

# 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 modification
<b>Application number and project name</b>	SSD-5066-Mod-2 — Moorebank Precinct West (MPW) Concept Modification 2 SSD-7709-Mod-1 — MPW Stage 2 Modification 1
<b>Applicant</b>	Aspect Environmental Pty Limited
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The Deputy Secretary, Assessment and Systems Performance, under delegation from the Minister for Planning and Public Spaces has, under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consents subject to the recommended conditions.

Copies of the instruments of modification and conditions are available at  
<https://www.planningportal.nsw.gov.au/major-projects/project/37926> (MPW Concept Modification 2)  
<https://www.planningportal.nsw.gov.au/major-projects/project/37931> (MPW Stage 2).

A copy of the Department of Planning, Industry and Environment's (the Department's) assessment report is available at the links above.

### Date of decision

24 December 2020

### 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, including the objects 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 considerations under s 7.14(2), 7.16(3) and 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 modifications are as follows:

- the modifications would provide a range of benefits for the region and the State as a whole, including the provision of key warehousing and logistics development in Sydney's growing Western Parkland City
- the modifications are permissible with consent, and are consistent with NSW Government policies including *Building Momentum: State Infrastructure Strategy 2018-2038*, *Future Transport Strategy 2056*, *A Metropolis of Three Cities – the Greater Sydney Regional Plan* and the *Western City District 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 modifications are in the public interest.

## Attachment 1 – Consideration of Community Views

The Department exhibited the modifications from 10 August 2020 until 25 August 2020 (16 days) and received 52 submissions (including 43 unique objections) for SSD-5066-Mod-2 and 55 submissions (including 46 unique objections) for SSD-7709-Mod-1, with objections primarily received from residents living within the Liverpool LGA.

The Department visited the site on several occasions during the assessment of the proposal.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include built form and visual impacts, traffic impacts, noise impacts, and management of hazards and risk. Other issues are addressed in detail in the Department's Assessment Report.

The table below includes a summary of how key issues raised by the community were taken into consideration.

<i>Issue</i>	<i>Consideration</i>
<p><i>Built form and visual impacts</i></p> <ul style="list-style-type: none"> <li>loss of scenic views from properties at Casula due to height of high-bay warehouses</li> <li>increased light spill from high-bay warehouses affecting residential amenity</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department acknowledges that the impacts of the modifications on scenic views cannot be fully mitigated, however is satisfied that the proposal provides an appropriate design response to reduce the visual impacts of the high-bay warehouses and to ensure high or substantial view losses are minimised.</li> <li>The Department is aware of the impact of illuminated signage and the potential for light glow on properties in Casula. Details submitted demonstrate that there would be no west-facing, high-level high output luminaires or illuminated signage installed at either warehouse. The Department considers that the modification would not result in an unacceptable increase in light spill towards neighbouring residential receivers.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Existing conditions of consent under the MPW Stage 2 SSD 7709 approval prohibit: <ul style="list-style-type: none"> <li>general advertising or moving or flashing signs</li> <li>west facing illuminated building signage visible from residences</li> <li>internally illuminated signs visible from residences</li> </ul> </li> <li>No additional or revised conditions are required for the Concept Approval or Stage 2 consents as a result of the modifications.</li> </ul>
<p><i>Traffic impacts</i></p> <ul style="list-style-type: none"> <li>concerns regarding increased traffic on local roads as a result of the modification, and the timing of road infrastructure upgrades in accordance with the MPW Stage 2 approval</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department acknowledges the safe and adaptive management of the local and regional traffic network surrounding the site is a key issue for the MPW Stage 2 development, and for the community and government. In this regard, the Department acknowledges submissions provided by community members and Council raised strong concerns in relation to traffic impacts, including the overall suitability of the site.</li> <li>Traffic impacts of the development are regulated through extensive and adaptive conditions under the MPW Concept Plan and Stage 2 SSD 7709 consents. The Department considers that the reasons for the Commission's decision to grant consent to the MPW Stage 2 application are not affected by the impacts of MPW Stage 2 Modification 1.</li> <li>The Department's assessment, however, considered that the absence of information about the predicted traffic impacts of the balance of the site (i.e. the non-JR and JN parts of the site) requires detailed verification before those impacts can be permitted and during operation of the proposal. The Department has therefore inserted additional conditions to ensure the traffic impacts remain acceptable from road safety and network capacity perspectives.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Insertion of new conditions into the SSD 7709 consent, including: <ul style="list-style-type: none"> <li>the implementation of a traffic cap based on the originally approved MPW Stage 2 light vehicle numbers and the Applicant's predicted heavy vehicle numbers as presented in this modification</li> <li>require the applicant to prepare a pre-opening road safety audit for its operational site access point (unless it has completed its ultimate site</li> </ul> </li> </ul>

	<p>entrance at the Moorebank Avenue/Anzac Road intersection)</p> <ul style="list-style-type: none"> <li>- require traffic audits, conducted by an independent qualified person, of actual traffic generation and road network performance at key intervals during the increase of container throughput and traffic generation as the site develops</li> <li>- powers for the Planning Secretary to require the Applicant to implement additional traffic mitigation, monitoring or management measures to address traffic impacts associated with the project, based on their consideration of the Traffic Audit report.</li> </ul> <ul style="list-style-type: none"> <li>• No additional or revised or additional conditions required for the Concept Approval.</li> </ul>
<p><i>Noise impacts</i></p> <ul style="list-style-type: none"> <li>• the increased operational noise generated by the high-bay warehouses, and the proposed increase in the operational noise limits set out under condition B131 of SSD 7709, would result in unacceptable disturbance at nearby receivers</li> <li>• concern that noise survey locations chosen are not at the most affected point on or within relevant property boundaries, taking into consideration the elevated nature of some dwellings at Casula</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The Department acknowledges that the precinct-wide (MPW and MPE) noise limits as set out under condition B131 of SSD 7709 are not achievable for the MPW Stage 2 site nor for the cumulative MPW and MPE sites. The EPA has advised that the proposed increase to the operational noise limits are informed by information that is in line with, and informed by, current policy including the Noise Policy for Industry (EPA, 2017). The Department considers that the amended noise limits provide for noise outcomes consistent with the Noise Policy for Industry 2017 and are acceptable.</li> <li>• The Department notes that the noise survey locations were informed by the locations used for the noise surveys provided within the MPW Concept Approval and the MPE Stage 1 approval (SSD 6766), to inform precinct-wide operational noise limits. The locations were informed by the Noise Policy for Industry 2017 and the superseded Industrial Noise Policy (EPA, 2000). The Department does not consider it reasonable to require further noise surveys from additional locations as part of the modification applications.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Amend the MPW Stage 2 consent SSD 7709 to allow for an increase in precinct-wide operational noise limits</li> <li>• No additional conditions required for MPW Stage 2, nor revised or additional conditions required for the Concept Approval</li> </ul>
<p><i>Management of hazards and risk</i></p> <ul style="list-style-type: none"> <li>• concerns regarding hazards involved with the storage of dangerous goods, and the resulting safety implications for nearby residents</li> <li>• concern that hazardous materials may leak into the ecosystem surrounding the site</li> <li>• request that the Preliminary Hazards Analysis (PHA) is revised to address risks associated with the proximity of the dangerous goods warehouses to electricity infrastructure</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The Applicant has provided a PHA supplemented by an advice notice prepared by Riskcon, prepared in accordance with the <i>Hazardous Industry Planning Advisory Paper No. 6 'Hazard Analysis'</i> (NSW Department of Planning, 2011). The PHA details the locations and quantities of all dangerous goods storage, and demonstrates that the potential heat and toxic-related impacts from worst-case fire scenarios will not reach neighbouring lots within the MPW precinct, or off-site land uses beyond MPW. The Department therefore considers that the modified proposal can comply with <i>Hazardous Industry Planning Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning'</i> (Department of Planning, 2011).</li> <li>• The Department notes that the PHA specifies the use of bunding around dangerous goods storage areas to contain leaks, as set out within the Australia Standards relevant to dangerous goods warehouses. The Department also notes that the nearest above-ground electricity infrastructure is several hundred metres away from the warehouses, and that any underground infrastructure that supplies the warehouses is protected from dangerous goods related incident(s) by means of being underground.</li> <li>• The Department considers that storage of dangerous goods will not pose an intolerable safety risk to the community, nor a risk of dangerous materials leaking into the ecosystem surrounding the site.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Amend the MPW Stage 2 consent SSD 7709 to allow for the storage of dangerous goods exceeding the screening threshold quantities and movements listed in the Department's <i>Hazardous Goods and Offensive Development Guidelines Applying SEPP 33</i> (January 2011) at Warehouses JR and JN (however, not at the remainder of the MPW Stage 2 site).</li> <li>• Insertion of new conditions into the SSD 7709 consent, including requirements for the preparation and implementation of hazards studies, plans and management systems, consistent with the Department's</li> </ul>

	<p>Hazardous Industry Planning Advisory Papers, including:</p> <ul style="list-style-type: none"> <li>- pre-construction studies including a Fire Safety Study and a Final Hazards Analysis.</li> <li>- pre-commissioning requirements including an Emergency Plan and a Safety Management System</li> <li>- Hazard Audits of the warehouse/s, and a report submitted to the Planning Secretary within one month of each audit.</li> <li>- requirements for the Applicant to comply with all reasonable requirements of the Planning Secretary in respect of the implementation of the measures arising from the studies, plans and management systems above.</li> </ul> <ul style="list-style-type: none"> <li>• No additional or revised or additional conditions required for the Concept Approval</li> </ul>
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