

# 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-8588-Mod-5 Eastern Creek Retail Centre Stage 1-Mod-5
<b>Applicant</b>	FRASERS PROPERTY RETAIL HOLDINGS PTY LIMITED
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The Director under delegation from the Minister for Planning and Public Spaces has, under 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to the recommended conditions [and any additional conditions].

A copy of the instrument of modification and conditions is available at [here](#).

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

### Date of decision

6 April 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 modification application
- the findings and recommendations in the Department's Assessment Report;
- 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 the modification are as follows:

- the modification would provide not result in any unreasonable impacts to neighbouring properties subject to conditions to mitigate and manage noise impacts and hours of operation
- the modification continues to be permissible with consent, and is consistent with NSW Government policies;
- 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 modification is in the public interest.

### Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 20 October 2020 until 2 November 2020 (14 days) and received 3 submissions, including 2 objections and 1 comment.

The key issue raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include health impacts.

<i>Issue</i>	<i>Consideration</i>
<i>Health impact</i>	<p><i>Assessment</i></p> <p>The Department is satisfied the proposal would not result in any adverse health impacts for the following reasons:</p> <ul style="list-style-type: none"> <li>the loading dock is adequately separated from nearby residential properties by the solid acoustic wall.</li> <li>all other properties are located at least 44 metres from the loading dock on the opposite side of Rooty Hill Road South, a four lane arterial road carrying high volumes of traffic</li> <li>the loading dock is setback 20 m from Rooty Hill Road South and is lower than the street level.</li> <li>the extended hours of operation would not: <ul style="list-style-type: none"> <li>result in adverse noise impacts which would cause sleep disturbance to nearby residential properties</li> <li>increase traffic movements, noting that existing deliveries are set out on a roster/timeslot over the proposed extended loading dock hours of operation</li> </ul> </li> </ul> <p>The Department therefore concludes the proposed increase in the hours of operation for the supermarket loading dock is acceptable and is unlikely to result in any adverse health impacts, when compared to the approved development.</p> <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> <li>No additional conditions recommended.</li> </ul>