

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-10399 Prospect Logistics Estate
Applicant	ISPT Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Industry and Environment's Assessment Report is available [here](#).

Date of decision

2 July 2021

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including 780 operational jobs, a capital investment of \$182 million and \$958,000 in contributions toward regional infrastructure in addition to local contributions;
- the project is permissible with development consent, and is consistent with NSW Government policies including the *State Environmental Planning Policy (Western Sydney Employment Area) 2009*;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards, including:
 - building and landscape setbacks from the residential area and the Prospect Hill heritage item, to minimise visual and heritage impacts;
 - an operational traffic management plan to ensure development related vehicles are safely accommodated on the road network and driver's minimise traffic noise impacts;
 - noise from 24-hour operations are managed to maintain residential amenity by implementing design controls and acoustic shielding on mechanical plant and equipment.
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent.
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 3 September 2020 until 30 September 2020 (28 days) and received 17 submissions and advice from 11 government agencies. Of the public submissions, 13 objected to the development.

The Department also undertook the following consultation activities:

- a site visit in August 2020
- attended an online community meeting in November 2020
- held meetings with Cumberland City Council to discuss residual issues.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include traffic, noise and heritage impacts. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Traffic</i> • increase in heavy vehicle use of Clunies Ross Street • congestion, safety and traffic noise	<i>Assessment</i> Traffic generated by the development can be safely and adequately accommodated on the existing road network, including Clunies Ross Street. The development has been designed to prioritise light vehicles accessing the site from Clunies Ross Street and heavy vehicles to prioritise the use of Foundation Place to connect to the arterial road network. <i>Conditions</i> The Department has recommended the Applicant implement an Operational Traffic Management Plan incorporating a Driver Code of Conduct to ensure road and pedestrian safety is maintained and traffic noise is minimised.
<i>Noise</i> • traffic noise • 24-hour operations	<i>Assessment</i> The development would be designed to minimise noise to meet relevant criteria at residences, including the use of acoustic shielding for fixed mechanical plant and equipment. The existing noise wall between the industrial and residential areas would provide further noise mitigation for residences. <i>Conditions</i> The Department has recommended the Applicant submit design noise validation reports prior to construction of each warehouse to demonstrate the design incorporates noise mitigation measures to meet criteria. Further, noise verification monitoring must be undertaken once warehouses are operational, to verify the development is meeting noise criteria.
<i>Heritage and Visual</i> • visual impacts on Prospect Hill and its view lines • encroachment into heritage curtilage of Prospect Hill	<i>Assessment</i> The height of warehouse 1 was reduced by 17 m to reduce the visual impacts on the Prospect Hill heritage item and its significant view lines. Visual impacts would be minor and would be further reduced once proposed landscaping matures and screens the development. The encroachment of a driveway onto the heritage curtilage has not been approved and is subject to further design and consultation with CCC before construction. <i>Conditions</i> The Department has recommended the use of non-reflective building materials and recessive colours, combined with screening trees in the proposed landscaping. The Department has also recommended the Applicant consult with CCC to ensure the southern driveway does not impact on the proposed entryway to the Prospect Hill heritage area.