

# Notice of decision

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

<b>Application type</b>	State significant development
<b>Application number and project name</b>	SSD-10448 Aspect Industrial Estate
<b>Applicant</b>	Mirvac Projects Pty Ltd
<b>Consent Authority</b>	Minister for Planning

### Decision

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

A copy of the Department of Planning and Environment's assessment report and development consent is available [here](#).

### Date of decision

24 May 2022

### 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 2021*;
- the objects of the Act;
- the considerations under s 7.14(2) of the Biodiversity Conservation Act 2016 (NSW);
- 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
  - a capital investment value of \$341 million across the whole Concept proposal and over \$99 million as part of the Stage 1 development;
  - generation of 129 construction jobs and 387 operational jobs under the Stage 1 development and a total 555 construction jobs and 1,703 operational jobs under the Concept proposal.
- the project is permissible with development consent under *State Environmental Planning Policy (Industry and Employment) 2021*.
- the development is consistent with NSW Government policies, including the Greater Sydney Region Plan – A Metropolis of Three Cities, the Western City District Plan and the Mamre Road Precinct Structure Plan.
- 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.
- 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 applicant engaged with the community during the preparation of the Environmental Impact Statement (EIS) as a requirement of the Secretary’s Environmental Assessment Requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the Department it was placed on exhibition from 18 November 2020 until 15 December 2020 (28 days). Six submissions were received (five private businesses/special interest groups, 1 individual, including one objection).

The table below includes a summary of how key issues raised by the community (including in submissions) were taken into consideration. Other issues are addressed in detail in the Department’s Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Internal Access Road</i></p> <ul style="list-style-type: none"> <li>• timing to deliver the full length of Access Road 1 which would provide access to the site to the north</li> <li>• the delivery of Access Road 3 – South, which would provide access to the site to the south</li> <li>• request the Applicant construct Access Road 1 to the eastern site boundary as part of the Phase 1 road works.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The development includes an intersection on Mamre Road internal roads.</li> <li>• The Stage 1 development includes construction of Access Roads 1, 2 and 3. The Applicant proposes to split construction of Access Roads 1 and 3 into two phases, with the first phase providing access to buildings 1 and 3 and the second phase involving an extension these roads to provide access for future buildings on the site and neighbouring properties to the north and south.</li> <li>• The Applicant advised the phasing described above is required because of the scheduling of earthworks to be carried out across the site. The Applicant is proposing a balanced cut and fill approach which would require Access Road 1 to be delivered over two stages while the <i>earthworks</i> are taking place. As such, the Applicant advised it is unable to provide the balance of Access Road 1 upfront, but it has committed to ensuring the remainder of Access Roads 1 and 3 (South only) would be constructed and operational prior to the completion of Building 1 or 3, whichever is the latter, under the Stage 1 Development.</li> <li>• To ensure a timely and coordinated delivery of the Access Road 3 - North half road, the Department has included conditions requiring the Applicant to submit a Staging Plan and detailed design for delivering Access Road 3 to the north, which must be coordinated with the proposed creek realignment works and the neighbouring landowner, GPT. The Staging Plan and detailed design is required within six months of development consent and the road works must be completed in accordance with the Staging Plan in consultation with Council and GPT.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• The Department has recommended conditions to ensure the access road connections for neighbouring land to the north and south would be designed and delivered before any further warehouses in the Concept Proposal. The conditions require coordination with the neighbouring landowners on the detailed design and delivery.</li> </ul>
<p><i>Imported Fill Materials</i></p> <ul style="list-style-type: none"> <li>• the Applicant should only source the imported fill from within the Mamre Road Precinct as required by the MRP DCP.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• Through revisions to the development and attempts to achieve a balanced cut and fill across the site and coordination with the proposed development on the adjoining property to the south, the Applicant has identified that the initial 270,485 m<sup>3</sup> of fill to be imported is no longer required and that 5,614 m<sup>3</sup> of material will be removed from site. Separately, it was identified that approximately 28,008 m<sup>3</sup> of appropriate material will be required to be imported for retaining walls.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• The Department has recommended a condition requiring the Applicant ensure that only Virgin Excavated Natural Material, excavated natural material, or any other material approved in writing by the EPA would be brought onto the site.</li> </ul>