



5 April 2019

**Moorebank Precinct East Stage 2 - Subdivision  
State Significant Development Application (SSD 7628)**

**1. PRELUDE**

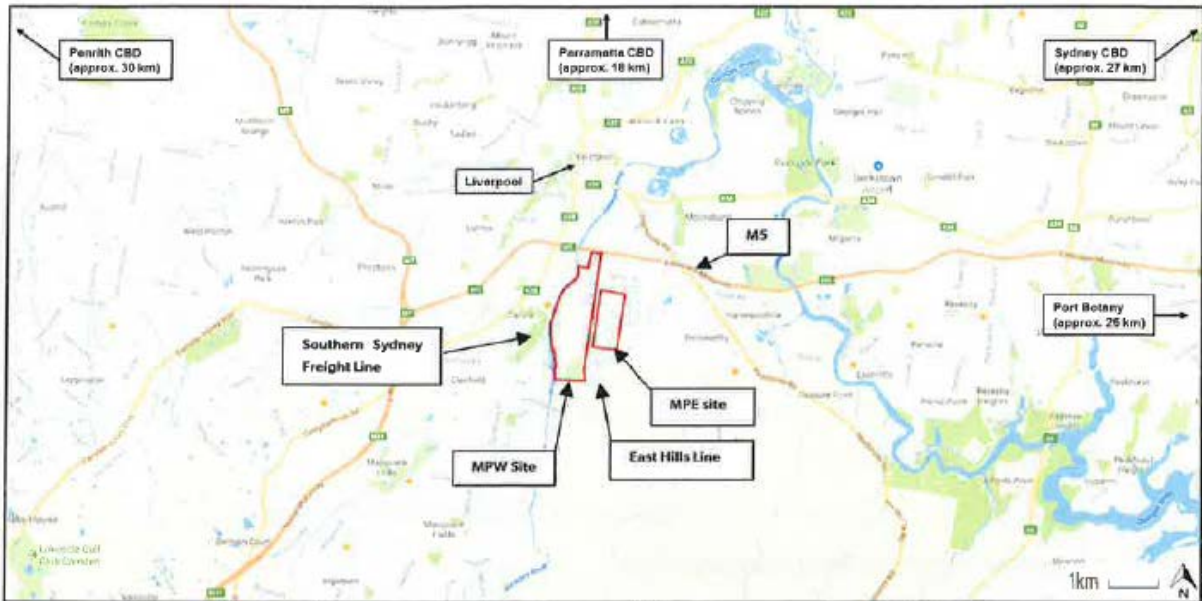
1. On 31 January 2018, the NSW Independent Planning Commission (**Commission**), formerly known as the Planning Assessment Commission, granted partial consent to the application for State significant development (**SSD**) 7628 (see paragraph 13).
2. The Commission's partial consent expressly excluded subdivision of the site as insufficient information was provided to enable proper consideration of the proposed subdivision.

**2. INTRODUCTION**

3. On 7 January 2019, the Commission received from the NSW Department of Planning and Environment (**Department**) a report dated January 2019 on the assessment of SSD 7628 for the subdivision of Moorebank Precinct East Stage 2 (**Application**) from SIMTA, as Cube Holdings Limited (**Applicant**) (**The Department's Assessment Report**).
4. The Commission is the consent authority in respect of the SSD application under section 4.15(a) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)*. This is because it has a Capital Investment Value (**CIV**) in excess of \$50 million and is for the purpose of warehousing and distribution centres.
5. Professor Mary O'Kane AC, Chair of the Commission, nominated Steve O'Connor (Chair) and Professor Snow Barlow to constitute the Commission to determine the Application.

**2.1 Site and locality**

6. The Moorebank Intermodal Terminal Precinct is located at Moorebank Avenue, Moorebank, south of Liverpool and is proposed to comprise an interstate, intrastate and port shuttle freight and logistics handling facility for the Sydney Metropolitan Area (**Figure 1**).
7. The Moorebank Intermodal Terminal Precinct is divided into two sites: Moorebank Precinct East (**MPE**) and Moorebank Precinct West (**MPW**). A concept approval (SSD 7628) for MPE proposes an import/export port shuttle freight terminal with associated warehousing and estate works. A concept approval (SSD 5066) for MPW proposes an import/export port shuttle freight terminal and a separate interstate/intrastate freight terminal and associated warehousing and estate infrastructure and associated works.



**Figure 1: Moorebank Precinct East Site Location** (Source: Department's Assessment Report)

8. The Department's Assessment Report described the MPE site as generally rectangular in shape, being approximately 1.4 kilometres (km) long by 600 metres (m) wide, and covers an area equal to approximately 95 hectares (ha). MPE is situated between Moorebank Avenue to the west; residual, densely vegetated Commonwealth Land to the east and south (known as the 'Boot Land'); and the Defence Joint Logistics Unit (**DJLU**) immediately north and north-east of the site (**Figure 2**). The MPE site proposed to be subdivided is located wholly within Lot 1 DP1048263.

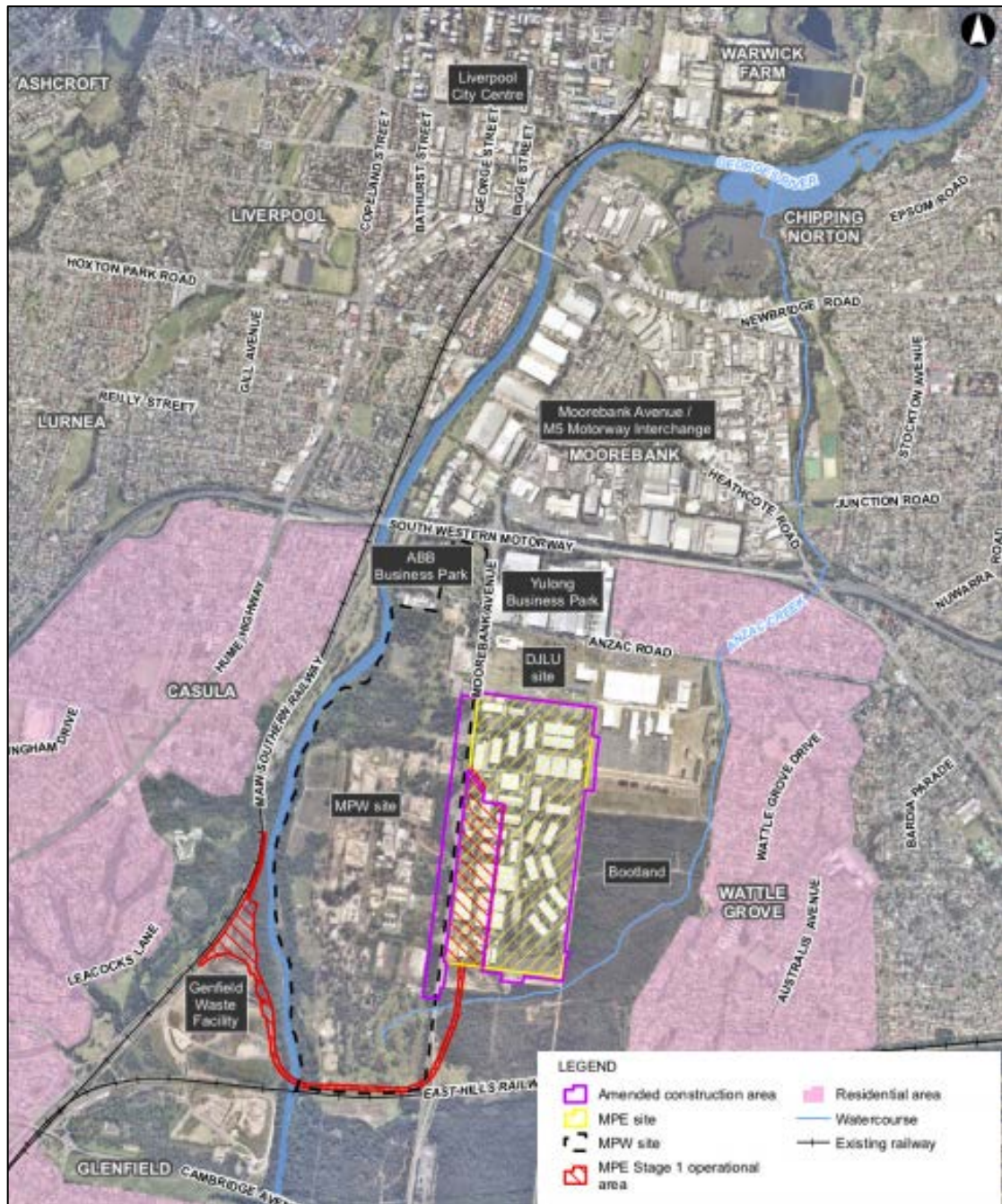


Figure 2: MPE Locality (Source: Applicant Ancillary Report)

## 2.2 Background to the Application – Concept Plan

9. On 29 September 2014, the then Planning Assessment Commission (the 'PAC') approved a Concept Plan (MP 10\_1093) for the use of the site as an intermodal facility, which includes a rail link to the Southern Sydney Freight Line within an identified rail corridor, warehousing and distribution facilities, freight village, and stormwater landscaping, services and associated works.
10. On 12 December 2014, the then PAC approved a modification to the Concept Plan (MP10\_0193 MOD 1) for revisions to the land description, voluntary planning agreement and statement of commitments.

11. On 31 January 2018, the then PAC approved a second modification to the Concept approval (MP10\_0193 MOD 2). The modification approval included:
- increasing the MPE site area from 83 ha to 95 ha and amending the site boundary to include works on Moorebank Avenue and drainage works to the south and east of the site;
  - upgrade works to Moorebank Avenue, including widening to four lanes, from the northern to southern extent of the site;
  - permitting a diversion road, interim road and interim access to the MPE site along Moorebank Avenue during the upgrade works;
  - provision of interim site access for warehousing from Moorebank Avenue;
  - reconfiguration of internal road layouts and use of all internal roads by both light and heavy vehicles;
  - importation of approximately 600,000m<sup>3</sup> of clean fill for bulk earthworks within the site and part of Moorebank Avenue;
  - revised warehousing and freight village locations and layouts;
  - expansion of land-uses within the freight village; and
  - revision of the proposed staging of the project.

### 2.3 Background to the Application – MPE Stage 1 (SSD 6766)

12. On 12 December 2016, the then PAC approved Stage 1 (SSD 6766) for construction and operation of the following:
- intermodal facility operating 24 hours a day, seven days a week handling container freight with a volume of up to 250,000 twenty-foot equivalent units per annum, including truck processing and loading area, rail loading and container storage areas, and an administration facility and associated car parking;
  - a rail link running adjacent to the East Hills Rail Line, connecting the southern end of the site to the Southern Sydney Freight Line; and
  - associated works including rail sidings, vegetation clearing, remediation and levelling works, and drainage and utility installation.

### 2.4 Background to the Application – MPE Stage 2 (SSD 7628)

13. On 31 January 2018, the then PAC partially approved MPE Stage 2 (SSD 7628) for construction and operation of warehousing and freight village including:
- earthworks, including the importation of 600,000m<sup>3</sup> of fill, and vegetation clearing;
  - 300,000 m<sup>2</sup> of gross floor area of warehouse use;
  - 8,000 m<sup>2</sup> gross floor area within the freight village;
  - construction of internal roads and connection of the surrounding road network;
  - raising the level of and upgrading Moorebank Avenue, generally adjacent to the MPE site;
  - upgrading of Moorebank Avenue intersections with MPE site access points, including the provision of interim entry points; and
  - ancillary works including stormwater and drainage, utilities relocation/installation, remediation and signage.
14. The partial approval granted by the then PAC on 31 January 2018 did not approve the subdivision component of MPE Stage 2 (SSD 7628). The Commission determined that *“it [did] not have sufficient information to enable it to properly consider the subdivision component of the development application and therefore [had] excluded the subdivision from [the] determination.”*

## 2.5 Summary of the Application

15. The Application before the Commission for determination seeks approval of the excluded subdivision component of MPE Stage 2 (SSD 7628) to support the long-term sub-lease of individual parts of the approved MPE site.
16. The Application includes an updated subdivision plan which identifies existing easements, easements under agreement not yet created and proposed easements. The application also identifies the proposed management responsibilities for the site operations and maintenance.

## 2.6 Need for the Application

17. The Applicant stated in its *Subdivision Ancillary Report: Moorebank Precinct East Stage 2 (SSD 7628) (Subdivision Ancillary Report)* that it proposes to sublet parts of the MPE site to allow companies to occupy and operate the warehousing and distribution facilities on site. These sub-leases would cover different parts of the MPE site and the durations of those leases are intended to be greater than five years in length.
18. The Department's Assessment Report identified that *"long term lease arrangements are not uncommon on large-scale warehousing projects; however, 5+ year leases must relate to one or more specific, registered parcels of land, not parts of a parcel of land. Therefore, the Applicant seeks development consent to subdivide the site into separate lots so the site can be individually leased for 5+ years."*

## 3. THE DEPARTMENT'S CONSIDERATION OF THE APPLICATION

### 3.1 Key steps in Department's consideration of the Application

19. The Department publicly exhibited the application for MPE Stage 2 (SSD 7628), which included the subdivision component, from 13 December 2016 until 24 February 2017. The Department received advice from seven public authorities, and 197 submissions from the general public during exhibition of the MPE Stage 2 development application. Following the exhibition of the application, the Department published copies of all submissions received on its website and requested the Applicant to provide a response to the issues raised.
20. The key issues raised in the submissions related to likely traffic impacts, suitability of the site, biodiversity impacts, general/unstated opposition to the proposal, noise impacts, contamination and pollution, health impacts, air quality impacts, impact of importation of fill, insufficient community consultation, light spill impacts and hours of operation/construction.
21. The Department noted that, at the time, a total of four submissions were received during the exhibition period from the public raising concern over the subdivision component of the Application. The Department outlined that these concerns were not relevant to this partial consent application and related to whether the subdivision would allow for further developments that were not subject to the overall consent for the site, and if the subdivision would further impact on the ecological and environmental aspects of the area.

22. Following the Commission's determination of MPE Stage 2 (SSD 7628), the Applicant prepared and submitted further information relating to the subdivision, namely the Subdivision Ancillary Report dated August 2018. The Department stated that the Subdivision Ancillary Report was *"published on the Department's website. No submissions were received relating to the document"*.

### 3.2 The Department's Assessment Report

23. The Department's Assessment Report, dated January 2019, identified the key impacts of the Application would be associated with the following aspects:
- compliance with future environmental assessment requirements:
    - subdivision plan and required details;
    - maintenance entity;
    - operational management;
  - operational management and fragmentation; and
  - subdivision structure and layout.
24. In its Assessment Report, the Department considered that the information provided supports the Application for subdivision which is required for long term leasing of the warehousing precinct. The Department stated that by *"implementing legal, management and maintenance conditions, the potential for fragmentation of the site would be reduced. A clear understanding of overall management of the site is required, and the Applicant is committed to maintaining the overarching site as well as tenants"*.
25. The Department's Assessment Report concluded that the impacts of the development could be managed to ensure an acceptable level of ongoing environmental management subject to the recommended conditions of consent, which require:
- the subdivision to take place in accordance with the final development layout plans for MPE Stage 2 (SSD 7628), when they are approved by the Planning Secretary;
  - the creation of easements consistent with the final drainage and water sensitive urban design plans, when those plans are approved by the Planning Secretary, in order to ensure that whole of site access and infrastructure is protected and can be managed accordingly; and
  - the implementation of the centrally-administered management framework described in the Subdivision Ancillary Report.

## 4. THE COMMISSION'S MEETINGS AND SITE INSPECTION

26. As part of its consideration, the Commission met separately with the Department and the Applicant. The Commission decided not to undertake a site inspection and locality tour as the Commission believed sufficient background information had been provided by the Applicant and Department in relation to the context of the site.

### 4.1 Meeting with the Department

27. On 31 January 2019, the Commission met with the Department to discuss its Assessment Report. A transcript of the meeting was made available on the Commission's website on 4 February 2019.

## 4.2 Meeting with the Applicant

28. On 31 January 2019, the Commission met with the Applicant to discuss the Department's Assessment Report and the Applicant's Subdivision Ancillary Report. A transcript of the meeting was made available on the Commission's website on 4 February 2019.

## 4.3 Meeting with Liverpool City Council

29. On 21 January 2019, the Commission wrote to Liverpool City Council (**Council**) and offered an opportunity to meet with the Commission to discuss the Application. Council chose to provide the Commission with a written submission, which was provided on 1 February 2019 (see paragraph 36). Council's written submission was made available on the Commission's website on 4 February 2019.

## 4.4 Public Consultation

30. The Department exhibited the Application for MPE Stage 2 (SSD 7628) from 13 December 2016 until 24 February 2017. Of the 197 submissions received from the public during the exhibition period, four submissions raised concerns about the subdivision component of the Application.
31. The Department stated that the Applicant's Subdivision Ancillary Report was published on the Department's website and no submissions were received.
32. The Commission did not hold a public meeting for the Application.

## 5. ADDITIONAL INFORMATION

33. On 1 February 2019, as mentioned above, Council provided a written submission to the Commission (**Council's submission**). The submission identified Council's concerns that the Application did not include sufficient information including easement details relating to internal vehicle and pedestrian access between the intermodal elements, utilities and drainage. Council also raised concerns about the manner in which this Application was being assessed and recommended that this Application should be assessed as a separate modification.
34. On 7 February 2019, the Applicant provided the Commission with a response to Council's submission. The Applicant's letter included clarification in relation to:
- the assessment parameters for subdivision were established via the Concept Plan submitted concurrently with the MPE Stage 2 (SSD 7628) application; and
  - a separate modification application is not required to assess the subdivision component of MPE Stage 2 (SSD 7628) as it can be assessed as a partial consent.
35. During the Commission's meeting with the Applicant (see paragraph 28), the Applicant agreed to provide additional information to the Commission. This information was provided on 4 February 2019 and 13 February 2019 and included:
- four aerial images of the site;
  - further clarifications to the draft plan of subdivision which included a number of minor amendments which the Applicant contends are *"administrative nature and provides greater clarity to the extent and sequence of subdivision proposed as part of SSD 7628"*; and
  - an amended subdivision plan clearly updating the sequencing of proposed Lot 24

and subsequently Lots 12 and 13, and amending the typeface for Lot 3 DP 1197707.

36. As previously discussed in paragraph 29, the Commission provided Council with the opportunity to meet or provide a written submission to the Commission on the Application. Council made a written submission to the Commission on the 1 February 2019 identifying:
  - the Application's lack of information relating to internal vehicle and pedestrian access between the intermodal elements, utilities, and drainage; and
  - Council's concerns that the Applicant has not provided sufficient information to address the findings of the Commission's Determination Report for MPE Stage 2 (SSD 7628).
37. The Commission provided Council an additional opportunity to respond to the Applicant's additional information provided on the 13 February 2019 (see paragraph 35). Council responded on 20 February 2019 confirming that the additional information provided by the Applicant did not alter Council's position (see paragraph 36).
38. During the Commission's meeting with the Department (see paragraph 27), the Department agreed to provide additional information to the Commission. This information was provided on 1 March 2019 and included:
  - details of the differences between a partial or total consent;
  - confirmation of the proposed land to be subdivided to which the Application relates;
  - a response to Council's submission (paragraph 33);
  - a response to the Applicant's amended subdivision plan; and
  - details on controlling fragmentation of the site, including limitations on sale.
39. All of the above information was uploaded to the Commission's website by the 1 March 2019.

## 6. THE COMMISSION'S CONSIDERATION

### 6.1 Material considered by the Commission

40. In this determination, the Commission has carefully considered the following material (**Material**):
  - the Applicant's Environmental Impact Statement (EIS);
  - the Applicant's Ancillary Subdivision Report and attachments;
  - the Department's Assessment Report, SSD 7628 and the SSD 7628 consent dated 21 December 2018;
  - submissions made on SSD 7628 relating to subdivision;
  - information provided to the Commission at its meetings with the Department and the Applicant on 31 January 2019;
  - additional information provided by the Department, Council and the Applicant, outlined in section 5 above.

### 6.2 Mandatory considerations

41. In determining SSD 7628-Subdivision, the Commission has taken into consideration the following as provided in section 4.15 of the EP&A Act:
  - the provisions of all:



- environmental planning instruments (EPIs);
  - proposed instruments that are or have been the subject of public consultation under the EP&A Act and that have been notified to the Commission (unless the Secretary has notified the Commission that the making of the proposed instrument has been deferred indefinitely or has not been approved);
  - planning agreements that have been entered into under section 7.4 of the EP&A Act, and draft planning agreements that a developer has offered to enter into under section 7.4; and
  - the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)* (to the extent that it prescribes matters for the purposes of section 4.15(1) of the EP&A Act that apply to the land to which the project relates);
- the likely impacts of the project, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
  - the suitability of the site for the development;
  - submissions made in accordance with the EP&A Act and EP&A Regulation;
  - the public interest; and
  - the Material, as discussed in paragraph 40 above.

### 6.3 Relevant Environmental Planning Instruments (EPIs)

42. The Applicant's EIS and the Department's Assessment Report provide consideration and assessment of the EPIs that apply to the project. They state that the following EPIs apply:
- *State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)*; and
  - *Liverpool Local Environmental Plan 2008 (Liverpool LEP)*.
43. The Department considered all relevant provisions within the SRD SEPP and Liverpool LEP as part of its assessment. The Department did not identify any inconsistencies of the Application with the relevant EPIs. The Commission has reviewed the EPIs listed above and finds that they apply to the project.
44. The Commission agrees with the Department and finds that the project would be consistent with the relevant zoning and minimum lot size standards within the EPIs applying to the application.
45. The Commission is not aware of any proposed EPIs, planning agreements or provisions of the EP&A Regulation which apply to this application.

### 6.4 Moorebank Precinct East Stage 2 – Environmental Impacts

#### Partial consent vs modification application

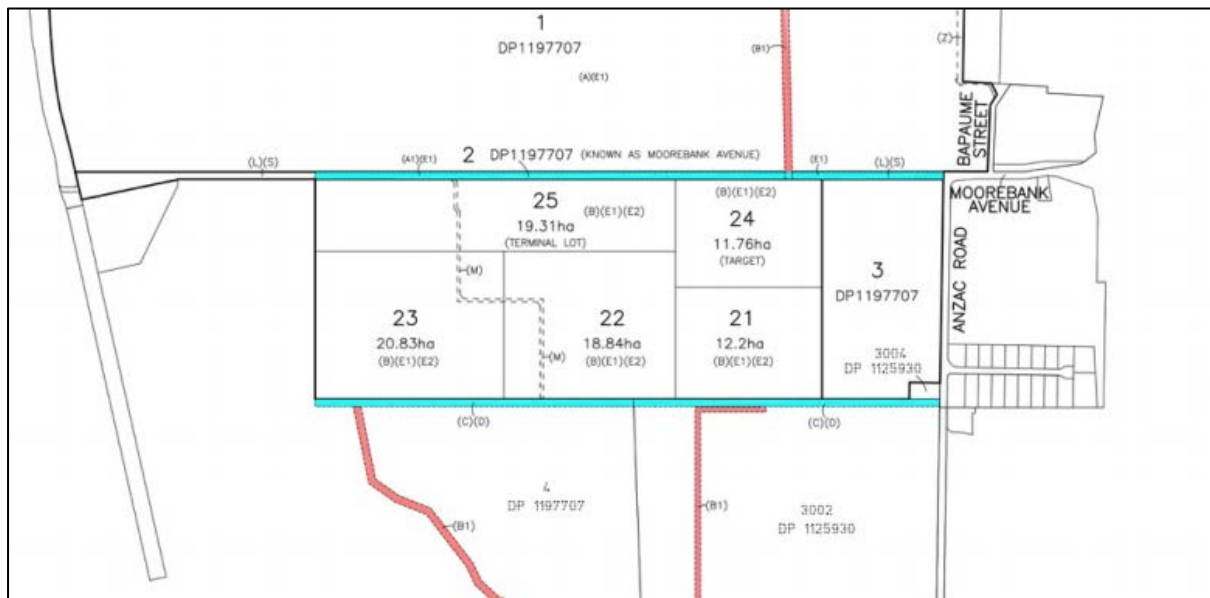
46. Council's submission (see paragraph 36) raised concern regarding the consideration of this Application as a partial consent as opposed to considering it as a modification application. Council is of the view that the application should be addressed as a modification to the 31 January 2018 development consent rather than assessed as a partial consent application.
47. The Commission provided the Department with an opportunity to respond to Council's concern. The Department's response dated 1 March 2019 (see paragraph 38)

considered “that a stand-alone partial consent is clearly facilitated by section 4.16 (4)-(5) of the EP&A Act and that a separate modification is not needed”.

48. The Department stated that the recommended instrument “is drafted to stand alone from the first partial development consent issued by the Commission on 31 January 2018. If the subdivision is approved, the partial consent would govern the subdivision aspect of the development application SSD 7628”.
49. Based on the Material, the Commission accepts the Department’s position, outlined in paragraph 48, because it is satisfied that a partial consent is an appropriate mechanism to facilitate the subdivision under section 4.16 (4)-(5) the EP&A Act, because the partial consent could govern the subdivision and the SSD 7628 consent dated 21 December 2018 could stand alone.

#### Draft subdivision plan and required details

50. The Applicant, in the Ancillary Subdivision report provided a subdivision plan and supporting documentation that contends ‘details all common land, access roads and services including drainage works required to maintain internal connections and interdependencies between the individual intermodal functions and within the development site’ (**Figure 3**).



**Figure 3:** Applicant’s plan of subdivision (Source: Applicant Ancillary Subdivision report)

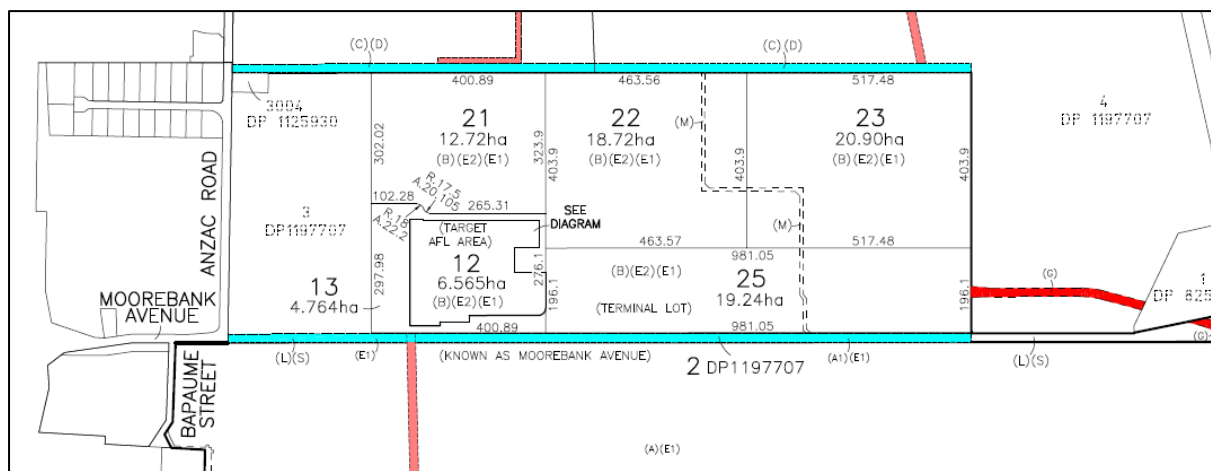
51. The Department’s Assessment Report noted that the proposed subdivision plan does not clearly show locations of common land, access roads and services including drainage works. Instead, the ‘estate works’ are shown overlaid on the subdivision plan.
52. Council’s submission (see paragraph 36) raised concerns with the Applicant’s proposed subdivision as it lacks “critical information including easement details for the subdivision, specifically relating to: internal vehicle and pedestrian access between the intermodal elements; utilities; and, drainage.”
53. The Applicant stated that physical works required to service the whole of site will be catered for in the five proposed lots through a series of easements that are already in

place or would be brought into place upon registration of the land.

54. The Department noted its satisfaction with the Applicant's commitment to provide easements that are sufficient for the interior inter-lot access and infrastructure critical to the integration of the site.
55. Due to the outstanding issues including the final drainage details and uncertainty regarding onsite detention basin areas, the Department considered it appropriate that the subdivision plan not be registered until there is evidence of the finalisation of these works. The Department's recommended conditions of consent require the final subdivision plan be approved by the Planning Secretary before a subdivision certificate is issued by a Certifying Authority.
56. Based on the Material, the Commission accepts the Department's position, outlined in paragraph 55, that the recommended conditions of consent make adequate provisions for the identification of easements and proposed easements to adequately cater for the provision of inter-lot access and infrastructure critical to the site.

#### Amended subdivision plan

57. The additional information provided by the Applicant on 13 February 2019, outlined in paragraph 35, identified an amendment to the subdivision plan. The main components of the Applicant's amended subdivision plan were the:
  - interim subdivision of the MPE site into 3 lots; and
  - subsequent subdivision of the MPE site into 6 lots, which include subdivision of Lot 24 into two parcels (see **Figure 3** and **Figure 4**).



**Figure 4:** Amended subdivision plan (Source: additional information provided by Applicant 13 February 2019, paragraph 35)

58. The Applicant stated that the “amendments have been made to provide greater clarity to the Application and do not affect the original assessment undertaken as part of SSD7628, including the findings of the Subdivision Ancillary Report”.
59. Under Clause 55(1) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) it reads “a development application may be amended or varied by the applicant (but only with the agreement of the consent authority) at any time before the application is determined”. As mentioned the additional information provided by the Applicant on 13 February 2019 sought to amend the development application (refer

paragraph 49 for Commission's conclusion on amended development application).

60. The Department's additional information dated 1 March 2019 (paragraph 38) responded to the Applicant's amended subdivision plan.
61. The Department noted that under the amended subdivision plan, the smallest lot proposed (lot 13) is 4.764ha (47,640m<sup>2</sup>). The Department noted that the proposed smallest lot complies with the Liverpool Local Environmental Plan 2008 prescribed minimum lot size of 2,000m<sup>2</sup> for the site.
62. The Department stated in its Assessment Report that it is the Applicant's intent to stage delivery of the Precinct Operational Environmental Management Plan (**OEMP**) and final subdivision plans. In addition, as the Applicant continues to design the road access development layout plans, water sensitive urban design plans and stormwater and drainage systems the subdivision will continue to change and this amended subdivision plan reflects this evolution.
63. The Department stated that a staged approach is allowed for under the 31 January 2018 partial consent, and can be acceptable, provided that the Applicant complies with all conditions of consent that are required to be complied with before operations commence.
64. The Department stated that recommended condition B2 would require the Applicant to have final approval for the relevant designs, as it requires "*relevant estate works to have been completed*" before a Subdivision Certificate is granted.
65. The Department concluded that "*the amended subdivision plan remains approvable*".
66. Based on the Material, the Commission accepts that the proposed amended subdivision plan as it only being a relatively minor amendment to the original application. In addition, that the subdivision of MPE into 6 lots is acceptable, subject to the delivery of the estate works identified in the recommended conditions because the relevant estate works will need to be completed before a Subdivision Certificate is granted. The Commission amended the Department's recommended instrument of consent to reflect the amended subdivision plan.
67. The Commission accepts the proposed amended application (see paragraph 59), as submitted under Clause 55 of the EP&A Regulation.

#### Staging of the subdivision

68. The Applicant's additional information outlining its intention for a staged subdivision, seeking to allow for subdivision of individual lots of take place incrementally as demand arises for the warehousing.
69. The Department accepted this approach, noting in its additional information that it would provide a flexible approach to create new lots to support long-term sub-letting with the Applicant remaining as the site operator.
70. The Department stated in its additional information that staged subdivision is acceptable if the Applicant maintains a commitment to providing all the relevant estate works before the final subdivision occurs. The Department recommended a condition to this effect.

71. Based on the Material, the Commission accepts that the staged subdivision plan is an acceptable approach to allow for the long-term sub-letting of the site, subject to the Department's recommended conditions of consent ensuring the delivery of estate works prior to the final subdivision occurring.

#### Operational management and fragmentation

72. In the Applicant's Subdivision Ancillary Report, the Applicant proposed that the site be operated in accordance with an overarching OEMP. The commercial arrangements invest responsibility for managing the site in the Applicant as the lead tenant.
73. The Department noted in its Assessment Report that the commercial arrangements for the site mandates responsibility for managing the site in the head tenant, the Applicant. Furthermore, the Applicant is nominated as the Project Delivery Company responsible for developing and operating the site under a Development and Operations Deed entered into with the Moorebank Intermodal Company under a land trust. In addition, the Applicant is responsible to the land trust to conduct works and activities on the site.
74. Based on the Material, the Commission accepts the Applicant's position, outlined in paragraph 72 and 73, that adequate management and operational arrangements will be put in place to limit fragmentation and ensure appropriate management of the site once it has been subdivided.

#### **6.5 The public interest**

75. In determining the public interest merits of the project, the Commission has had regard to the objects of the EP&A Act.
76. A relevant object of the EP&A Act to the Application is to facilitate ecologically sustainable development (ESD). The Commission notes that section 6(2) of the *Protection of the Environment Administration Act 1991 (POEA Act)* provides that ESD requires the effective integration of social, economic and environmental considerations in decision-making processes, and that ESD can be achieved through the implementation of:
- (a) the precautionary principle;
  - (b) inter-generational equity;
  - (c) conservation of biological diversity and ecological integrity; and
  - (d) improved valuation, pricing and incentive mechanisms.
77. The Commission is satisfied that the Application to subdivide the MPE site has effectively integrated social, economic and environmental considerations in the decision making process. The Commission accepts that the Application to subdivide the MPE site is consistent with the ESD principles (a) – (d) identified in paragraph 76.
78. Under section 1.3 of the EP&A Act, the Commission considered the relevant objects to this Application, which included:
- a) *“to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources;*
  - b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment;*
  - c) *to promote the orderly and economic use and development of land;*

- e) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage);*
- f) *to promote good design and amenity of the built environment;*
- g) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants;*
- i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State; and*
- j) *to provide increased opportunity for community participation in environmental planning and assessment.”*

79. The Department’s Assessment Report considered the relevant matters under the Act and principles of ESD stating that *“the proposal has been considered in accordance with the relevant matters under section 4.15(1), the objects of the EPA Act, the principles of ESD, and issues raised by the Commission”*.
80. In relation to the consideration of the Application, the Commission finds that the Application demonstrates consistency with the objects of the EP&A Act as it will promote the orderly and economic use of the land for warehousing through long-term leasing of the MPE site.
81. The Commission finds that the Application is in the public interest because:
- it demonstrates consistency with the objects of the EP&A Act, in particular, by promoting the orderly and economic use and development of the land; and
  - it is consistent with principles of ESD identified under the POEA Act.

## 7. Commission’s Conclusion

82. After careful consideration, the Commission accepts the conclusions set out by the Department in its Assessment Report (paragraph 23 - 25). The Commission also accepts that the Application can be approved pursuant to section 4.16 (4)-(5) of the EP&A Act.
83. The Commission has carefully considered the Material before it.
84. Based on the Material, the Commission finds that the Application is consistent with the relevant EPIs and the impacts of the subdivision can be managed to ensure an acceptable level of ongoing environmental management subject to the recommended conditions of consent.
85. For the reasons outlined in paragraph 84 above, the Commission determines to approve the Application, subject to conditions.
86. The Commission also made a number of minor administrative amendments to the instrument to ensure that the site and the latest amended plans are identified correctly in the conditions.
87. The reasons for the Decision are given in this Statement of Reasons for Decision dated 5 April 2019.



**Stephen O’Connor (Chair)**  
Member of the Commission



**Prof. Snow Barlow**  
Member of the Commission