



Hunters Hill Remediation Project Modification 1

Change to the interim storage location

State Significant Development Modification Assessment (08_0008 MOD 1)

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Glossary

Abbreviation	Definition
ANSTO	Australian Nuclear Science and Technology Organisation
Council	Hunters Hill Council
Department	Department of Planning, Industry and Environment (DPIE)
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department
PPR 2020	Preferred Project Report titled <i>Hunters Hill Remediation Preferred Project Report</i> prepared by WSP, dated November 2020
PNSW	Property NSW
Private property works	Targeted removal of materials with concentrations above background radiological levels on properties 5, 13 and 15 Nelson Parade as described in the PPR and RAP
Project	Excavation of contaminated soils, site validation, transport and disposal of contaminated material to a waste disposal facility in the United States of America, as described in the PPR 2020
RAP	Remediation Action Plan titled <i>Remediation Action Plan Numbers 5, 7, 9, 11, 13 and 15 and Adjoining Foreshore, Nelson Parade, Hunters Hill</i> , prepared by WSP dated November 2020
Remediation works	Excavation of soil to bedrock on 7 and 9 Nelson Parade and the foreshore adjacent to 5, 7, 9, 11 and 13; excavation of soil underneath the indoor pool and patio at No. 11; classification of soil and transport to disposal facility; validation and reinstatement of land, as described in the RAP
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

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1 Introduction

This report provides the Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (MP 08_0008) consent for the Hunters Hill Remediation Project.

The modification application seeks consent to change the interim storage location for contaminated soils removed from the Hunters Hill site, and a change to the port location for shipping the soils to the final disposal location in the USA. There is no change to the remediation works or the final disposal location.

The application was lodged on 7 December 2021 by Property NSW (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act).

1.1 Background

Land in Nelson Parade Hunters Hill is contaminated from industrial activities dating back to the late 1800s and early 1900s. A carbolic acid plant and uranium ore processing facility operated at 7, 9 and 11 Nelson Parade and the adjoining foreshore, leaving residual contamination in the soils, including petroleum hydrocarbons, heavy metals and radium. Neighbouring private properties also have concentrations of radium above naturally occurring levels.

On 12 April 2021, the Minister for Planning and Public Spaces (the Minister) approved the Hunters Hill Remediation Project (MP 08_0008) which includes remediation of 7, 9 and 11 Nelson Parade and the adjoining foreshore and targeted excavations on adjacent private properties at 5, 13 and 15 Nelson Parade, see **Figure 1** and **Figure 2**.



Figure 1 | Regional Location

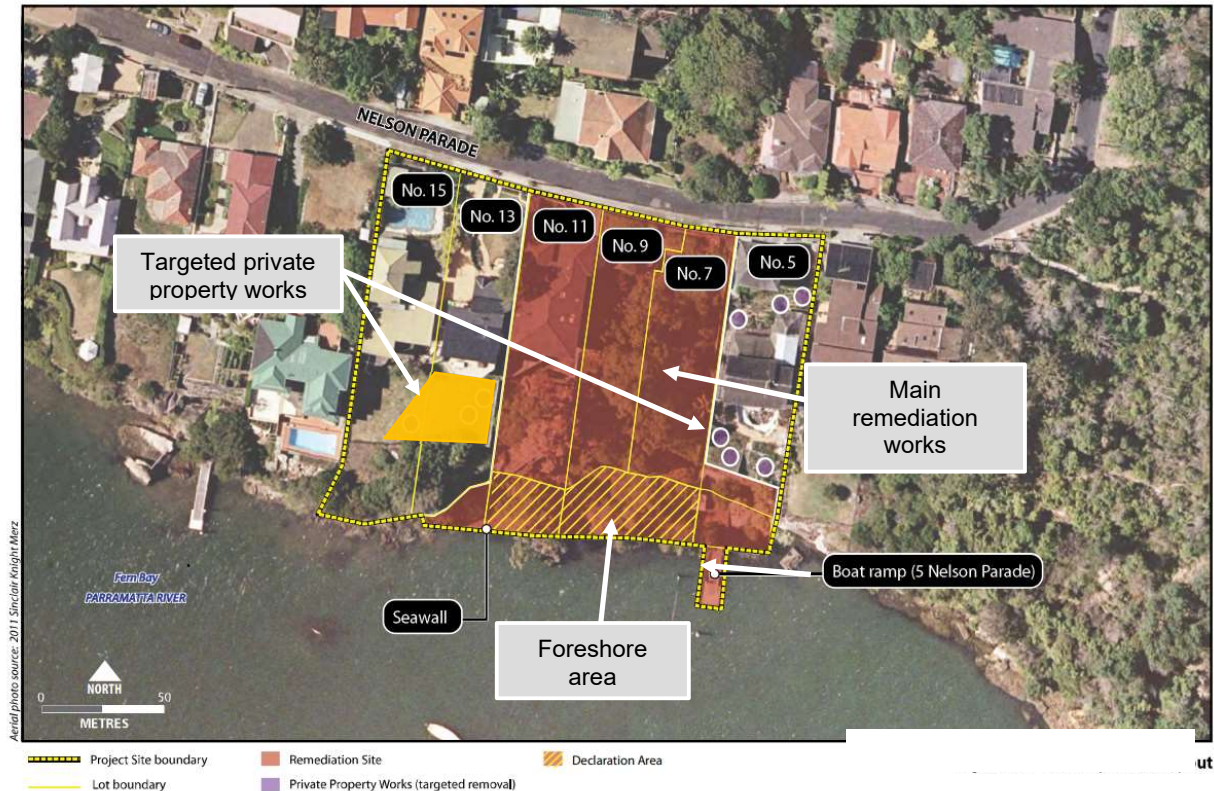


Figure 2 | Site Layout

The Applicant, Property NSW (PNSW), commenced site preparation works in July 2021 and expects to complete the remediation works by mid-2022. The project involves excavating the contaminated soils down to bedrock and placing the waste material into sealed bags and shipping containers for transport and final disposal at a radiological waste facility operated by US Ecology in Idaho, USA. The remediation works would be overseen by the Australian Nuclear Science and Technology Organisation (ANSTO) and would be validated by a Site Auditor accredited under the *Contaminated Land Management Act, 1997*.

The containerised waste material was to be temporarily stored for 1 to 2 weeks at the Veolia waste management facility in Matraville prior to loading onto ships at Port Botany for export. The Applicant had obtained agreement with Veolia to temporarily store the material. However, the Applicant has advised that the landowner of the site has now raised concerns and no longer agrees to the temporary storage. This has presented a risk to the efficient removal of the material from Hunters Hill and transport to the final disposal location in the USA. PNSW has identified an alternative interim storage location in Lonsdale, South Australia that is owned by ALARA, the licensed contractor transporting the material from the Hunters Hill site. PNSW proposes to modify the consent to remove conditions relating to the interim storage at Matraville.

1.2 Site Description

The Hunters Hill site is shown on **Figure 1** and **Figure 2** and includes 7, 9 and 11 Nelson Parade, private properties 5, 13 and 15 Nelson Parade and adjacent foreshore land.

The site is in a residential area immediately adjacent to the Parramatta River on the southern side of the Hunters Hill peninsula. The site is bound by Nelson Parade to the north, the Parramatta River to

the south and residential dwellings to the east and west. The area is characterised by low density residential dwellings built on steep sloping land that drops from Nelson Parade down to the river. The site contains a series of terraces and retaining walls that were constructed sometime in the 1920s when residential dwellings were built on the land. The foreshore area is reclaimed land that is retained by a sandstone seawall.

Properties 7 and 9 are vacant land, number 11 has an unoccupied residential dwelling and the private properties 5, 13 and 15 are occupied residential dwellings.

1.3 History of the Project

In 2012, PNSW lodged an application to remediate the site under Part 3A of the EP&A Act. The original proposal involved disposing of the contaminated soils to a restricted waste landfill in Kemps Creek. This proposal raised significant public concerns about the disposal location and PNSW proceeded to investigate alternative disposal options. Finding an alternative disposal location involved extensive consultation and engagement with the community and regulators and in 2020, PNSW confirmed it would dispose of the contaminated soils to a licensed facility in Idaho, USA. This proposal was strongly supported by the community with over 200 submissions in support.

The proposal required the containers of waste material to be temporarily stored until a ship is in port to take the material. PNSW identified a waste facility in Matraville that could store the containers for a period of 1-2 weeks before transferring them to the port for loading onto a ship. The landowner of the Matraville site has now raised concerns and no longer agrees to the temporary storage. This has presented a significant risk to the efficient transport of the contaminated material from the site to the USA.

PNSW has identified an alternative temporary storage location that involves a change to the transport route for the material and the port location for shipping.

On 3 December 2021, the Director Industry Assessments, under delegation from the Minister, declared the project to be State significant development under the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*.

2 Proposed Modification

2.1 Description of Modification

PNSW has submitted an application to modify the project under section 4.55(1A) of the EP&A Act. The modification is described in the Modification Report in **Appendix A** and summarised in **Table 1**. **Figure 4** and **Figure 4** shows the proposed interim storage location.

Table 1 | Components of the Modification

Aspect	Description
Interim Storage	<ul style="list-style-type: none">• change the interim storage location from the Veolia waste facility, Matraville to the ALARA facility in Lonsdale South Australia (SA)• transfer the containers from small trucks to B-doubles at the Enfield Intermodal Terminal, with containers held for no more than 24 hours and not placed on the ground, so they remain 'in-transit'• store containers at the ALARA facility in Lonsdale for 60-150 days depending on ship schedules
Transport Route	<ul style="list-style-type: none">• transport containers using B-doubles from the Enfield Intermodal Terminal to Lonsdale SA in accordance with NSW, Victorian and South Australian regulations for the transport of restricted solid waste and radioactive waste
Port Location	<ul style="list-style-type: none">• transport containers from the Lonsdale storage facility to the Port of Adelaide for shipping to the US Ecology facility in Idaho, USA

The Applicant has requested the conditions relating to the interim storage location be modified to remove references to the Veolia waste management facility in Matraville.

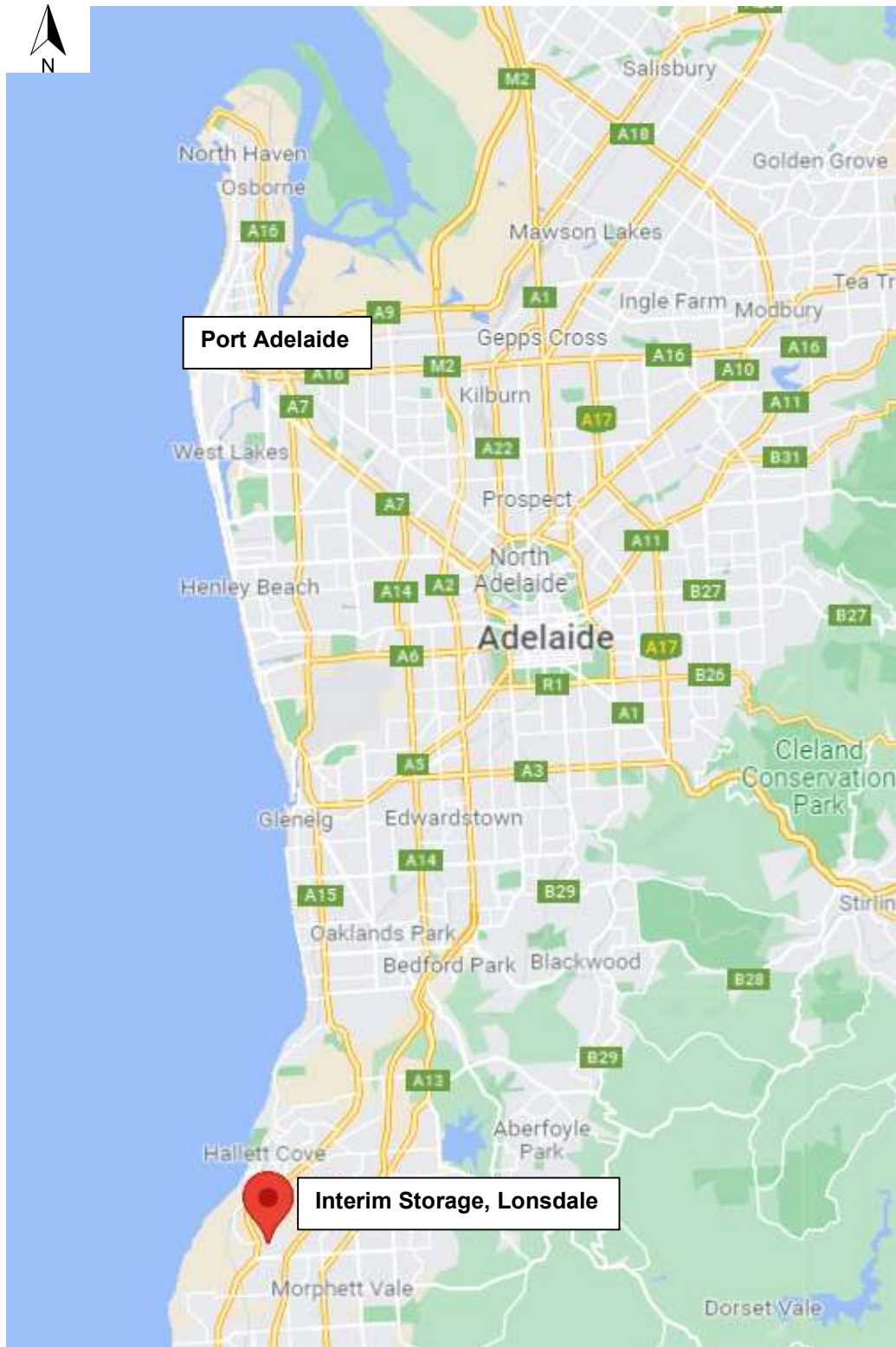


Figure 3 | Proposed Interim Storage and Port Location



Figure 4 | Proposed Interim Storage Lonsdale, SA

2.2 Applicant's Justification for the Proposed Modification

The Applicant proposes to modify the project to ensure efficient transport of contaminated material from the Hunters Hill site to the final disposal location in Idaho, USA. The site in Hunters Hill is small and located in a narrow residential street with no capacity to store containers on the site. Containers can not be stored at the port for more than 24 hours prior to shipping, so an interim storage location is needed to store the containers until a sufficient quantity is available for shipping. PNSW had reached agreement with Veolia to store the containers at its waste management facility in Matraville close to Port Botany. The landowner of the site has now raised concerns and no longer agrees to the temporary storage, which has presented a significant risk to the project.

PNSW has identified an alternative interim storage facility that is owned by ALARA, the logistics contractor moving the contaminated soils from Hunters Hill. The facility is licensed for the storage of radioactive material and routinely stores these materials. The facility is located 34 kilometres from the Port of Adelaide, where the containers would be loaded onto ships for transport to the USA. At least 90% of all material classified in Australia as radioactive is exported via the Port of Adelaide.

The alternate interim storage location, transport route and port location provides a more secure logistics route and provides PNSW greater flexibility in vessel booking and ship loading. This flexibility has become more critical due to the global pandemic, as the availability of ships is constrained.

3 Statutory Context

3.1 Scope of Modifications

The Department has reviewed the scope of the modification application and is satisfied the 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 development would not change as a result of the modification; and
- any potential environmental impacts would be minimal and appropriately managed through the existing conditions of consent.

Therefore, the Department is satisfied the 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.

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. Under the Minister's delegation of 26 April 2021, the Director, Industry Assessments, may determine the application under delegation as:

- the application has not been made by a person who has disclosed a reportable political donation under section 10.4 of the EP&A Act
- there are no public submissions in the nature of objections, and
- Council has not made a submission by way of objection under the mandatory requirements for community participation listed under Schedule 1 of the EP&A Act.

3.3 Mandatory Matters for Consideration

The Department undertook a comprehensive assessment of the application against the mandatory matters for consideration as part of the original assessment for the Hunters Hill Remediation Project (MP 08_0008). This modification application does not result in significant changes that would alter the Department's consideration of the mandatory matters for consideration under section 4.15(1) of the EP&A Act and conclusions made as part of the original assessment.

3.4 Biodiversity Conservation Act 2016

Clause 30A(2)(c) of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required.

The modification does not require any vegetation clearing and would not impact on any threatened species or ecological communities. All vegetation clearing has been approved under the original application. For the reasons discussed above, the Department's assessment concludes a BDAR is not necessary for the proposed modification.

4 Engagement

Clause 117(4) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) requires a section 4.55(1A) modification application to be notified or advertised if specified by a community participation plan. The Department's Community Participation Plan notes the exhibition requirements for such modifications are discretionary, and based on the urgency, scale and nature of the modification.

Given the proposed changes would result in minimal environmental impacts (see **Section 5**), the application was not notified or advertised. However, it was made publicly available on the Department's website and was referred to Hunters Hill Council (Council) and the Environment Protection Authority (EPA) for comment.

Council reviewed the modification including the updated Transportation Management Plan and raised no objection.

EPA reviewed the modification and updated Transportation Management Plan. EPA noted there are no changes to the use of a Site Auditor under the *Contaminated Land Management Act 1997* and the excavation of material from the site under the supervision of ANSTO. EPA had no comments or objections to the modification.

5 Assessment

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

- the modification report and updated Transportation Management Plan (see **Appendix A**)
- the Department's assessment report for the original application (see **Appendix A**)
- advice from Council and the EPA (see **Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issue is traffic management and waste transport. The Department's consideration of other issues is provided in **Table 2**.

5.1 Traffic Management & Waste Transport

The modification involves changes to the waste transport route for contaminated material leaving the site. The changes involve transporting the waste through NSW, Victoria and South Australia, requiring consideration of the relevant transport regulations in these jurisdictions.

Approved Project

The approved project involves excavation of contaminated soils and loading the material into sealed bags and shipping containers on the Hunters Hill site. ANSTO would provide radiological clearance of each load to verify the waste classification. A US Ecology representative would verify the packaging complies with all requirements for waste transport, including international shipping regulations, and final disposal. Between 1 to 2 container trucks per day would transport the material off-site over a total period of 4 months. The approved project proposed transporting the containers to the Veolia waste management facility in Matraville where they would be stored for a period of 1 to 2 weeks before transport to Port Botany for ship loading.

Proposed Modification

The modification does not change the remediation method or the packaging of waste material on the site. All material would still be screened by ANSTO and verified by US Ecology prior to off-site transport. Truck movements would stay the same, with 3 containers moved off-site each day, with trucks carrying one container each. The modification would change the interim storage location to an ALARA owned facility in Lonsdale, SA and the Port of Adelaide for ship loading. The containers would first be transported to the Enfield Intermodal Terminal in Sydney, where 3 containers would be loaded onto a single B-double truck for transport to SA. The containers would not be placed on the ground and would be kept at Enfield for less than 24 hours, ensuring the material remains 'in-transit'. From Enfield the trucks would travel to Lonsdale via the Hume Highway, passing through Victoria before entering SA. A maximum of 40 trucks would be required to transport the total volume of material. The containers would be stored at ALARA Lonsdale for between 60 – 150 days. This would provide flexibility for the shipping of containers to the USA, allowing for all containers to be loaded onto a single ship, or for containers to be loaded in batches, dependent on ship scheduling and available space.

PNSW provided an updated Transportation Management Plan (TMP) prepared by US Ecology, detailing the packaging, transport and storage processes and applicable transport regulations. The

TMP notes the material would be transported in accordance with regulations for 'restricted solid waste' in NSW and for 'UN2912 Radioactive Material' through Victoria and SA. The TMP details emergency response procedures for spills during transport that were developed in accordance with international regulations for the safe transport of radioactive waste and dangerous goods. The TMP also includes copies of licences held by ALARA for transport and storage of radioactive material in Victoria and SA.

Assessment and Recommendation

The Department reviewed the modification request and TMP in consultation with Council and the EPA. Council and EPA did not raise any concerns about the proposed waste transport and storage.

Once the material leaves Hunters Hill, it would be transported via arterial and sub-arterial roads to the Enfield Intermodal Terminal and then via major motorways and highways to the interim storage location in SA, avoiding residential streets. The Human Health Risk Assessment for the project considered health risks to truck drivers transporting the waste to disposal facilities and from five different accident scenarios. This assessment concluded the risks would be low to very low, with the maximum predicted exposure equivalent to 8.3% of the annual dose limit for a member of the public, similar to the dose received from two dental x-ray images.

In August 2021, the Department approved a traffic management plan for the project which detailed measures to manage traffic movements through Hunters Hill, until trucks join the sub-arterial road network. This plan was prepared in consultation with Council and notes that trucks transporting excavated soils from the site would avoid peak periods, including school peak hours in Hunters Hill.

The material would be securely stored inside sealed international packaging bags inside shipping containers and transported in accordance with all relevant regulations through NSW, Victoria and SA. The Department notes that ALARA is a licensed transporter of radioactive material and holds relevant licences for transport and storage of this material in each State. ALARA's key business operations involves transporting high-consequence material and hazardous cargo in Australia and internationally.

The material would be shipped from the Port of Adelaide, where approximately 90% of all material classified in Australia as radioactive is exported from. This includes almost all of the uranium ore that is mined in Australia, with the material transported via road to the port. The final disposal location at the US Ecology facility in Idaho, USA remains unchanged.

The Department notes the modification is needed due to challenges that have arisen in reaching an agreement with the landowner of the Veolia facility in Matraville. This has presented a significant risk to the project and the efficient removal of contaminated material from Hunters Hill. There is limited capacity to store containers on the Hunters Hill site and the material can't be stored at the port for more than 24 hours. Without a temporary storage location, PNSW can't commence excavating the contaminated material. Site preparation works are almost complete and excavation is due to commence in early 2022. Removal of the contaminated material from Hunters Hill would resolve the long-standing issue for the local community with some residents having lived next to the contaminated site for 50 years. The global pandemic has also changed the availability of ships and PNSW needs the flexibility provided by a temporary storage facility to adapt to ship availability, to ensure the material can be efficiently transported to the USA.

The proposed storage location has all relevant licenses for the storage of radioactive material and routinely accepts this type of material from all over Australia. The transport contractor ALARA also has

detailed procedures in place to manage radioactive wastes. Council and the EPA did not raise any concerns about the interim storage location.

The Department’s assessment of the modification has concluded there would be negligible impacts due to the changed transport route, interim storage and port location. There would be no change to the impacts at the remediation site in Hunters Hill as the methodology for excavating and packaging the contaminated material is unchanged. The human health risks associated with transporting the material are low to very low and procedures are detailed in the TMP to manage any incidents during transport and storage of the material. The Department recommends the conditions relating to the interim storage of the material at the Veolia facility in Matraville be removed from the project approval and be replaced with a condition that requires the material to be transported in accordance with all relevant regulations and the TMP dated 3 December 2021.

The Department’s assessment concludes the alternative interim storage location would ensure safe and efficient removal of the contaminated material from the Hunters Hill site. The modification is necessary to ensure the land can be remediated as some residences living next to the site have been impacted for over 50 years.

5.2 Other Issues

The Department’s assessment of other issues is provided in **Table 2**.

Table 2 | Assessment of Other Issues

Issue	Findings	Recommendations
Remediation Strategy	<ul style="list-style-type: none"> The modification does not involve any change to the remediation strategy on the site. Contaminated soils would be excavated, screened by ANSTO, packaged and verified by US Ecology and transported off-site in sealed shipping containers. The site would be validated and a Site Audit report and Statement issued on completion. The Department’s assessment concludes there is no impact on the remediation strategy and no changes are required to the existing conditions. 	<ul style="list-style-type: none"> No change to remediation conditions.
Waste Disposal	<ul style="list-style-type: none"> The modification does not involve any change to the final waste disposal location at the US Ecology facility in Idaho, USA. The Department’s assessment concludes there is no impact on waste disposal and no changes are required to the existing conditions. 	<ul style="list-style-type: none"> No change to waste disposal conditions.
Air Quality and Human Health	<ul style="list-style-type: none"> As there is no change to the remediation method on site, the modification would have no impact on air quality and human health. The Human Health Risk Assessment for the project considered impacts to truck drivers transporting the waste and members of the public in the event of a road accident. This assessment concluded there would be low to very low risk and this would not change due to the modification. 	<ul style="list-style-type: none"> No change to air quality and human health conditions.

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> The Department's assessment concludes the modification would not alter air quality or human health impacts and no changes are required to the conditions. 	
Surface Water Management	<ul style="list-style-type: none"> The modification does not require any physical changes to works on the site. There would be no change in surface water impacts or management measures. The Department's assessment concludes the modification would not change surface water impacts and no changes are required to the conditions. 	<ul style="list-style-type: none"> No change to surface water conditions.
Noise and Vibration	<ul style="list-style-type: none"> The modification does not require any physical changes to works on the site. There would be no change in noise or vibration impacts or management measures. The Department's assessment concludes the modification would not change noise and vibration impacts and no changes are required to the conditions. 	<ul style="list-style-type: none"> No change to noise and vibration conditions.

6 Evaluation

The Department has assessed the modification in accordance with the relevant requirements of the EP&A Act and in consultation with Council and the EPA.

The Applicant proposes to modify the Hunters Hill Remediation Project (MP 08_0008) to ensure efficient transport of contaminated soils from the Hunters Hill site to the final disposal location in Idaho, USA. The modification includes:

- changing the interim storage location for contaminated soils from the Veolia waste management facility in Matraville to the ALARA facility in Lonsdale, SA
- changing the transport route from Hunters Hill, involving the transfer of containers from small trucks onto B-doubles at the Enfield Intermodal Terminal, with the material remaining 'in-transit'
- changing the port for shipping from Port Botany to the Port of Adelaide.

The modification does not involve any changes to the remediation works on the Hunters Hill site or the final disposal location in Idaho, USA.

Council and the EPA did not raise any issues or objections to the modification.

The key assessment issues for the modification are traffic management and waste transport. The Department's assessment concluded the modification would have negligible impacts. The human health risks associated with transporting the waste material are low to very low and procedures are detailed in the TMP to manage any incidents during transport and storage of the material. ALARA holds all relevant licences for the transport and storage of radioactive material through NSW, Victoria and SA and routinely transports, stores and exports this type of material.

A traffic management plan has been prepared in consultation with Council and approved by the Department which outlines measures to minimise traffic impacts on residential streets in Hunters Hill. Once trucks leave Hunters Hill, they would travel on the arterial and sub-arterial road network, avoiding residential streets.

The Department notes the alternative interim storage location would ensure safe and efficient removal of the contaminated material from the Hunters Hill site, which has been a long-standing issue for the Hunters Hill community for over 50 years. The interim storage location in Lonsdale, SA is owned and managed by ALARA, the waste transport contractor, which substantially reduces risks to the safe and efficient removal of the material from Hunters Hill to the final disposal location.

The Department considers the proposed modification is appropriate on the basis that:

- the modification would result in minimal environmental impacts
- it would ensure efficient transport of waste material from the Hunters Hill site to the final disposal location in Idaho, USA
- it would facilitate remediation of the Hunters Hill site, which has been a long-standing issue for the Hunters Hill community for over 50 years.

The Department is satisfied that the modification should be approved.

7 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 MP 08_0008 MOD 1 falls within the scope of section 4.55(1A) of the EP&A Act
- **forms the opinion** under clause 30A(2)(c) of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* that a BDAR is not required to be submitted with this application as the application will not increase the impact on biodiversity values on the site
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **agrees** with the key reasons for approval listed in the draft notice of decision
- **modifies** the consent MP 08_0008
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:



24 December 2021

Deana Burn
Specialist Planner
Industry Assessments

8 Determination

The recommendation is **Adopted** by:



24 December 2021

Chris Ritchie

Director

Industry Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of Documents

The Department has relied upon the following key documents during its assessment of the modification:

Modification Application

Request to Modify Planning Conditions within Application Number 08_0008 and Transportation Management Plan submitted by Property NSW on 7 December 2021.

<https://www.planningportal.nsw.gov.au/major-projects/project/42866>

Government Agency Advice for MP 08_0008

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2261

Department's Assessment Report for MP 08_0008

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2261

Appendix B – Modifying Instrument

The Instrument is available on the Department's website at

<https://www.planningportal.nsw.gov.au/major-projects/project/42866>

Appendix C – Consolidated Consent

The consolidated consent is available on the Department's website at

<https://www.planningportal.nsw.gov.au/major-projects/project/42866>