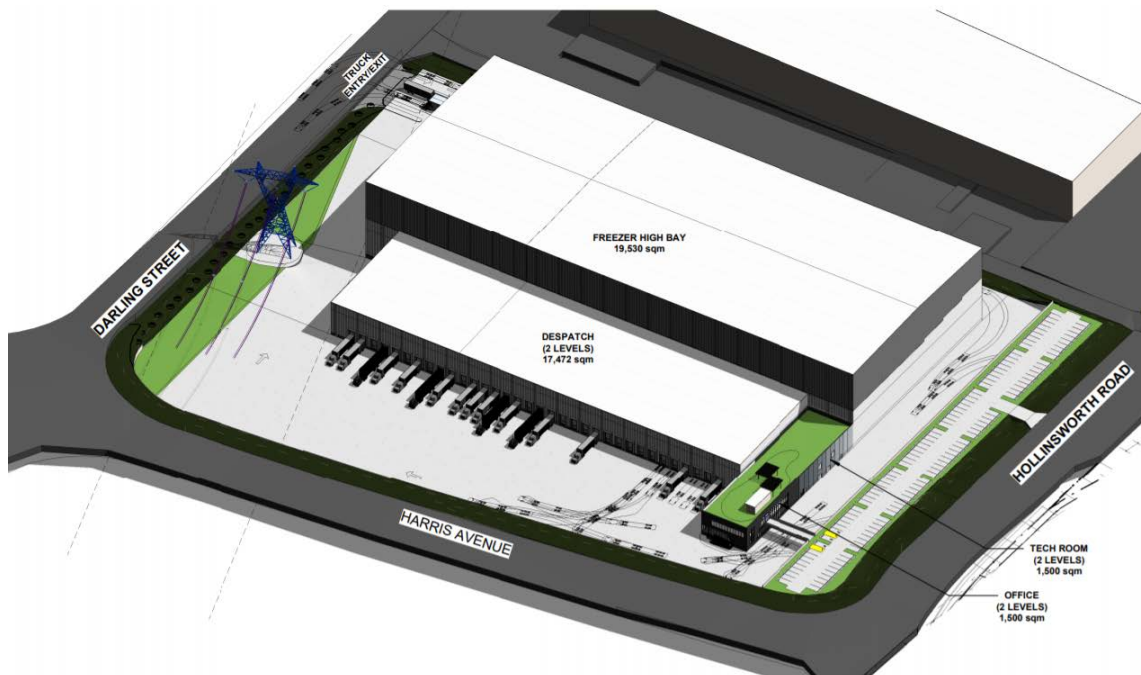




# NewCold Cold Storage Modification 2

State Significant Development Modification Assessment  
(SSD-6799-Mod-2)



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# Glossary

Abbreviation	Definition
<b>Applicant</b>	NewCold Sydney Pty Ltd
<b>Council</b>	Blacktown City Council
<b>Department</b>	Department of Planning, Industry and Environment
<b>Development</b>	NewCold Cold Storage Facility
<b>District Plan</b>	Central District Plan
<b>EES</b>	Environment, Energy and Science Directorate, DPIE
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>GFA</b>	Gross floor area
<b>Growth Centres SEPP</b>	State Environmental Planning Policy (Sydney Region Growth Centres) 2006
<b>LGA</b>	Local Government Area
<b>Minister</b>	Minister for Planning and Public Spaces
<b>Modification</b>	As proposed through SSD-6799-Mod-2
<b>Modification 1</b>	SSD-6799-MOD-1
<b>MPIP</b>	Marsden Park Industrial Precinct
<b>OTMP</b>	Operational Traffic Management Plan
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>Regional Plan</b>	Greater Sydney Regional Plan: A Metropolis of Three Cities
<b>RTS</b>	Response to Submissions
<b>SEE</b>	Statement of Environmental Effects
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW

# Executive Summary

## Introduction

NewCold Sydney Pty Ltd (the Applicant) proposes to modify its development consent for the Cold Storage Facility (the development) at Marsden Park in the Blacktown local government area.

On 22 July 2016, the Applicant was granted development consent for the development of a warehouse and distribution centre for a cold storage facility with high bay storage.

On 20 February 2018, the Applicant was granted a modification to the development consent which made changes to the internal and external layout, as well as modifications to the building design. The Applicant is no longer intending to pursue the approved changes, and now proposes to modify the development to increase the building footprint, relocate the access, loading docks and staff car parking, as well as seek to construct the development in two stages (the modification).

## Modification

The modification to the development involves an increase in the building footprint, relocation of the access from Darling Street to both Darling Street and Hollinsworth Road and the relocation of loading docks and staff car parking.

## Statutory Context

The modification was submitted in accordance with section 4.55(2) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The Minister for Planning and Public Spaces is the consent authority for the modification.

## Engagement

The Department exhibited the modification from 15 April 2020 to 30 April 2020. A total of four submissions were received, one from Blacktown City Council (Council), two from public authorities and one from an asset owner, none were in objection to the development.

Matters raised in Council and public authority submissions related to access arrangements, changes to the architectural treatments proposed for the building façade and the protection of TransGrid infrastructure.

The Applicant provided a Response to Submission (RTS) on 30 June 2020 addressing these matters.

## Assessment

The Department considers the key assessment issue for the modification to be the management of site access and the architectural treatment for the building's façade.

The Department, in consultation with Transport for NSW (TfNSW), raised concerns with the proposed relocation of the approved access from Darling Street to both Darling Street and Hollinsworth Road. Concerns centred around the proposed location of the Hollinsworth Road access and how it would safely operate in close proximity to the future planned intersection between Hollinsworth Road and Harris Avenue. The Applicant provided revised plans that included relocating the access point further from the intersection (from 75 metres (m) to 120 m). The revised access arrangements were reviewed by TfNSW, raising no objection and confirming adequate separation has been provided. The Applicant

will be required to prepare and implement an Operational Traffic Management Plan to ensure road and site safety.

The modification also sought changes to the architectural treatment of the building's façade, specifically changes to the materials and colour scheme. The appearance of the building's façade (particularly the high-bay component) was a key issue considered as part of Modification 1. The Department, in consultation with Council, raised concerns with the changes sought to the materials, particularly the removal of metal cladding which had been previously approved in the design. The Applicant subsequently amended the modification, providing revised architectural plans, to retain consistency with the design outcomes approved as part of Modification 1, including retention of the faceted metal cladding on all elevations.

## Summary

The Department's assessment has concluded that the modification would:

- provide a range of benefits for the region and the State through a capital investment of \$70 million in the Blacktown local government area
- provide 248 jobs in western Sydney
- assist in delivering the strategic objectives of the North-West Priority Growth area under State Environmental Planning Policy (Sydney Region Growth Centres) 2006, to provide employment generating development in western Sydney

The Department's assessment concluded that the impacts of the modification can be mitigated and managed to an acceptable level, subject to the recommended modifying conditions.

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

# Contents

<b>1</b>	<b>Introduction</b> .....	<b>1</b>
1.1	Background .....	1
1.2	Subject Site .....	1
1.3	Approval history.....	3
<b>2</b>	<b>Proposed modification</b> .....	<b>4</b>
<b>3</b>	<b>Strategic context</b> .....	<b>7</b>
<b>4</b>	<b>Statutory context</b> .....	<b>8</b>
4.1	Scope of modification.....	8
4.2	Consent authority .....	8
4.3	Mandatory matters for consideration .....	8
4.4	Biodiversity Conservation Act 2016 .....	8
<b>5</b>	<b>Engagement</b> .....	<b>9</b>
5.1	Department’s engagement.....	9
5.2	Summary of submissions .....	9
5.3	Key issues – Government Agencies .....	9
5.4	Response to submissions .....	9
<b>6</b>	<b>Assessment</b> .....	<b>11</b>
<b>7</b>	<b>Evaluation</b> .....	<b>14</b>
<b>8</b>	<b>Recommendation</b> .....	<b>15</b>
<b>9</b>	<b>Determination</b> .....	<b>16</b>
<b>Appendices</b> .....		<b>17</b>
	Appendix A – List of referenced documents.....	17
	Appendix B – Consolidated Consent.....	18
	Appendix C – Notice of modification.....	19

# 1 Introduction

This report provides an assessment of an application to modify the State significant development (SSD) consent for the NewCold Cold Storage Facility, Marsden Park (SSD-6799-MOD-2).

The modification seeks approval to increase the building footprint, relocate the access, loading docks and staff car parking, with the construction still proposed to occur across two stages.

The modification has been lodged by NewCold Sydney Pty Ltd (the Applicant) pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.1 Background

The Applicant is constructing a warehouse and distribution centre for a cold storage facility at Hollinsworth Road in the Blacktown local government area (LGA) (see **Figure 1** and **Figure 2**). The development seeks to provide distribution and employment opportunities within the Marsden Park Industrial Precinct (MPIP), which is a strategically identified employment area in the North-West Priority Growth area in Sydney's north west.

## 1.2 Subject Site

The site is in the suburb of Marsden Park in the Blacktown LGA, approximately 38 kilometres (km) north-west of the Sydney CBD and 8.6 km north-west of the Blacktown CBD (see **Figure 1**). The site is also located within a 256 hectare (ha) development estate known as the Sydney Business Park. Sydney Business Park falls within the MPIP in the North-West Priority Growth Area detailed under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP).

The MPIP, in which the site is located, was rezoned and released in 2010 under the NSW Government's Precinct Accelerations Protocol. Land uses across the MPIP generally consist of general industrial, light industrial, business development, business park and medium and low density residential land uses. The site is bound by Hollinsworth Road to the south, Harris Avenue to the East and Darling Street to the north (see **Figure 2** and **Figure 3**). A TransGrid easement and associated infrastructure crosses over the northern part of the site. A single sediment basin exists in the north-eastern corner of the site.

Surrounding land uses include:

- bulky goods, retail and other light industrial and commercial uses under construction or currently operating to the south and south-east of the site, including the Lindt Warehouse and Distribution Facility (SSD 6620), IKEA Multi-Function Logistics Unit (SSD 6954) and ASICS Warehouse and Distribution Facility (SSD 9153)
- Axalta Coating Warehouse development, approved by Council (DA-17-04129), to the north
- the Ingenia Lifestyle Stony Creek Estate to the south-west of the site, which has been rezoned to IN1 General Industrial and operates as an existing use
- Linfox Dulux development, approved by Council (DA-15-679), to the west.

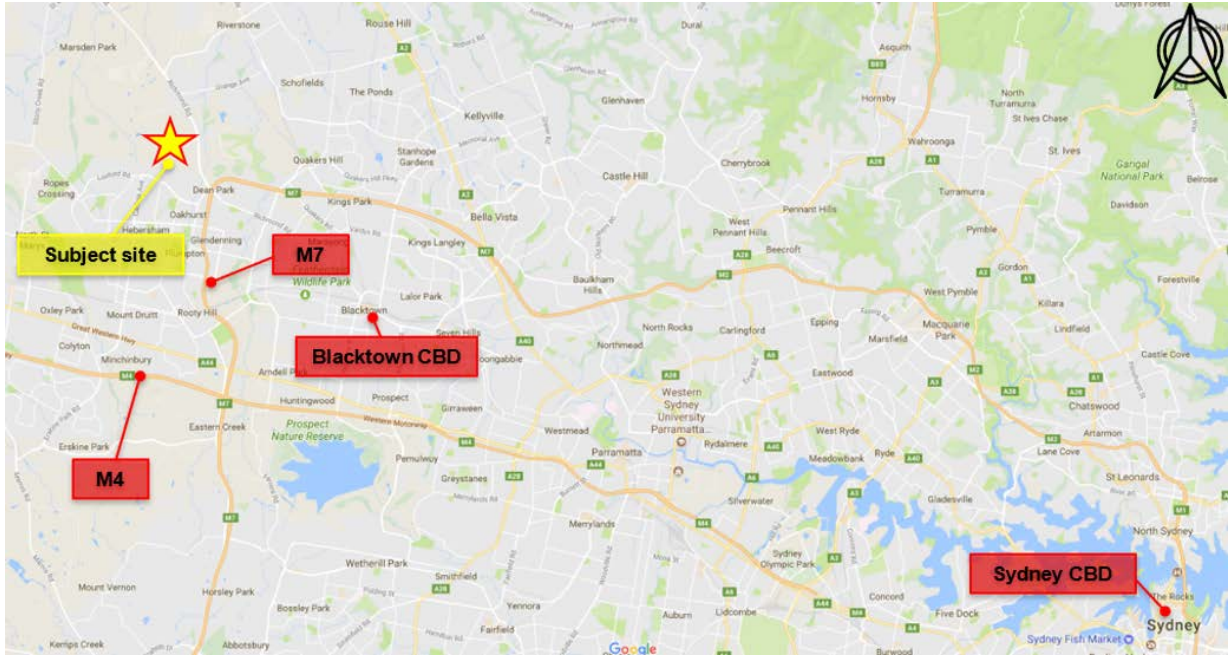


Figure 1 | Regional Context Map

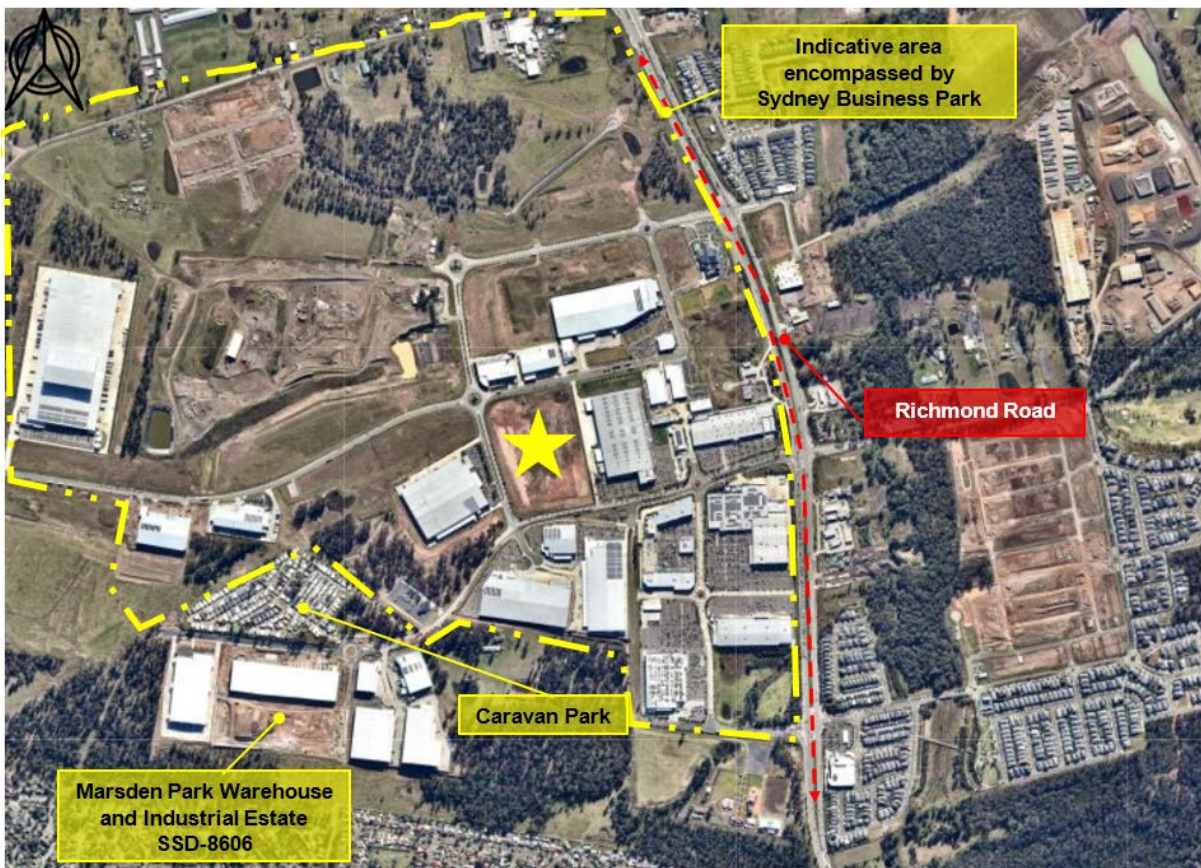


Figure 2 | Local Context Map



**Figure 3 |** Subject site and surrounding area

### 1.3 Approval history

On 22 July 2016, development consent was granted by the then Executive Director, Keys Sites and Industry Assessments, as delegate for the then Minister for Planning for the development of a warehouse and distribution centre for a cold storage facility with high bay storage. The development permitted the staged construction and operation of a cold storage facility with ancillary offices including a 36,287 m<sup>2</sup> warehouse, hardstand areas, 128 car parking spaces, 35 loading docks, infrastructure and services and landscaping.

The development consent has been modified on one occasion, SSD-6799-MOD-1 (Modification 1) (see **Table 1**). To date, no construction under SSD 6799 has occurred.

**Table 1 |** Summary of Modifications

Mod No.	Summary of Modifications	Consent Authority	Application Type	Approval Date
<b>MOD 1</b>	Modifications to the internal and external layout, changes to the building design and changes to access arrangements	Director, Industry Assessments (under delegation)	s 4.55(2)	20 February 2018

The site is also subject to a Council approval (DA 11-2284) for bulk earthworks, tree removal, subdivision, construction of roads and stormwater infrastructure and street planting. DA 11-2284 has been modified three times, the latest of which created the allotment for the original development approved under SSD 6799 and has commenced to create a clear building pad on-site.

## 2 Proposed modification

The Applicant has lodged an application under section 4.55(2) of the EP&A Act to modify SSD 6799. The modification has been described in full in the Statement of Environmental Effects (SEE) and Response to Submissions (RTS) included in Appendix A.

Following on from further detailed design planning, the Applicant is seeking ways to improve the efficiency on site, identifying ways in which changes to the development could facilitate a better outcome.

The purpose of the modification is to increase the building footprint, relocate the access, loading docks and staff car parking, as well as seeking to construct the development in two stages.

The modification involves:

- construction of the development in two stages:
  - Stage One - construction and operation of freezer high bay and despatch components, ancillary office and technical room
  - Stage Two – construction and operation of an additional 11,952 m<sup>2</sup> of warehouse area (to be constructed at a later date pending operational needs and customer demands)
- relocation of access from Darling Street to both Darling Street and Hollinsworth Road
- relocation of loading docks from Hollinsworth Road to Harris Avenue frontage
- relocation of staff car parking from Darling Street to Hollinsworth frontage
- realignment of building footprint, including increase in gross floor area (GFA) (no changes in height).

The Applicant also sought to amend condition B6 of the original consent, which specified the total GFA of the warehouse. However, as part of Modification 1, condition B6 was deleted. As such, any change to the approved GFA for the development would be reflected in an update to the architectural plans referenced in Appendix A of the consent.

The modification will still provide a facility for the storage and dispatch of chilled and frozen products through a cross-dock logistics function. A comparison of the proposed changes is shown in **Table 2** below, and through **Figure 4**, **Figure 5**, **Figure 6** and **Figure 7**.

**Table 2 | Summary of Changes**

Modification Aspects	Approved (as modified by Modification 1)	Proposed
<b>GFA</b>	36,482m <sup>2</sup>	40,021m <sup>2</sup> <ul style="list-style-type: none"> <li>• Stage 1: 28,069m<sup>2</sup></li> <li>• Stage 2: 11,952m<sup>2</sup></li> </ul>
<b>Building height</b>	36 metres	36 metres
<b>Car Spaces</b>	133	133
<b>Access</b>	Darling Street	Darling Street (truck access) Hollinsworth Road (car access)
<b>Car Parking location</b>	Darling Street frontage	Hollinsworth Road frontage, on a built platform
<b>Loading Docks</b>	32	34 <ul style="list-style-type: none"> <li>• Stage 1: 24</li> <li>• Stage 2: 10</li> </ul>

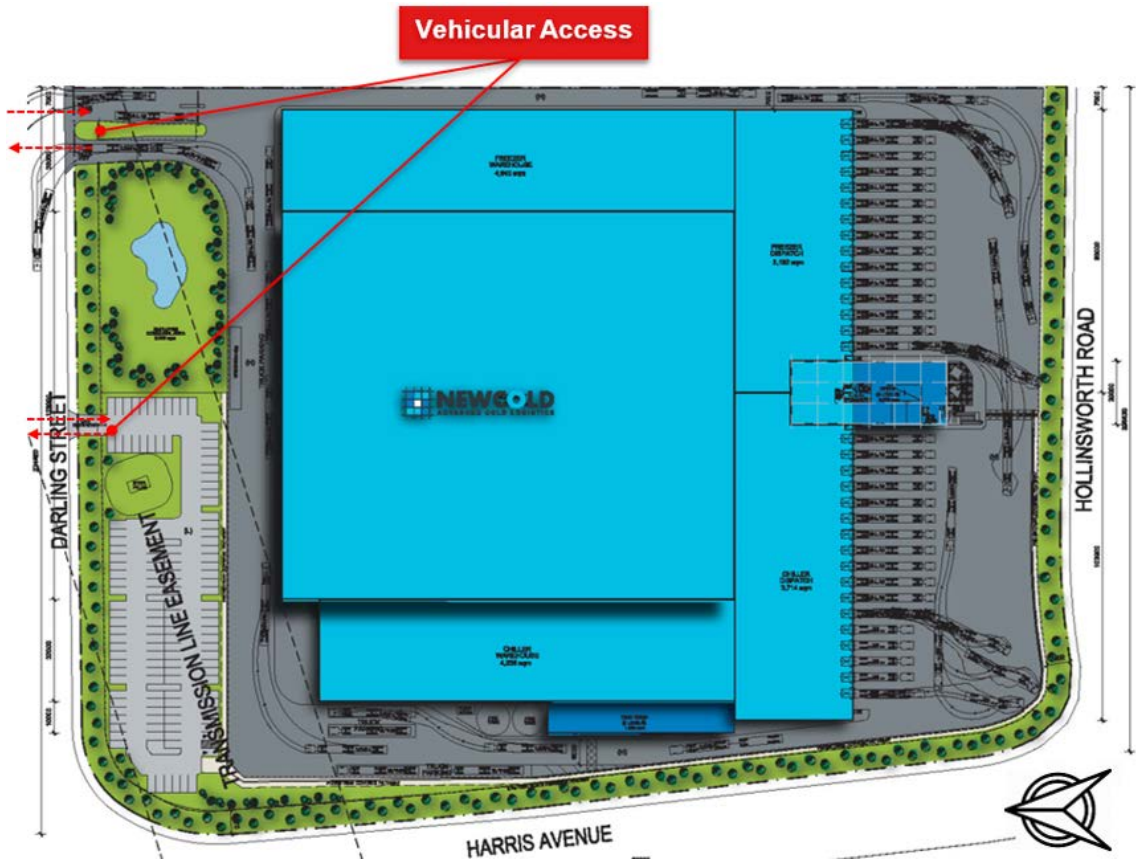


Figure 4 | Site plan of development, as approved through Modification 1

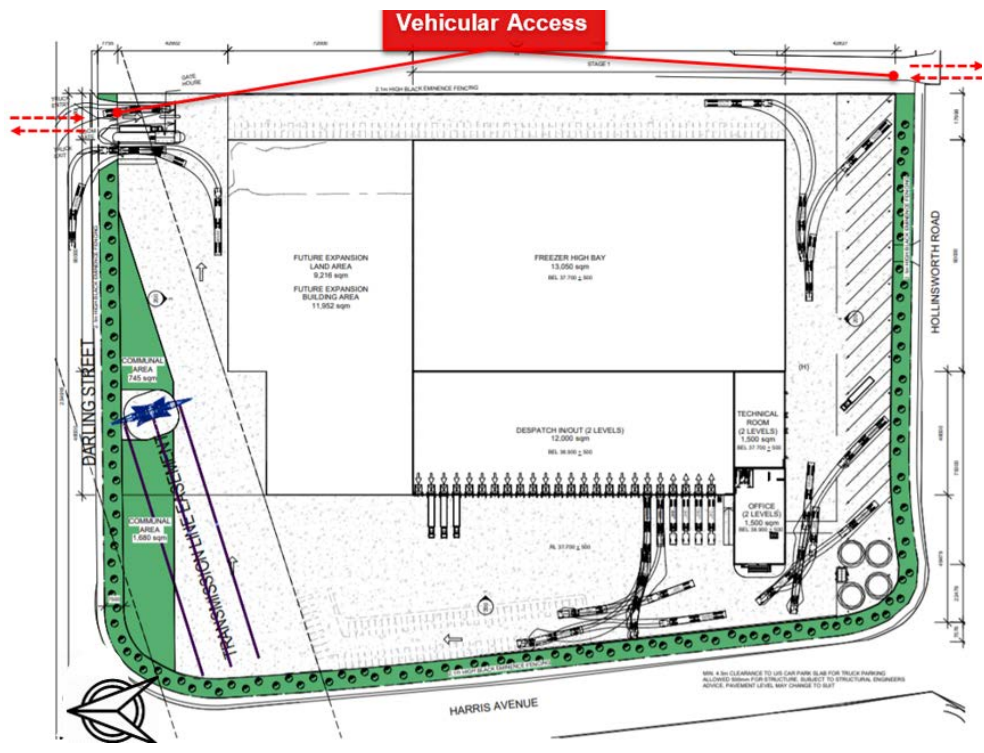


Figure 5 | Proposed site plan (stage 1)



### 3 Strategic context

The Department has considered the strategic context of the site and is satisfied the proposed modification is consistent with the relevant strategic planning documents, including the *Greater Sydney Regional Plan: A Metropolis of Three Cities* (Regional Plan) and the *Central City District Plan* (District Plan).

The modification seeks to make design and access changes to the development, whilst retaining the primary use of warehouse and distribution. The proposed modification would continue to support the objectives of the Regional Plan, including promoting a competitive and efficient freight logistic network. It will further assist in achieving the liveability and productivity priorities of the District Plan by providing 120-140 jobs close to existing and growing residential areas in the Blacktown LGA during the construction and operation of the development.

The Department has considered the strategic context of the site and is satisfied the proposed modification is consistent with the intent of the relevant strategic planning documents.

## 4 Statutory context

### 4.1 Scope of modification

The Department has reviewed the scope of the modification and considers that it can be characterised as a modification as it:

- would not significantly increase the environmental impacts of the development as approved
- is substantially the same development as originally approved
- would not involve any further disturbance outside the already approved disturbance areas for the development.

Therefore, the Department is satisfied the modification is within the scope of section 4.55(2) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the modification should be assessed and determined under section 4.55(2) of the EP&A Act rather than requiring a new development application to be lodged.

### 4.2 Consent authority

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

- the application has not been referred to the Independent Planning Commission prior to the date of the delegation and
- a political disclosure statement has not been made, and
- there are no public submissions in the nature of objections.

### 4.3 Mandatory matters for consideration

The Department undertook a comprehensive assessment of the modification against the mandatory matters for consideration under section 4.15 of the EP&A Act as part of the original assessment of SSD 6799. The Department considers this modification does not result in significant changes that would alter the mandatory matters Act and conclusions made as part of the original assessment.

### 4.4 Biodiversity Conservation Act 2016

Section 7.17 of the Biodiversity Conservation Act 2016 (BC Act) 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 original approval which consented to the development of Sydney Business Park, in which this site is encapsulated within, has biodiversity certification. Therefore, as the proposed modifications occur within the existing footprint of the approved site layout and result in no loss of vegetation or biodiversity impacts, the Department's assessment concludes a BDAR is not necessary for the proposed modification.

## 5 Engagement

### 5.1 Department's engagement

In accordance with clause 10 of Schedule 1 to the EP&A Act and clause 118 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), the Department exhibited the application for 16 days from Wednesday 15 April 2020 to Thursday 30 April 2020:

- made it publicly available on the Department's website
- notified and invited comment from relevant State government authorities and Council
- advertised the exhibition in the Daily Telegraph and Sydney Morning Herald.

### 5.2 Summary of submissions

A total of four submissions were received, including one from Council, two from public authorities and one from an asset owner. No submissions were received from the public. Copies of submissions are provided in **Appendix A**.

### 5.3 Key issues – Government Agencies

**Blacktown City Council (Council)** raised concerns relating to changes proposed to the architectural design of the building, primarily the exterior finishes proposed. Council also requested clarification on the total car parking numbers proposed for the modification, as the submitted documents had discrepancies.

**Transport for NSW (TfNSW)** raised concerns relating to the proposed relocation of vehicular access from Darling Road to Hollinsworth Road specifically, that the location of the access on Hollinsworth Road could create negative impacts upon the intersection of Hollinsworth Road and Harris Avenue. TfNSW requested the Applicant demonstrate the following:

- relocation of the access points to ensure safe ingress/egress for the development and minimise negative impacts on the local road network
- clarification on the number of loading docks proposed
- provision of adequate end of trip facilities.

**Environment, Energy and Science Directorate (EES)** did not object to the modification and provided no additional comments.

**Transgrid** requested the Applicant provide 3D files to demonstrate the necessary vertical and horizontal clearances would be achieved to their existing overhead transmission lines which traverse through the site.

### 5.4 Response to submissions

On 30 June 2020, the Applicant provided an RTS on the issues raised during the exhibition of the modification (see **Appendix A**).

The RTS provided the following documents in response to the matters raised during the exhibition of the modification and SEE:

- an addendum to the traffic impact assessment including:
  - revised plans providing a greater separation from the driveway on Hollinsworth to the intersection, from 75 m to 120 m east of the intersection
  - restriction to a left in / left out arrangement, which would be constrained by the existing median island along Hollinsworth Road
  - clarification on the number of loading bays proposed, stage 1 containing 24 and stage 2 containing 34
- revised architectural plans reflecting the approved design outcomes of Modification 1, which included metal cladding on all elevations of the high bay and the incorporation of non-reflective materials
- clarification on the proposed GFA and proposed car parking numbers
- detail on the end of trip facilities
- provision of 3D files to demonstrate the necessary clearance between the modification and the existing TransGrid powerlines.

**TfNSW** reviewed the addendum to the traffic impact assessment and advised that its concerns had been adequately addressed.

**Council** reviewed the response to the queries raised in its original submission, as well as the revised architectural drawings, and confirmed it did not object to the modification and had no further comments.

**TransGrid** reviewed the 3D files and requested that proposed gazebos and pedestrian footpaths be removed from the TransGrid easement.

On 25 September 2020 the Applicant provided revised landscape plans and revised civil plans, showing:

- the shelters/gazebos on site have been reduced and all shelters within the easement have been removed. One shade structure is proposed, in the north-eastern portion of the site, outside of the easement
- the pedestrian footpath has been rationalised and is directed around the opposite side of the tower to not impede on the base of the tower, the pathway now includes a timber boardwalk that is directed over the water retention basin
- all trees species to Darling Street have been changed to *Magnolia grandiflora* 'Little Gem' to ensure no trees within the easement are greater than 4 m height at maturity.

On 23 October 2020 TransGrid provided a final response following a review of the revised plans. TransGrid stated the development allows access to the easement and structures (24 hours a day) and incorporates exclusion zones around structures for the safe set-up of maintenance vehicles. TransGrid confirmed it has no further concerns with the development.

The Department considers the recommended modifying conditions that require the Applicant to undertake the development in accordance with the revised plans will ensure the development does not impact the existing TransGrid infrastructure, and access can be gained at all times.

## 6 Assessment

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

- SEE, RTS and additional information provided to support the modification (see **Appendix A**)
- original development application, supporting documents and assessment
- submissions from State government authorities and Council (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’s assessment of the modification to the site access arrangements and the architectural design of the building façade is provided in **Table 3**.

**Table 3 | Assessment of Issues**

Issue	Findings	Recommendations
<b>Vehicular Access</b>	<ul style="list-style-type: none"> <li>• The development, as originally approved, included three access points off Darling Street (see <b>Figure 4</b>) comprising of:               <ul style="list-style-type: none"> <li>○ car park ingress/egress</li> <li>○ truck ingress</li> <li>○ truck egress.</li> </ul> </li> <li>• This modification seeks to amend the site access arrangements for the development (see <b>Figure 5</b>) to:               <ul style="list-style-type: none"> <li>○ consolidate the truck ingress and egress into a combined two-way driveway off Darling Road</li> <li>○ relocate the car park access onto Hollinsworth Road.</li> </ul> </li> <li>• The amendment is sought as a result of the relocation of car parking previously located along the Darling Street frontage, to a built platform along the Hollinsworth Road frontage.</li> <li>• TfNSW raised concerns with the relocation of the car park access from Darling Street to Hollinsworth Road, primarily due to the proximity to a future planned intersection between Hollinsworth Road and Harris Avenue. TfNSW commented that the location has the potential to compromise the safety of the local road network.</li> </ul>	Require the Applicant to: <ul style="list-style-type: none"> <li>• comply with the existing conditions of consent, including the requirement to prepare and implement an Operational Traffic Management Plan.</li> </ul>

- In response, the Applicant relocated the proposed driveway on Hollinsworth Road from 75 m east of the intersection, to 120 m east of the intersection.
- TfNSW reviewed the RTS and raised no objection to the changes sought to access arrangements.
- The Department has reviewed the changes sought to access arrangements, and the relocation of the car parking and concurs with the advice provided by TfNSW that safe access can be achieved to the site. Furthermore, the separation of truck and car access points creates a clear delineation for staff and visitors entering and exiting the site.
- To ensure on site operations can function at an optimal level the Applicant will be required to prepare and implement an Operational Traffic Management Plan (OTMP), as required by existing conditions of consent.
- The Department's assessment concludes that through the preparation of the OTMP, the modification can achieve safe access for both cars and heavy vehicles from the relocated access arrangements.

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**Building  
façade  
treatment**

- The development, as modified, has a building height of 36 m associated with the high bay area. This portion of the development requires the installation of specific thermal insulating panels, known as PIR panels.
  - As part of Modification 1, collaboration between the Department, the Applicant and Council concluded that the most appropriate façade treatment would incorporate dri-design panels on all elevations of the high bay areas.
  - This modification sought changes to the treatment of the building façade, seeking to incorporate new external materials and a revised colour scheme on all high bay areas.
- Require the Applicant to:
- comply with the updated architectural plans.

- Council reviewed the proposed changes and raised concerns with the proposed materials, including the removal of the dri-design panels, as it was considered that the increase in height originally sought through Modification 1 was only supported on the incorporation of the faceted metal cladding panels. As such, Council requested the entire extent of the high bay areas receive the level of architectural treatment approved as part of Modification 1.
  - In response, the Applicant modified the architectural plans to retain consistency with the design outcomes approved as part of modification 1, including retention of the faceted metal cladding on all elevations.
  - Council reviewed the RTS submitted by the Applicant and raised no objection to the changes sought to building design, confirming the changes were consistent with the design approved previously.
  - Given the further update to the plans, including the reincorporation of the design elements as approved in Modification 1, the Department considers the development can achieve a good design outcome for the site.
  - The Department's assessment concludes that the façade treatment of the building is consistent with the design approved previously, ensuring the built form does not detract from the visual amenity of the local area.
  - The visual impacts are considered to be acceptable, and through the implementation of the proposed architectural treatments, which have been included on the updated plans, the Department is satisfied the proposed modification can achieve the same architectural outcomes as for Modification 1.
-

## 7 Evaluation

This Department has reviewed the SEE, RTS and all submissions, taking into consideration the relevant matters under section 4.15 of the EP&A Act and the objectives of the EP&A Act.

The Applicant is proposing to modify the consent to increase the building footprint, relocate the access, loading docks and staff car parking, as well maintaining to construct the development in two stages.

The Department exhibited the modification and received four submissions, one from Council, two from public authorities and one from an asset owner. The submissions raised matters relating to relocation of access, the redesign of the architectural treatment to the building and inadequate information relating to the how the development would mitigate any impacts upon existing Trans grid infrastructure.

The Department's assessment considered vehicular access and the changes to architectural design to be the key matters for consideration.

The Department's assessment concluded the modification would be appropriate on the basis that the:

- modification would not increase the environmental impacts of the development as approved
- proposed changes are generally consistent with the original consent
- changes in built form would not involve any further disturbance outside of the already approved disturbance areas for the development.

The Department is satisfied the modification should be approved, subject to the implementation of the recommended conditions for SSD-6799-Mod-2.

## 8 Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-6799-MOD-2 falls within the scope of section 4.55(2) 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 grant approval to the modification
- **modify** the consent SSD-6799
- **signs** the attached instrument of modification (**Appendix C**).

Prepared by:

**Ania Dorocinska**  
Senior Environmental Assessment Officer  
Industry Assessments

**Recommended by:**



30 October 2020

**Joanna Bakopanos**  
Team Leader  
Industry Assessments

## 9 Determination

The recommendation is **Adopted** by:



3/11/2020

**Chris Ritchie**  
Director  
Industry Assessments

# Appendices

## Appendix A – List of referenced documents

Statement of Environmental Effects –

<https://www.planningportal.nsw.gov.au/major-projects/project/30081>

Submissions –

<https://www.planningportal.nsw.gov.au/major-projects/project/30081>

Response to Submissions –

<https://www.planningportal.nsw.gov.au/major-projects/project/30081>

Department's assessment report for SSD 6324 –

<https://www.planningportal.nsw.gov.au/major-projects/project/4386>

## Appendix B – Consolidated Consent

## Appendix C – Notice of modification