

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 modification
Application number and project name	SSD-5248-Mod-1 Gazcorp Industrial Estate Modification 1
Applicant	Gazcorp Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director, Industry Assessments under delegation from the Minister for Planning and Public Spaces has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979* (NSW) (**the Act**) modified the consent subject to the recommended conditions.

A copy of the instrument of modification and conditions is available at <https://www.planningportal.nsw.gov.au/major-projects/project/41081>.

A copy of the Department of Planning, Industry and Environment's assessment report is available at <https://www.planningportal.nsw.gov.au/major-projects/project/41081>.

Date of decision

23 December 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 reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- the considerations under s 7.17(2) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; 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 decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- the modification would fulfil the employment-generating role of the WESA and provide economic benefits for the local community by providing jobs
- the modification would meet the strong market demands for industrial and warehousing facilities
- the modification would not cause additional noise impacts beyond the approved Concept Plan subject to implementation of a range of mitigation measures
- the modification would not significantly increase the environmental impacts of the development beyond those assessed under the original development application.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from Thursday 29 April 2021 to Wednesday 12 May 2021 (14 days) and received three public submissions including one objection and two supports.

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

<i>Issue</i>	<i>Consideration</i>
<i>Operational Noise Impacts</i> - the increase in traffic and truck noise impacts of the Concept Plan on the acoustic amenity of nearby residents - the predicted operational noise levels are barely compliant with noise criteria and noise impacts may become unacceptable if modelling assumptions do not reflect reality.	The Department has carefully considered the Applicant's Noise and Vibration Impact Assessment (NVIA), the predicted noise emission levels generated by the amended Concept Plan, and the public objection. The Department has also met with the Applicant to discuss the operational noise impacts of the revised Concept Plan. The Department has recommended updating the noise limits for the Concept Plan in Condition A13 and the Stage 1 development in Condition C62 of SSD-5248 development consent. The update reflects a set of performance-based noise limits at five noise monitoring locations on the site's boundary and one noise monitoring location at the nearest residence. The limits are consistent with the Applicant's predicted noise levels at each monitoring location shown on the noise contours in the NVIA.