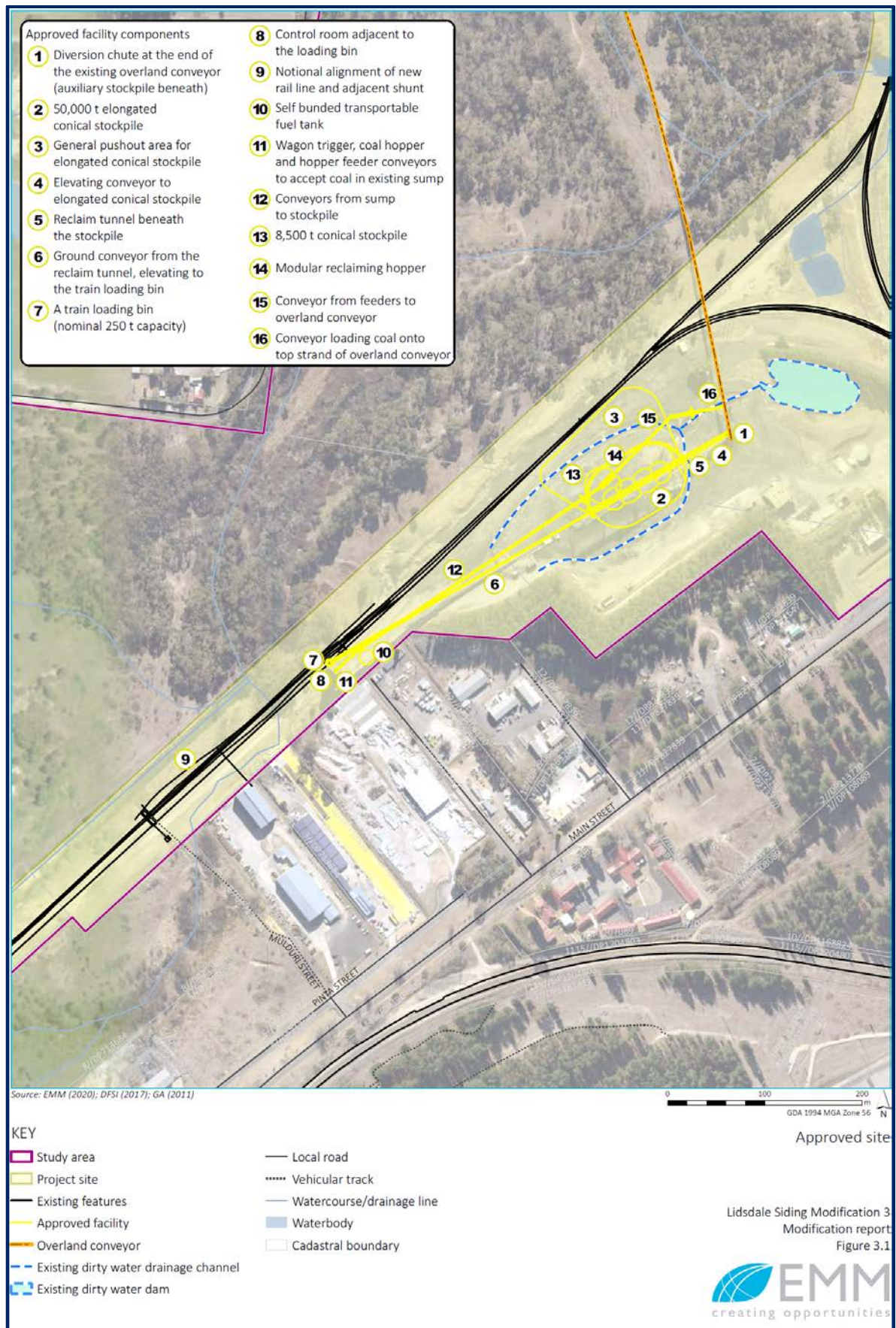


Figure 2 | Lidsdale Siding Facility Layout

2 Proposed modification

On 14 April 2020, Centennial submitted a modification application for the Lidsdale Siding Upgrade Project under section 4.55(1A) of the EP&A Act. Centennial is seeking to remove restrictions on when the facility can undertake rail unloading activities and allow for the receipt and transfer of coal to the Mount Piper Power Station outside of the 'emergency situation' defined under Modification 1.

Infrastructure that was constructed to facilitate rail unloading under Modification 1 would continue to be used under the proposal, until the site is decommissioned and rehabilitated.

No changes are proposed to the facility's operating life, annual coal throughput (ie incoming or outgoing), train movements, stockpile capacity or operating hours.

2.1 Justification

Centennial is currently the only supplier of coal to the Mount Piper Power Station, which is mainly sourced from the Springvale Coal Mine (Springvale). The power station requires 3.5 million tonnes per annum (tpa) of coal to operate at its built capacity of 1,400 megawatts (MW), which provides around 15 per cent of NSW energy demand.

Springvale is approved to extract up to 5.5 million tpa of coal. However, in recent years, a range of factors has affected coal supply from the Springvale Coal Mine, including the removal of three longwall panels from the approved mine plan to protect threatened swamp ecological communities, as well as the unexpected encountering of unfavourable geological conditions.

In more recent times, production rates at Springvale Mine have returned to approved levels. However, with Springvale Mine's end of life approaching, Centennial is seeking greater flexibility to facilitate a continual supply of coal to the Mount Piper Power Station.

Centennial contend that removing the existing unloading restrictions at Lidsdale Siding would reduce long-term risks associated with supplying the power station with coal from a single mining operation and support the ongoing operation of the Mount Piper Power Station and the continued supply of electricity to NSW.

3 Statutory context

3.1 Scope of modification

The modification application was lodged under section 4.55(1A) of the EP&A Act. Under Section 4.55(1A), a development consent can only be modified if the consent authority is satisfied that the proposed development is of minimal environmental impact and would remain substantially the same as the originally approved project. The Department has reviewed the scope of the modification and considers that it meets these requirement as:

- the impacts of the developments as modified would be similar to the impacts of the approved project (see **Section 5**);
- there is no change to the project area or life of operations; and
- it would not involve any further disturbance outside of the already approved disturbance areas for the project.

Therefore, 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 and Public Spaces (Minister) is the consent authority for the application under Section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 9 March 2020, the Director - Resource Assessments, may determine the application, as:

- Lithgow City Council did not object to the proposal;
- Ivanhoe Coal Pty Ltd did not report any political donations; and
- no objections were received.

3.3 Mandatory Matters for Consideration

In accordance with Section 4.15(1) and Section 4.55(3) of the EP&A Act, a consent authority must consider the following matters as relevant to the application:

- environmental planning instruments or proposed instruments;
- any planning agreement;
- *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation);
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts;
- suitability of the site;
- any submissions;
- the public interest; and
- the reasons for granting approval for the original application.

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

Environmental planning instruments

A number of environmental planning instruments apply to the modification, including:

- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (Mining SEPP);
- *State Environmental Planning Policy No. 33 (Hazardous and Offensive Development)*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP);
- *State Environmental Planning Policy No. 55 (Remediation of Land)*; and
- *Lithgow Local Environmental Plan 2014*.

The Department has considered the proposed modification against the relevant provisions of these instruments. The Department also considered Centennial's assessment against the relevant instruments in its Modification Report. The Department has concluded that the proposed modification can be carried out in a manner that is generally consistent with the aims, objectives and provisions of these instruments.

The reasons for granting consent for the original application

In determining the original application, the then Planning Assessment Commission (PAC) concluded that the benefits of the project outweighed the impacts, subject to the adherence to strict conditions.

The Department has considered the proposed modification against the reasons the PAC provided for determining the project and considers that none of these reasons would preclude the approval of the application. The proposed modification would allow similar benefits to be realised at local, regional and State levels.

3.4 Objects of the EP&A Act

The Department has assessed the proposed modification against the current objects of the EP&A Act. The objects of most relevance to the proposed modification are found in section 1.3 of the EP&A Act; and 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;*
- *Object 1.3(f): to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage);*
- *Object 1.3(i): to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State; and*
- *Object 1.3(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 1.3(a)) and the promotion of the orderly and economic use of land (Object 1.3(c)) as it would reduce risks associated with insufficient coal supply for Mount Piper Power Station.

The Department has considered the principles of ecologically sustainable development (ESD, Object 1.3(b)) in its assessment of the proposed modification. The Department considers that the proposed modification may 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.

The Department has carefully considered the environmental impacts of the proposed modification, including potential impacts on the natural, cultural and built environments (Object 1.3(e) and (f)). The Department's consideration of these matters is provided in **Section 5**.

The Department made the modification application publicly available and consulted with Lithgow City Council (Object 1.3(i) and (j)).

4 Engagement

4.1 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 modifications under section 4.55(1A). Accordingly, the application was not formally exhibited. However, it was made publicly available on the Department's website on 20 April 2020, and was referred to relevant government agencies for advice, including WaterNSW, Transport for NSW (TfNSW), the Department of Regional NSW - Mining, Exploration and Geoscience (MEG), the Environment Protection Authority (EPA) and Lithgow City Council (LCC).

4.2 Summary of Agency Advice

The advice received from government agencies is provided in **Appendix B** and is summarised below. Centennial provided a Submissions Report, which was made available on the Department's website on 22 May 2020 (see **Appendix C**).

Environment Protection Authority

The EPA requested a range of additional information, including:

- further justification to support the modification;
- further consideration of reasonable and feasible noise mitigation measures, as the Noise Impact Assessment predicted exceedance of both Project Noise Trigger Levels (PNTLs) and existing limits established under the Environment Protection Licence (EPL) at several residential receivers;
- an explanation of inconsistent Sound Power Levels assumptions between Modification 1 and this Modification 3; and
- further detail regarding the chosen noise modelling methodology and applied meteorological conditions.

In response, Centennial provided additional commentary on the purpose of the modification and further discussion around the use of sound power levels between the two modifications. Centennial clarified that the site has been subject to a range of legacy noise issues and significant efforts had been made to implement a range of noise mitigation measures through its *Western Region Noise Management Plan* (2018). The EPA was satisfied with these responses.

Centennial also advised that a meteorological correction factor had been applied to its chosen noise modelling methodology (ie ISO 9613-2:1996) to ensure wind speed had been appropriately accounted for. However, EPA raised concern that this approach resulted in the 'double counting' of meteorological factors that would result in predictions being overly conservative. This matter is further discussed in **Section 5.2**.

Transport for NSW

Transport for NSW (TfNSW) noted that the proposal would not increase the number of approval rail movements per day or result in changes to unloading and handling activities at the site. TfNSW advised that it had consulted with the appointed Rail Infrastructure Manager (John Holland Rail) and considered that the proposal would not affect the conditions of John Holland Rail's Environment Protection Licence or its existing safety management agreement.

WaterNSW

WaterNSW advised that the proposal would be unlikely to change the existing impact on water quality provided that the existing Water Management Plan and Monitoring Plan remain in place.

Lithgow City Council

Lithgow City Council (LCC) advised that the Modification Report adequately address relevant issues and raised no objection to the proposal.

MEG

MEG advised that it had no comments in relation to the proposal.

5 Assessment

5.1 Introduction

The Department has undertaken a comprehensive assessment of the merits of the proposed modification in accordance with the requirements of the EP&A Act. The Department considers the key impacts associated with the proposed modification relate to noise. Consideration of this impact is provided below, with consideration of other impacts provided in **Table 2**.

5.2 Noise

Background

The area surrounding Lidsdale Siding is a long-established industrial area that has been noise affected for decades. The nearby Wallerawang Power Station had historically been the main noise contributor, however it stopped operating in 2015. The Lidsdale Siding, which has been continuously operating on the site for more than 35 years, then became the dominant noise source in the area. The Main Western Railway and the Castlereagh Highway also lie immediately east of the site and contribute to elevated noise levels. Key noise sources from the Lidsdale Siding include train movements, coal loading and unloading, coal stockpiling, operation of conveyors and bulldozer operation.

Historically, the Lidsdale Siding operated under a development consent granted by Lithgow City Council in 1974, which had no specified noise limits. Subsequently, the Lidsdale Siding Upgrade Project (08_0223) included an assessment of the project's noise impacts in accordance with the *NSW Industrial Noise Policy 2011* (INP).

Noise predictions for the site were above the project specific noise levels (PSNLs) at 10 of 12 receiver locations and noise limits were applied to the site based on these predicted noise impacts. As a result, eight sensitive receivers were considered eligible for acquisition or mitigation measures in accordance with the Department's *Voluntary Land Acquisition and Mitigation Policy*. All predicted noise impacts were below the INP's recommended maximum amenity noise criteria for sites located within an urban/industrial interface.

Centennial has applied a range of reasonable and feasible noise mitigation measures to reduce operational noise on site, which includes:

- operating trains in a specialised method to reduce wagon noise and eliminate noise from wagon shunting;
- partially enclosing conveyors and installing noise shielding in the loading bin;
- carrying out rail unloading during the daytime period only; and
- restricting mobile equipment use to a single bulldozer or front-end loader.

The Department and the EPA consider that all reasonable and feasible noise mitigation measures have been applied at the site.

Noise assessment

The proposed modification would enable unloading activities to occur under less restricted circumstances, however, no changes are proposed to the total number of train movements to and from the site each day, or total amount of coal throughput per annum. That is, in effect there would be no changes to noise levels from the site as a result of the proposed modification.

Nonetheless, the Modification Report included a Noise Impact Assessment (NIA) to re-evaluate the project's daytime noise predictions against existing noise limits and using the NSW Government contemporary noise policy. The NIA was therefore prepared in accordance with the *Noise Policy for Industry 2017* (NPfI), which supersedes the INP used in the original environmental assessment. The NIA utilised methodologies under the NPfI to re-evaluate Project Noise Trigger Levels (PNTLs) and re-model noise predictions.

The NIA also fulfils a commitment made by Centennial following Modification 1 to verify noise emission levels from the facility during train unloading activities. Rail unloading activities only occur during the day period and no changes have been proposed to activities undertaken during the evening and night. On this basis, the NIA re-evaluates noise impacts for the day period only.

During consultation with government agencies, the EPA queried the addition of a meteorological factor that had been applied to the chosen noise model. EPA considered that this factor may result in noise predictions that are overly conservative, that is over-predicted noise impacts, and would not reflect the reasonable worst-case noise limits for the site.

Subsequently, Centennial undertook a comparison of noise predictions with and without this correction factor, against compliance noise monitoring results during September 2019 and March 2020. Ultimately, Centennial and the EPA agreed that the correction factor did not need to be applied to provide a reasonable prediction of worst-case noise levels.

EPA considered that the revised predictions without the correction factor could be set as achievable noise limits for the site. These predictions are presented and discussed further below.

Predicted Noise Impacts

Table 1 provides a comparison of the updated noise predictions for the site against existing noise limits and revised PNTLs. The location of sensitive receivers surrounding the site is shown in **Figure 3**.

Table 1: Proposed updated daytime noise limits for receivers

Receiver	Current VLAMP rights	Current daytime noise limit (L _{Aeq} , 15 min dB)	Revised Project Noise Trigger Level (dB)	Predicted Noise Level (L _{Aeq} , 15 min dB)
R1 – Lot 2, Main Street, Wallerawang	Acquisition	50	68 L _{Aeq} 15min	50 (No change)
R2 – Black Gold Cabins, Main St, Wallerawang	Mitigation	46	58 L _{Aeq} period	48 (+2)
R3 – “Killarney”, Brays Lane, Wallerawang	Mitigation	47	40 L _{Aeq} 15min	48 (+1)
R4 – “Fairview”, Brays Lane, Wallerawang	Mitigation	43	40 L _{Aeq} 15min	43 (No change)
R5 – Duncan Street, Lidsdale	None	46	40 L _{Aeq} 15min	46 (No change)
R6 – Old Highway, Lidsdale	Mitigation	43	40 L _{Aeq} 15min	43 (No change)
R7 – Royal Hotel Main St, Wallerawang	Mitigation	41	58 L _{Aeq} period	44 (+3)
R8 – Corner of Heel St and Cripps Ave, Wallerawang	None	40	40 L _{Aeq} 15min	43 (+3)
R9 – Corner of Cripps Ave and Pindari Pl, Wallerawang	None	39	40 L _{Aeq} 15min	40 (+1)
R10 – Brays Lane South, Wallerawang	Mitigation	45	40 L _{Aeq} 15min	45 (No change)
R11 – “Tara”, Brays Lane, Wallerawang	Mitigation	45	40 L _{Aeq} 15min	45 (No change)
R12 – Brays Lane Corner, Wallerawang	None	43	40 L _{Aeq} 15min	43 (No change)

At seven receiver locations (R1, R4, R5, R6, R10, R11 and R12), the predicted noise levels are less than or equal to the existing noise limits. Therefore, no changes to the existing limits are proposed.

At three receiver locations (R2, R7 and R9), the predicted noise levels are 1-3 dB higher than the existing noise limits, but in all cases are less than or equal to the PNTLs determined under the NPfl. As such, it is recommended that noise limits in the consent are revised to reflect these predictions as the best achievable noise limits.

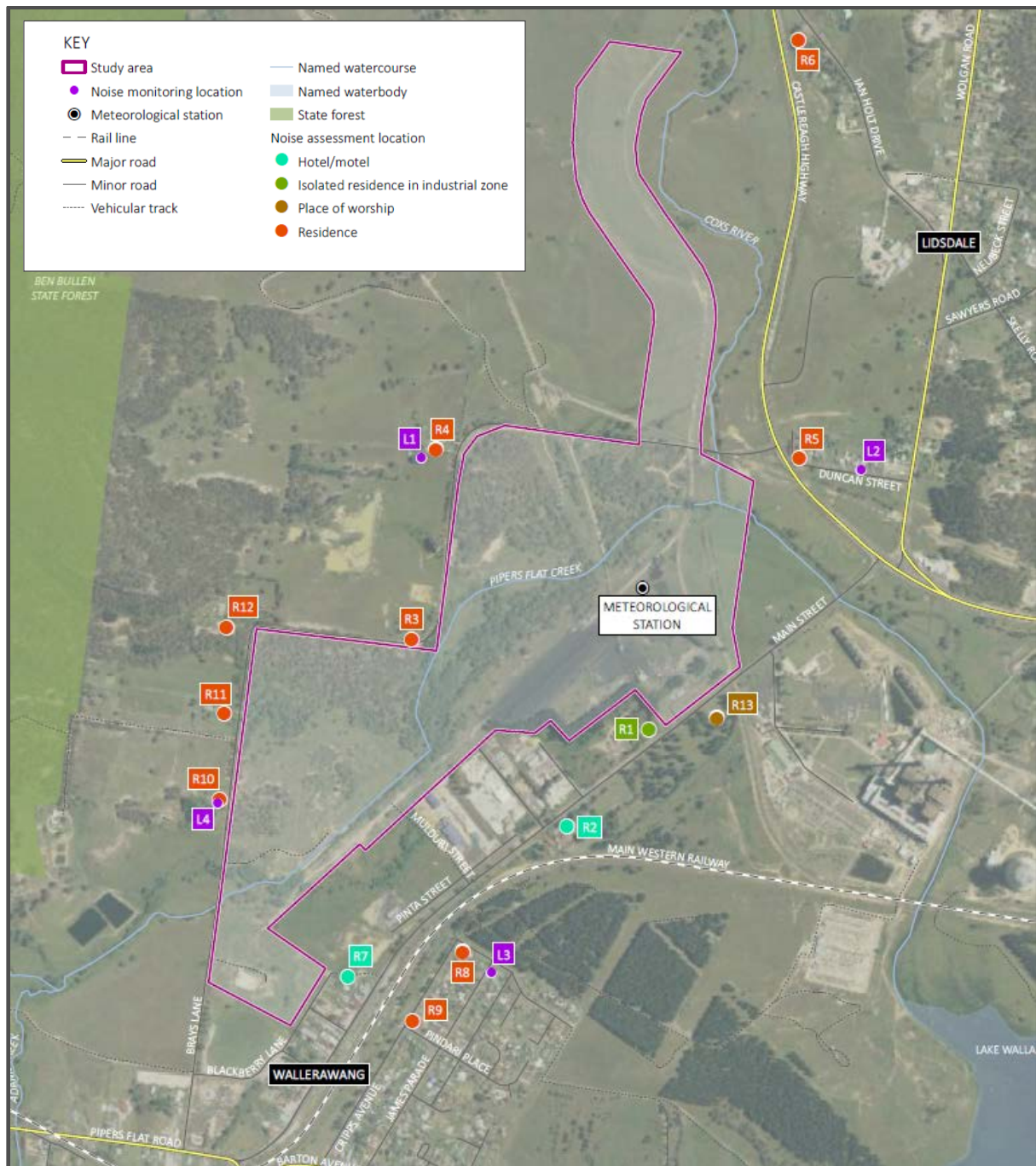


Figure 3 | Noise Receiver Locations

At two receiver locations (R3 and R8), the predicted noise levels are higher than the existing noise limits and the PNTLs.

Receiver R3 would experience a 1 dB increase to the existing noise limit. The Department notes that a noise level increase of less than 2 dB is barely perceptible to the human ear and that this receiver is already eligible for noise mitigation measures under the existing consent. On this basis, the Department considers it reasonable to apply the revised noise prediction of 48 dB(A) as an appropriate noise limit for this receiver.

Receiver R8 would experience a 3 dB increase to the existing noise limit and the PNTL. In accordance with the Department's *Voluntary Land Acquisition and Mitigation Policy 2018*, an

exceedance of the PNTL of this magnitude is considered a 'marginal' impact and triggers mitigation rights to be afforded.

Centennial considered that the VLAMP should not be applied to the modification, as it is for an existing development with legacy noise issues, where the modification would have a negligible or beneficial noise impact.

However, the Department disagrees with this position in relation to Receiver R8 as the predicted noise level is 3 dB greater than the re-evaluated PNTL and the existing noise limit, which reflects an impact that is not beneficial or negligible.

The Department notes that there is no dwelling situated at Receiver 8 (Corner of Heel St and Cripps Ave), and that this location is representative of potential noise impacts at residences in the immediate vicinity. Noise levels reduce as they disseminate down Cripps Street, as indicated by noise predictions at Receiver 9 located approximately 230 m to the south. However, it is unclear if receivers in the vicinity of Receiver 8 would experience the same magnitude of noise levels as Receiver 8 and whether these receivers are eligible for mitigation rights in accordance with the VLAMP.

On this basis, the Department has recommended that residences within 100 m of Receiver 8 be eligible to request site specific monitoring in order to determine whether project noise levels are equal to or greater than 43 dB(A) and if relevant mitigation rights should be applied in accordance with the VLAMP.

Lastly, the Department notes that noise levels have been predicted for St John the Evangelist Church, which is located immediately east of the site boundary. The existing consent does not contain noise limits for this receiver, and the Department is advised that the church is used infrequently (ie every 2nd Sunday). The NIA predicted that the project's noise levels would not exceed the applicable amenity noise criteria for the church, being an internal noise level of 38 dB(A) when in use. On this basis, and considering the infrequent use of the church, the Department and EPA considers it unnecessary to include specific noise limits for this receiver.

Conclusion

Overall, proposed modification would result in the revision of a number of daytime noise limits for receivers surrounding the site. The Department acknowledges that the increased predicted daytime noise levels are not directly the result of noise changes under the proposed modification, but reflect existing noise emissions from the site as assessed under contemporary policy.

Noise at the site would continue to be managed under existing conditions, which include the implementation of a Noise Management Plan, regular noise monitoring and implementation of best practice noise mitigation measures.

Subject to recommended noise limits and additional mitigation rights for Receiver R8, the Department considers the noise impacts of the proposed modification to be acceptable.

5.3 Other issues

The Department has considered other relevant issues in its assessment, which are summarised in **Table 2**.

Table 2: Summary of other issues

Issue	Findings	Recommendations
Biodiversity	- The site is generally clear of vegetation and is heavily disturbed. The proposed modification would not result in any further native vegetation clearing or changes to water resource impacts or the water management system. - A Biodiversity Development Assessment Report (BDAR) waiver report was provided to demonstrate that there would be no increase to impacts on biodiversity values, as required under the <i>Biodiversity Conservation Act 2016</i>. The Department accepts this conclusion and is satisfied that a BDAR is not required.	No additional conditions required.
Traffic and transport	- The proposed modification would not increase the number of train movements to and from the site and no changes are proposed to the approved limits for rail movements. - Rail movements would continue to operate within the constraints of the rail operator's Environment Protection Licence.	No additional conditions required.
Air quality	- There will be no change to the approved coal handling rate, loading or unloading operations. - Air quality would continue to be managed in accordance with the Air Quality Management Plan.	No additional conditions required.
Social and economic impacts	- The proposed modification would support the ongoing operation of the Mount Piper Power Station and continued supply of electricity to NSW. - Social impacts associated with the proposed modification are predominantly associated with noise impacts. - The Department has carefully considered the noise impacts of the proposal in Section 5.2 and has concluded that these impacts can be managed under existing and revised conditions of consent.	Recommended noise-related conditions are outlined in Section 5.2.

6 Evaluation

The Department has assessed the merits of the proposed modification and has considered the potential environmental, social and economic impacts in accordance with the requirements of the EP&A Act, and in consultation with relevant Government agencies.

The Department considers that removing unloading restrictions at the Lidsdale Siding would allow Centennial greater flexibility to meet coal supply demands at the Mount Piper Power Station which would result in would support a continued supply of electricity to NSW.

The Department's assessment has concluded that there would be negligible social, environmental or economic impacts associated with removing unloading restrictions and that operations at the site could continue to be managed under existing and revised conditions of consent.

The Department has recommended minor increases to noise limits (ranging from 1-3 dB) for five sensitive noise receivers and the inclusion of one additional receiver to be eligible for noise mitigation rights. The Department considers that these noise limits are achievable and reflect the contemporary setting in which the Siding operates. EPA supports these amended noise limits.

Overall, the Department considers that the proposed modification is in the public interest and should be approved, subject to the recommended conditions.

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 08_0223 MOD 3 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 consent to the application;
- **modifies** the consent 08_0223; and
- **signs** the attached instrument of modification (**Appendix D**).

Recommended by:



3 November 2020

Andrew Rode

Senior Environmental Assessment Officer
Resource Assessments

Recommended by:



3 November 2020

Gen Lucas

Team Leader
Resource Assessments

8 Determination

The recommendation is **Adopted / ~~Not adopted~~** by:



3 November 2020

Steve O'Donoghue

Director – Resource Assessments

as delegate of the Minister for Planning and Public Spaces

9 Appendices

Appendix A – Modification report

Appendix B – Advice from public authorities

Appendix C – Submissions report

Appendix D – Notice of modification

Appendix E – Consolidated consent

To access appendices A-E, refer to the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/30036>