



# ***Marsden Park Warehousing Estate***

*State Significant  
Development  
Modification Assessment  
(SSD 8606 MOD 2)*



September 2019

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Marsden Park Warehousing Estate photomontage (Watch This Space Design 2018)

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# Glossary

Abbreviation	Definition
Applicant	Logos Property
BA	Bushfire Assessment
BAL	Bushfire Attack Level
BCA	Building Code of Australia
Consent	Development Consent
Council	Blacktown City Council
dB(A)	Decibels
District Plan	<i>Central City District Plan</i>
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
GFA	Gross Floor Area
Region Plan	<i>Greater Sydney Region Plan: A Metropolis of Three Cities</i>
ha	Hectares
HRV	Heavy Rigid Vehicles
INP	<i>Industrial Noise Policy 2000</i>
km	Kilometres
LEP	Local Environmental Plan
LGA	Local Government Area
m	Metres
Minister	Minister for Planning and Public Spaces
MPIP	Marsden Park Industrial Precinct
NPfl	<i>Noise Policy for Industry 2017</i>
NAR	Noise Assessment Report
RFS	Rural Fire Service
RMS	Roads and Maritime Services
Secretary	Planning Secretary of the Department of Planning and Environment
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SSD	State Significant Development
SWMP	Stormwater Management Plan



# Contents

<b>Glossary .....</b>	<b>iii</b>
<b>1. Introduction .....</b>	<b>1</b>
1.1 Background .....	1
1.2 Subject Site .....	2
1.3 Approval History .....	2
<b>2. Proposed Modification .....</b>	<b>3</b>
<b>3. Strategic Context .....</b>	<b>6</b>
<b>4. Statutory Context .....</b>	<b>7</b>
4.1 Scope of Modifications .....	7
4.2 Consent Authority .....	7
<b>5. Engagement .....</b>	<b>8</b>
5.1 Department's Engagement.....	8
5.2 Summary of Submissions .....	8
5.3 Response to Submissions .....	8
<b>6. Assessment.....</b>	<b>9</b>
<b>7. Evaluation .....</b>	<b>14</b>
<b>8. Recommendation .....</b>	<b>15</b>
<b>9. Determination .....</b>	<b>16</b>
<b>Appendices.....</b>	<b>17</b>
Appendix A – List of Documents.....	17
Appendix B – Notice of Modification .....	18
Appendix C – Consolidated Consent.....	19





# 1. Introduction

This report provides an assessment of an application to modify the State significant development (SSD) consent for the Marsden Park Warehousing Estate, Marsden Park.

The modification application seeks approval for the construction and operation of a building, Building 1, in lieu of previously approved Buildings 1 and 2 contained in stage 4. The modification application also seeks to amend the car parking layout, landscape plan, operational noise limits, stormwater management plan and bushfire management requirements. The purpose of the modification is to meet the needs of a future tenant, Orrcon Steel.

The application has been lodged by Logos Property (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.1 Background

The Applicant is constructing a warehousing and distribution estate at Hollinsworth Road in the Blacktown local government area (LGA) (see **Figure 1**). 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.

On 16 August 2018, the Applicant was granted development consent for the construction and operation of the Marsden Park Warehousing Estate (SSD 8606). The development consists of seven warehouse buildings for potential use by nine different tenants. Four of these tenants have been identified and construction has commenced on Buildings 4, 5, 6 and 7 (see **Figure 1**). Other buildings would be let subject to market demand. Bulk earthworks have been completed, which was permitted under a separate development consent (DA 15-275) issued by Blacktown City Council (Council) on 9 September 2015.



**Figure 1** | Site Location

## 1.2 Subject Site

The site is located 40 kilometres (km) north-west of the Sydney Central Business District and 3.1 km from the M7 Motorway and covers approximately 21.5 hectares (ha) of land zoned for light industrial and infrastructure uses. Access to the site is via Hollinsworth Road (see **Figure 1**).

The closest residential dwelling is located 120 metres (m) to the south at 67B Stockton Avenue, Hassall Grove. The site is situated within the MPIP which 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.

Surrounding land uses include:

- vacant land to the east and west of the site
- the Ingenia Lifestyle Stony Creek Estate to the north of the site, which has been rezoned to IN1 General Industrial and operates as an existing use
- bulky goods, retail and other light industrial and commercial uses under operation or currently operating to the north and north-east of the site, including the IKEA Multi-Function Logistics Unit (SSD 6954)
- a road corridor for the possible future Bells Line of Road – Castlereagh Connection and the residential suburbs of Bidwill and Hassell Grove to the south of the site.

## 1.3 Approval History

On 16 August 2018, development consent was granted by the Executive Director, Key Sites and Industry Assessments as delegate for the then Minister for Planning for the development of the Marsden Park Warehousing Estate (SSD 8606). The development consent permits the construction and operation of a warehousing estate comprising seven buildings (Buildings 1 to 7) and associated infrastructure, including office areas, carparking and staff amenities. The Applicant has commenced the construction of Buildings 4, 5, 6 and 7 within the estate.

The development consent has been modified on one occasion (see **Table 1**).

**Table 1** | Summary of Modifications

Mod No.	Summary of Modifications	Consent Authority	Type	Approval Date
MOD 1	Modifications to the internal and external layout of Building 6 to align with tenant requirements.	Director, Industry Assessments (under delegation)	4.55(1A)	3 April 2019



## 2. Proposed Modification

The Applicant has lodged an application under section 4.55(1A) of the EP&A Act to modify SSD 8606. The purpose of the application is to construct and operate a single building, in lieu of the previously approved buildings 1 and 2 contained in stage 4. As a result of the amalgamation of buildings, approximately 22,000m<sup>2</sup> of residual land will remain to the east of the proposed building (see **Figure 3**) for a potential future use on site.

The modification has been described in full in the Statement of Environmental Effects (SEE) included in **Appendix A** and is illustrated on **Figures 3** and **Figure 4** and summarised in **Table 3**. The modification involves:

- consolidation of tenancy 1A and 1B into one building and removal of tenancy 2A and 2B (summarised in **Table 2**)
- revised carpark layout and access arrangements
- inclusion of a specific development description relating to the proposed tenant for building 1, Orrcon Steel
- changes to Condition B30 – rainwater harvesting
- changes to Condition B36 – operation noise limits
- changes to Condition B45 – bushfire design provisions.

**Table 2** | Proposed Layout Changes

	Site area	Building area	Site cover
Approved (Buildings 1A, 1B, 2A & 2B)	57,964m <sup>2</sup>	34,200m <sup>2</sup> (Building 1A: 11,761m <sup>2</sup> Building 1B: 11,761m <sup>2</sup> Building 2A: 10,065m <sup>2</sup> Building 2B: 10,065m <sup>2</sup> )	59%
Proposed (Building 1)	35,964m <sup>2</sup>	15,908m <sup>2</sup>	44%
Residual area	22,000m <sup>2</sup>	Subject to future application	Subject to future application

**Table 3** | Proposed Modification

Modification Aspects	Approved (Buildings 1A, 1B, 2A & 2B)	Proposed (Building 1)
Office layout	Two-storey offices	One-storey office
Gross Floor Area (GFA)	34,200m <sup>2</sup>	18,128m <sup>2</sup>
Access and Carparking Layout	Two access roads and separate parking for the four tenancies	Two heavy rigid vehicle (HRV) access points and one passenger vehicle access point off Hollinsworth Drive
Carparking Provision	248 spaces (including a surplus of 87 spaces)	77 spaces (including a surplus of one space)



### Condition B30 – Rainwater Harvesting

Condition B30 includes a rain harvesting plan within the Concept Stormwater Management Strategy. This plan seeks to achieve a rainwater reuse of a minimum of 80% for non-potable water uses

Condition B30 to be amended to refer to an updated Concept Stormwater Management Strategy as result of the change in building footprint and roof surface area capturing rainwater. This strategy retains the rain harvesting requirements

### Condition B36 - Operation Noise Limits

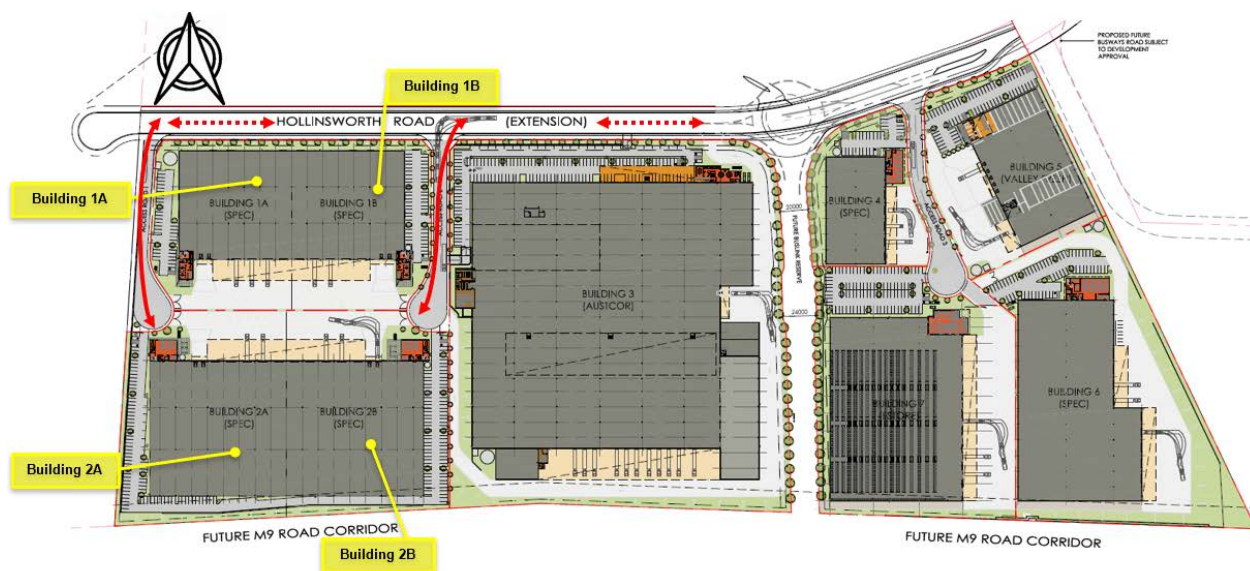
Condition B36 sets out operational noise limits for the proposal

Condition B36 to be amended to reflect revised noise levels during the night time, reflective of the new *Noise Policy for Industry 2017* (NPfI)

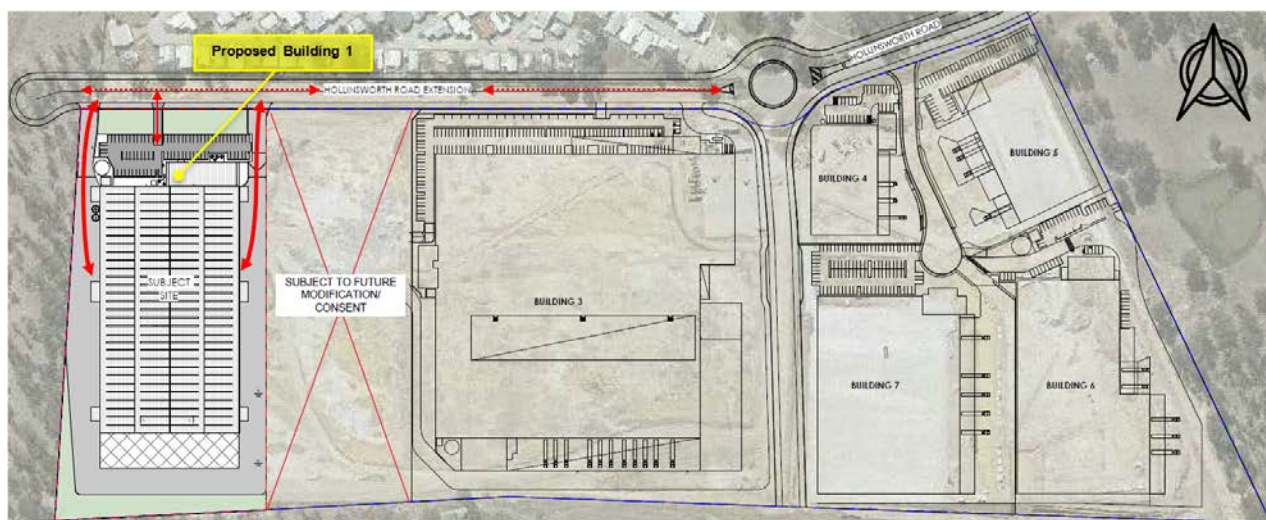
### Condition B45 - Bushfire Design Provisions

Condition B45 (a), (b) and (c) requires Buildings 1A, 1B, 2A and 2B to comply with sections 3, 5, 6, 8 and 9 of Australian Standard AS 3959-2009 – 'Construction of buildings in bush fire-prone areas' (AS 3959)

Condition B45 (a), (b) and (c) to be amended to require Building 1 to meet lowered fire rating requirements, these requirements are specified in section 3 and 5 of AS 3959

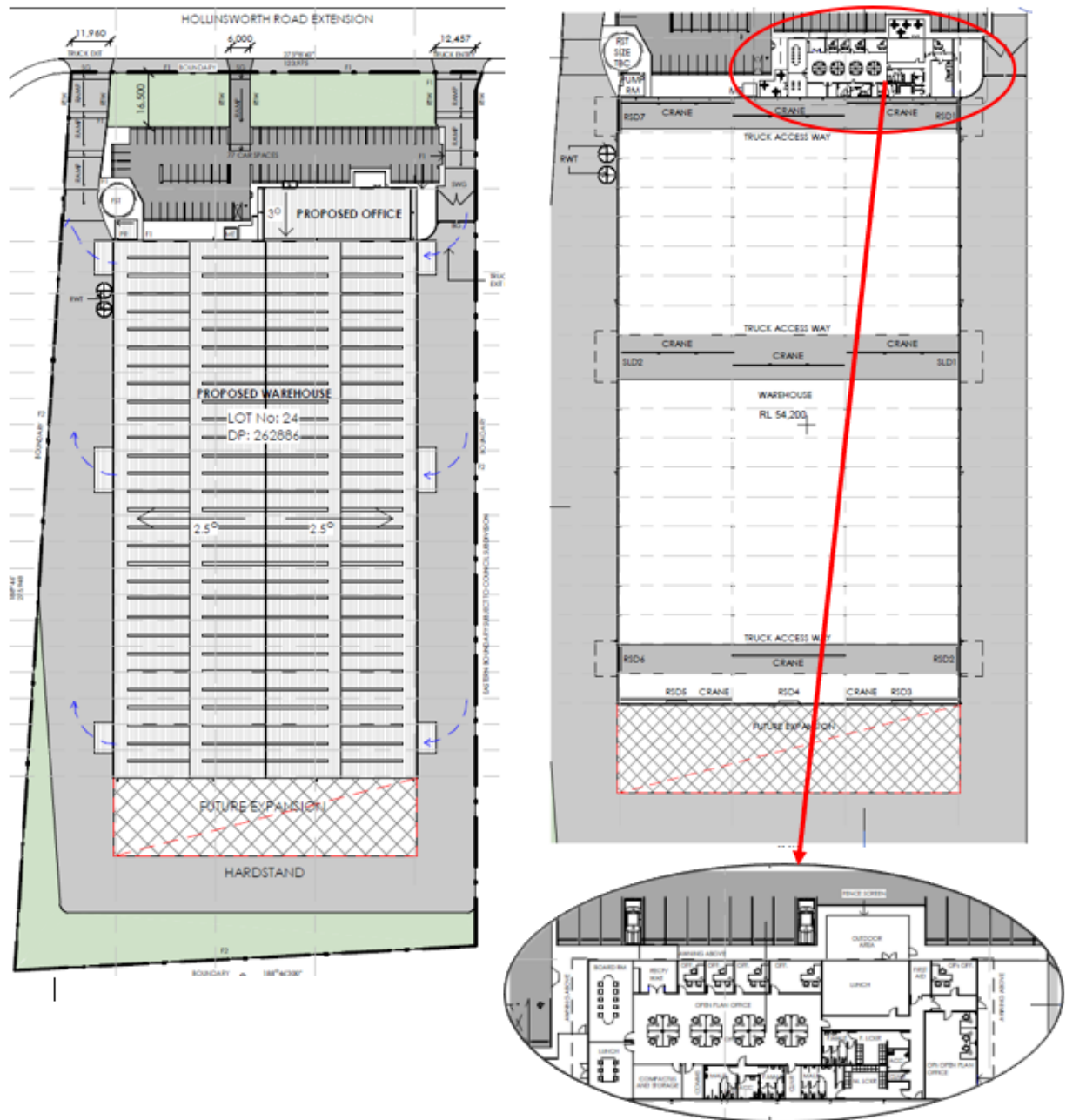


**Figure 2** | Approved Site Layout SSD 8606



**Figure 3** | Modified Site Layout





**Figure 4** | Proposed Building 1 Site Plan and Floor Plan



### 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 Region Plan: A Metropolis of Three Cities* (Region Plan) and the *Central City District Plan* (District Plan).

The proposed modification seeks to make design changes by the way of introducing a single building, Building 1, in lieu of the approved Buildings 1A, 1B, 2A and 2B, with potential for future development of an additional building on the residual portion of stage 4. The proposed modification will continue to assist in achieving several objectives in the Region Plan including promoting a competitive and efficient freight logistic network. The modification would also assist in achieving the liveability and productivity planning priorities of the District Plan by providing 50 construction jobs and 42 operational jobs close to existing and growing residential areas in the Blacktown LGA.



## 4. Statutory Context

### 4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the development as approved
- is substantially the same development as originally approved. The overall built form, bulk and scale proposes a reduction in building area by 18,292m<sup>2</sup> and no increase in the approved building height
- would not involve any further disturbance outside the already approved disturbance areas for the development.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

### 4.2 Consent Authority

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

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



## 5. Engagement

### 5.1 Department's Engagement

Clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to SSD. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on Monday 13 May 2019 and was referred to Blacktown City Council (Council), Rural Fire Service (RFS), Roads and Maritime Services (RMS) and TransGrid for comment.

### 5.2 Summary of Submissions

**Council** did not object to the modification application, however, Council did request further information on the proposed stormwater management on site. Council requested the Applicant provide modelling of proposed stormwater quality and quantity management, details of all stormwater devices proposed to be installed and drainage plans for the development. The Applicant addressed the queries in their response to submissions (RTS) and Council provided no further comments.

**RFS** did not object to the modification application and provided recommended conditions around the asset protection zones, water and utilities, access, and landscaping. The RFS also agreed to the amendments to Condition B45.

**RMS** did not object to the proposed modification application.

**TransGrid** did not provide comments on the modification application.

### 5.3 Response to Submissions

The Applicant provided an RTS on 3 July 2019. The RTS was provided to Council and was made available on the Department's website. A copy of the RTS is included in Appendix A.

Council requested further clarification relating to the configuration of the on-site stormwater detention tank, the stormfilter chamber, and requested amended drainage plans. On 30 August 2019, the Applicant provided further information in response to Council's queries. A copy of the additional information forming part of the RTS is included in Appendix A.

The RTS addressed the concerns raised by Council relating to stormwater management on site. The Applicant provided a Stormwater management plan inclusive of a catchment plan demonstrating any necessary bypasses, stormwater modelling and response to Council's on-site stormwater detention requirements.

Council was satisfied with the RTS provided by the Applicant, noting no objection to the proposed modification.





## 6. Assessment

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

- SEE provided to support the proposed 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 proposed amendment to the stormwater management strategy, noise limits, bushfire requirements and car parking layout is provided in **Table 4**.

**Table 4** | Assessment of Issues

Issue	Findings	Recommended Condition
Amendment to Condition B30 – Rainwater Harvesting	<ul style="list-style-type: none"><li>• Condition B30 requires the Applicant to undertake rainwater harvesting in accordance with the Concept Stormwater Management Strategy conditioned in the original DA.</li><li>• The Applicant seeks to modify the layout of buildings on site, resulting in changes to the hardstand areas and the extent of roofing used to capture rainwater. As the surface area of the roof has decreased, a revised concept to rainwater harvesting has been sought to achieve the requirement for the reuse of rainwater.</li><li>• The modification application included details of a revised stormwater management plan (SWMP) which reflected the revised layout of the development. This SWMP included a Civil Engineering Summary which reviewed the stormwater layout and stormwater quality and quantity management.</li><li>• The proposed measures, including rainwater reuse which reduces demand on potable water by 80%, were also included in the design. These measures are consistent with those approved under the SSD.</li><li>• Council requested additional information relating to the overall stormwater management proposed on site. This request did not directly relate to the rainwater harvesting proposed on site.</li><li>• In response, the Applicant submitted a stormwater management plan (SWMP) prepared in accordance with Condition B22 of the consent. The Applicant elected to prepare the SWMP upfront to enable a holistic view of stormwater management across the site, rather than just addressing the matters raised in individual components.</li><li>• Following a subsequent review by Council, further information was requested relating to on-site stormwater detention tank, the stormfilter chamber, and a request for</li></ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"><li>• comply with the Concept Stormwater Management Strategy</li></ul>

Issue	Findings	Recommended Condition
	<p>amended drainage plans. The Applicant submitted further information to address the queries raised by Council.</p> <ul style="list-style-type: none"> <li>Council reviewed the RTS submitted by the Applicant and raised no objection to the changes sought to rainwater harvesting. A detailed review and approval of the revised SWMP will occur at post approval stage.</li> <li>The Department is satisfied the proposed development will achieve compliance with the rainwater harvesting requirements. As such, it is concluded that Condition B30 can be amended to refer to the revised Concept Stormwater Management Strategy and no additional conditions are recommended to be changed.</li> </ul>	

- Condition B36 sets the noise limits that the development must comply with. These limits are reproduced in Table 3 and were determined having regard to the *Industrial Noise Policy 2000* and the noise impact assessment undertaken by the Applicant as part of the original DA.

Require the Applicant to:

- ensure the development meets the revised noise requirements

Table 5: Noise Limits dB(A)

Location	Day L <sub>Aeq</sub> (15 minute)	Evening L <sub>Aeq</sub> (15 minute)	Night L <sub>Aeq</sub> (15 minute)	Night L <sub>A1</sub> (1 minute)	L <sub>Aeq</sub> (period)
All residential properties located to the south of the site	42	40	36	46	N/A
R8 – Place of Public Worship (when in use)	N/A	N/A	N/A	N/A	50

#### Amendment to Condition B36 – Operational Noise Limits

- To assess the impacts of the proposed modification, the Applicant undertook a revised noise impact assessment. This assessment took into consideration the proposed amendments to the layout of buildings on the site and assessed these changes against the new policy that governs industrial noise in NSW, the *Noise Policy for Industry* (NPfI).
- This policy includes new assessment requirements and methodologies, including new assessment criteria, referred to as “project noise trigger levels” (PNTL) and introduces new sleep disturbance assessment levels based on World Health Organisation guidance.
- The revised noise assessment determined that the PNTLs for all residential assessment locations were consistent with L<sub>Aeq,15min</sub> noise limits specified in the development consent and criteria used in the original noise assessment.
- Further, the revised noise assessment demonstrated the predicted noise levels would be largely unchanged from that originally assessed. In particular, the operational

Issue	Findings	Recommended Condition
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noise limits were predicted to be met at the nearest sensitive noise receivers for all time periods with the exception of two locations (R4 and R5), whereby the noise levels were predicted to marginally exceed the PNTLs and limits in the consent by up to 2 dB(A) during the night time period under worst case conditions.

- The Applicant notes this result is consistent with the predictions of the original assessment and that it is not a result of the proposed Orrcon facility.
- Regarding the sleep disturbance criteria, the Department notes the new NPfI sets a recommended level of  $L_{Amax}$  52 dB(A). The revised noise assessment shows that this limit can be met at all receivers, with the exception of one receiver, where a noise level of 53 dB(A) was predicted under worst-case meteorological conditions. The Applicant argues that a noise increase of 1 dB(A) in the environment is generally imperceptible and as such, no sleep disturbance impact is expected.
- The Department notes this prediction is consistent with the original noise assessment, which the Department accepted, and is not a reflection of the proposed Orrcon facility.
- The Department's noise specialist has reviewed the revised noise assessment submitted as part of this modification application and is satisfied it meets the requirements of the new noise policy. The specialist confirmed that where trigger levels are marginally exceeded, such as for this development, they can be accommodated as they are within a level which is not perceivable. As such, the proposed increase in noise limits under the consent as well as the new noise limit for sleep disturbance, are justified.
- A summary of the recommended noise limits for this site is provided in table 6 below.

Table 6: Noise Limits dB(A)

Location	Day $L_{Aeq}(15 \text{ minute})$	Evening $L_{Aeq}(15 \text{ minute})$	Night $L_{Aeq}(15 \text{ minute})$	Night $L_{Amax}$	$L_{Aeq}(\text{period})$
All residential properties located to the south of the site	42	40	38	53	N/A
R8 – Place of Public Worship (when in use)	N/A	N/A	N/A	N/A	50

- Council did not raise any issues with the noise impact assessment undertaken by the Applicant, nor did they raise any issues with the proposal to increase the noise limits in the development consent.

Issue	Findings	Recommended Condition
	<ul style="list-style-type: none"> <li>The Department is satisfied the proposed development, including the new Orrcon facility will be able to comply with the new noise limits recommended as part of the modifying instrument.</li> <li>No other conditions are recommended to be changed and the Applicant will continue to be required to meet all other conditions in this consent that mitigate operational noise.</li> <li>Overall, the Department's assessment concludes that the modification is acceptable and will ensure noise impacts upon sensitive receivers can be mitigated and managed.</li> </ul>	
<b>Amendment to Condition B45 – Bushfire construction standards</b>	<ul style="list-style-type: none"> <li>Condition B45 (a), (b) and (c) set out the bushfire construction and design standards for Buildings 1A, 1B, 2A and 2B as the site is located within a bushfire prone area.</li> <li>At the time of the original development consent the site was in a high bushfire hazard and risk area. As a result, the development was required to meet higher levels of construction and design requirements to comply with the fire safety provisions in the Building Code of Australia (BCA).</li> <li>The design and construction of Buildings 1A, 1B, 2A and 2B are currently required to comply with Section 3, 5, 6, 8 and 9 of AS 3959-2009 – <i>Construction of Buildings in bushfire-prone areas</i>, these being the requirements of the original development consent for high bushfire hazard and risk.</li> <li>Over time the local area has been gradually developed and as a result, the bushfire hazard and risk has lessened and poses a lower threat upon the development. Furthermore, the building classifications applied to the proposed building are a Class 5 and 7 under the BCA. These building classifications do not have specific bushfire requirements prescribed.</li> <li>The Applicant is seeking to amend conditions B45 (a), (b) and (c) to remove references to Section 6, 8 and 9 of AS 3959 as it is considers Building 1 can be adequately protected from bushfire risk without these requirements.</li> <li>The Applicant prepared a Bushfire Assessment (BA), which reviewed the bushfire specific performance requirements for the design and construction of Building 1 and found the general fire safety provisions of the BCA would be acceptable.</li> <li>However, the BA recommended Section 5 of AS 3959 should also be implemented to protect Building 1 from any potential ember attack. The Applicant has committed to this requirement.</li> <li>RFS agreed to the proposed changes to Condition B45 and recommended that Building 1 comply with sections 3 and 5 of AS 3959.</li> <li>The Department concurs with RFS and agrees to amend Condition B45 to require the Applicant to comply with Section 3 and 5 of AS 3959 as the site has a lowered level of bushfire risk due to local clearing of vegetation and the building's classification.</li> </ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> <li>comply with section 3 and 5 of AS 3959 in relation to Building 1.</li> </ul>



Issue	Findings	Recommended Condition
Access and Carparking Layout	<ul style="list-style-type: none"> <li>The Applicant proposes to modify the internal road design as a result of the revised building design, seeking to construct and operate a single building in lieu of Buildings 1 and 2, with approximately 22,000m<sup>2</sup> of residual land located to the east of the proposed building to be subject to a future application.</li> </ul>	No additional conditions required.
	<ul style="list-style-type: none"> <li>The proposed modification will contain the single building within a site area of 35,964m<sup>2</sup> and have a GFA of 18,128m<sup>2</sup>.</li> </ul>	
	<ul style="list-style-type: none"> <li>Based on the RMS Guide a total of 76 car parking spaces are required for the calculated GFA. The Applicant confirmed it would provide 77 carparking spaces which exceeds the required number as per the RMS Guide.</li> </ul>	
	<ul style="list-style-type: none"> <li>Vehicular access is to be gained off Hollinsworth Road to via two HRV access points and one passenger vehicle access point.</li> </ul>	
	<ul style="list-style-type: none"> <li>RMS and Council did not raise any concerns.</li> </ul>	
	<ul style="list-style-type: none"> <li>The Department is satisfied the proposed parking provisions would adequately accommodate the proposed 42 operational staff. The revised carparking and site access ensure vehicles, including B-doubles and oversized vehicles, can adequately access Building 1.</li> </ul>	
	<ul style="list-style-type: none"> <li>The Department's assessment concludes that the reduction in car parking complies with the RMS Guide and provides adequate parking on site for staff and visitors. The assessment also concludes that the changes to access maintain safe access to and from the site.</li> </ul>	



## 7. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. On balance, the Department considers the proposed modification is appropriate on the basis that the:

- proposed modification would not significantly increase the environmental impacts of the development as approved
- proposed changes are consistent with the original approval, given the application seeks to construct and operate a single building on a portion of stage 4 which has a lesser impact than what was approved, reducing the site coverage by 15%
- changes in built form would not involve any further disturbance outside of the already approved disturbance areas for the development. The residual land to the east of building 1 would be subject to a future application
- proposed change to Condition B30 would not affect rainwater harvesting as required under the SSD consent
- proposed change to Condition B36 would not affect the noise impacts upon the surrounding residential receivers under the SSD consent
- proposed change to Condition B45 would ensure the buildings continue to meet bushfire safety requirements under the BCA
- changes to the car parking layout and site access would meet the requirements under the RMS Guide.

The Department is satisfied the modification should be approved, subject to the implementation of conditions for SSD 8606 MOD 2.



## 8. Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 8606 MOD 2 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 approval to the modification application
- **modify** the consent SSD 8606
- **signs** the attached instrument of modification (**Appendix A**).

Recommended by:

**Ania Dorocinska**

Senior Environmental Assessment Officer  
Industry Assessments

Recommended by:

**Joanna Bakopanos**

Team Leader  
Industry Assessments



## 9. Determination

The recommendation is: **Adopted by:**

**Chris Ritchie**

Director

Industry Assessments

12/9/19.





# Appendices

## Appendix A – List of Documents

Statement of Environmental Effects –

<https://www.planningportal.nsw.gov.au/major-projects/project/12726>

Submissions –

<https://www.planningportal.nsw.gov.au/major-projects/project/12726>

Department’s assessment report for SSD 8606 –

<https://www.planningportal.nsw.gov.au/major-projects/project/3441>

Response to Submissions –

<https://www.planningportal.nsw.gov.au/major-projects/project/12726>

## Appendix B – Notice of Modification

## Appendix C – Consolidated Consent