

Modification of Development Consent

Section 96(2) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning, under delegation executed on 11 October 2017, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.

The conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the Development.



Chris Ritchie
Director
Industry Assessments

Sydney **20 FEBRUARY**

2018

File: OBJ17/07218

SCHEDULE 1

Application No:	SSD 6799
Applicant:	NewCold Sydney Unit Trust
Consent Authority:	Minister for Planning
Development:	Construction and operation of a cold storage warehouse and distribution facility with ancillary offices.
Date of Original Consent:	22 July 2016
Modification:	SSD 6799 MOD 1 – Changes to: • amend the site layout and building design; • revise architectural treatments; • revise access arrangements off Darling Street; • increase the number of car parking spaces on-site; and • increase on-site landscaping.

SCHEDULE 2

This consent is modified as follows:

In the Definitions

1. Delete the definition for “Applicant” and replace with the following in alphabetical order:

Applicant NewCold Sydney Unit Trust or any other person or persons who rely on this consent to carry out the Development that is subject to this consent

2. Insert a new definition in the list of definitions in alphabetical order as follows:

SSD 6799 MOD 1 Section 96(2) modification application titled '*Proposed Cold Storage Facility, 124 Hollinsworth Road, Marsden Park*', prepared by Urbis Pty Ltd, dated 18 May 2017, the response to submissions prepared by Urbis, dated 1 September 2017 and all appendices and the supplementary letters and associated information prepared by Urbis dated 18 October 2017 and 21 December 2017 and prepared by EMKC dated 28 September 2017 and 29 November 2017.

3. Delete all references to the word "shall" and replace with "must", except in Conditions B3 and B12 and the second instance in Condition C38(a).

In Schedule B: Administrative Conditions

4. Delete Condition B2 and replace with the following:

B2. The Applicant must carry out the Development in accordance with:
a) the EIS and RTS;
b) the Schedule of Drawings (see Appendix A)
c) the SSD 6799 MOD 1; and
d) the Management and Mitigation Measures (see Appendix B).

5. Delete Condition B6.

6. Insert new Condition B7A as follows:

B7A. The Applicant must not use external hardstand areas on-site to store goods handled as part of the operation of the Development.

7. Delete Condition B26. a) and replace with the following:

a) lighting for the carpark areas is positioned off the TransGrid easement and is designed in accordance with TransGrid's vertical clearance requirements. Connection to the local electricity system is only permitted if the lighting is electrically isolated in accordance with AS/NZS 3000:2007 *Wiring Rules* and the point of isolation is located outside the easement.

8. Insert new Condition B30A as follows:

B30A. All sediment fences used in the construction of the Development must consist of geotextile fabric. Sediment fences containing wire or steel mesh must not be used during construction.

9. Insert new Condition B30B as follows:

B30B. The Applicant must ensure all recreational facilities or fixtures (such as outdoor furniture) in the employee communal area is a minimum of 17 m from the centerline of the TransGrid easement.

10. Insert new Condition B30C as follows.

B30C. The Applicant must ensure the final design of the listed stormwater items in the TransGrid easement, are located a minimum of 20 m from any transmission line structure:
a) the stormwater pipe depicted in drawing DAC200, issue B, dated 13/10/2017, prepared by at&I; and

- b) the catch drain depicted in drawing DAC300, issue B, dated 13/10/2017, prepared by AT&L.

The Applicant shall submit revisions of the plans listed in Conditions B30C(a) and B30C(b) above as part of the Stormwater Management Plan required under Condition C14.

In Schedule C: Environmental Performance and Management

11. Delete Condition C4 and replace with the following:

C4. TransGrid's use and access to the transmission line easement (as shown on drawing AU0012 MDP DA01 002, revision F, prepared by EMKC and dated 28 September 2017) must be preserved and provided at all times. Once installed, a set of keys for the property security and boom gates must be provided to TransGrid to ensure access to the easement and stanchion at all times.

12. Delete Condition C5. a) and replace with the following:

- a) a minimum of 133 on-site car parking spaces (including 2 accessible spaces) for use during operation of the Development; and

13. Delete Condition C14. b) (i) through to C14. b) (iv) and replace with the following:

- b) be prepared generally in accordance with the:
- (i) the Civil Stormwater Management Report, prepared by AT&L dated 18 April 2017;
 - (ii) Civil Drawings, prepared by AT&L listed at Appendix A; and
 - (iii) *Blacktown City Council's Development Control Plan Part R 2006 and Engineering Guide for Development 2005*; and
 - (iv) Landcom's *Managing Urban Stormwater: Soils and Construction Guideline*;

14. Delete Conditions C14. f) (i) through to C14. f) (iii) and replace with the following:

- f) describe the measures that would be implemented to maintain this infrastructure during the life of the Development, including:
- (i) a program for maintenance and monitoring to ensure stormwater quantity and quality is maintained, and detail the procedures to be undertaken if any non-compliance is detected;
 - (ii) provision for annual reporting to Council which outlines all maintenance undertaken on the stormwater quality improvement devices and details of all non-potable water used; and
 - (iii) all contractor's cleaning reports or certificates that will be provided to Council; and

15. Delete Condition C19 and replace with the following:

C19. The Applicant must ensure the rainwater reuse/harvesting system is designed, constructed and operated in accordance with the Civil Stormwater Management Report, prepared by AT&L dated 18 April 2017. A rainwater re-use plan is to be prepared and certified by an experienced hydraulic engineer for non-potable water uses. A signed works-as-executed Rainwater Re-use Plan is to be provided to Council prior to the issue of any Occupation Certificate for the Development.

16. Delete Condition C21. d) and replace with the following:

- d) the 1,500 kL rainwater re-use tank, 41 Enviropods within grated pits, 3 Jellyfish JF3250 (offline configuration) and 1 Jellyfish JF2250 (offline configuration) devices have all been installed for the site as per the manufacturer's recommendations.

17. Delete Condition 31 and replace with the following:

C31. The Applicant must ensure noise generated by the Development does not exceed the limits in **Table 1**.

Table 1: Noise Limits

Receiver	Day L _{Aeq} (15 minute)	Evening L _{Aeq} (period)	Night L _{Aeq} (period)	Night Sleep Disturbance L _{A1} (1 Minute)
A1 - Caravan Park at 140 Hollinsworth Road	43	40	37	47
A2 - 105 Hollinsworth Road	43	40	37	47

Notes:

- To identify the exact residential receiver location, refer to Appendix 3 of this consent; and
- Noise generated by the Development is to be measured in accordance with the relevant procedures and exemptions specified in Fact Sheet C of the Noise Policy for Industry (2017).

18. Delete Conditions C38. (b) and C38. (c) and replace with the following:

(b) Hazard and Operability Study

A Hazard and Operability Study for the ammonia system, chaired by a qualified person, independent of the Development. The study must be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'*. The ammonia system should include but not be limited to the storage and handling of ammonia and the refrigeration unit.

(c) Final Hazard Analysis

A Final Hazard Analysis (FHA) of the Development, consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'*. The FHA must assess the risks from the Development as modified, taking into account the final design of the ammonia refrigeration system and implementation of recommendation or safeguards arising from the pre-construction studies.

19. Delete Condition C39. (a) and replace with the following:

(a) Emergency Plan

A comprehensive Emergency Plan and detailed emergency procedures for the Development. This plan must be developed in consultation with operators in the neighbouring facilities. It must include detailed procedures for the safety of all people outside of the Development who may be at risk from the Development. The plan must be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*.

20. Delete Condition C44 and replace with the following:

C44. For the life of the Development, the Applicant must implement reasonable and feasible measures to minimise waste generated by the Development in accordance with the Waste Minimisation in the document titled Ecologically Sustainable Design Report, prepared by Cundall, dated 21 April 2017.

21. Delete Condition C48 and replace with the following:

C48. All signage must be erected in accordance with specifications identified in the following drawings:

- a) AUD0012 MDP DA01 OP3, Proposed Elevations, Revision J, dated 23 July 2017.

22. Delete Condition C50. c), and replace with the following:

- c) ensure turf is laid on the bank adjoining the road reserve and is maintained until established. Temporary landscape treatments such as hydromulching must not be used. All turf laid on the bank adjoining the road reserve must be and maintained until the commencement of construction works;

23. In Condition C55 delete the words “for the Stage 1 works”.

In the Appendices

24. Delete the Schedule of Approved Drawings at Appendix A and replace with the following:

Drawing No.	Issue	Date	Title
Architectural Drawings			
AU0012 MDP DA01 002	F	28/9/2017	Proposed Site Plan
AU0012 MDP DA01 100	A	18/8/2017	Proposed GF Office Layout
AU0012 MDP DA01 110	A	18/8/2017	Proposed L1 Office Layout
AU0012 MDP DA01 120	A	18/8/2017	Proposed L2 Office Layout
AU0012 MDP DA01 200	J	23/8/2017	Proposed Elevations
AU0012 MDP DA01 500	J	25/10/2017	Proposed Sections
Civil Drawings Prepared by at&I			
DAC001	B	13/10/2017	Coversheet, Locality Plan and Drawing List
DAC002	B	13/10/2017	General Notes
DAC100	B	13/10/2017	Bulk Earthworks Layout Plan
DAC101	B	13/10/2017	Earthworks Typical Sections
DAC200	B	13/10/2017	Siteworks and Drainage Layout Plan
DAC201	B	13/10/2017	Stormwater Catchment Plan
DAC202	B	13/10/2017	Pavement Plan
DAC300	B	13/10/2017	Erosion and Sediment Control Plan
DAC301	B	13/10/2017	Erosion and Sediment Details
DAC400	B	13/10/2017	Civil Details Sheet 1
DAC401	B	13/10/2017	Civil Details Sheet 2
Civil Plans Prepared by Beca Pty Ltd			
2520460-96-0-601	A	21 May 2015	Existing Conditions Plan
Survey Plans			
J-33444-WAR-LOT 124	-	28/1/2015	Plan showing levels & contours over Lot 124 in unregistered DP 1194052 located on Hollinsworth Road, Marsden Park.

25. Delete the Table with the details of noise receiver locations at Appendix C and insert the following figure:



Figure 1: Development site, receiver and noise monitoring locations

