



8 July 2019

Steelforce Warehouse Facility (SSD 8900)

1. INTRODUCTION

1. On 3 June 2019, the Independent Planning Commission NSW (the **Commission**) received from the former NSW Department of Planning and Environment (the **Department**) (now known as the Department of Planning, Infrastructure and Environment since 1 July 2019) an amended State Significant Development application SSD 8900 (the **Amended Application**) by CIP/CH (Bringelly) Pty Ltd (the **Applicant**) to develop and operate a steel warehouse facility (the **Project**), which is located within the Bringelly Road Business Hub (**BRBH**) at Horningsea Park in the Liverpool Local Government Area (**LGA**).
2. The Commission is the consent authority in respect of the Application under Section 4.5(a) of the *Environmental Planning and Assessment Act 1979* (the **EP&A Act**) and Clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* (the **SEPP SRD**). This is because:
 - the consent for the BRBH under SSD 6324 approved on 13 January 2016 for staged development, comprising a concept proposal for a business park comprising 'large format retail premises', 'light industry', 'service station', 'take away food and drink premises', and 'restaurant and café' (Concept Plan) did not determine that future developments within the BRBH could be determined by the relevant consent authority under section 4.37 of the EP&A Act. All future developments are therefore considered to be State Significant Developments (SSD);
 - the Application constitutes an SSD under Section 4.38 of the EP&A Act; and
 - the Department received more than 25 submissions from the public objecting to the **Original Application** (see Section 1.1 of this Report).
3. Professor Mary O'Kane AC, Chair of the Commission, nominated Chris Wilson (Chair), and Russell Miller AM to constitute the Commission determining the Application.

1.1 Background

4. According to the Department's Assessment Report (the **Department's AR**), dated 28 May 2019, the Original Application sought consent to construct and operate the Nulon Oils industrial facility for the blending and storage of automotive lubricating oils and storage of aerosols onsite.
5. The Department publicly exhibited the Original Application and associated documents (**EIS**) from 1 February 2018 to 2 March 2018. A total of 75 submissions were received, including 62 public objections. In December 2018, the Applicant advised the Department that Nulon Oils was no longer proposing to establish its light industrial facility.
6. In December 2018, the Applicant lodged an Amended Application for the Project, in accordance with Clause 55 of the *Environmental Planning Assessment Regulation 2000* (**EP&A Regulation**), which allows a development application (**DA**) to be amended before it is determined, with the agreement of the consent authority. The Department's AR stated that it considered whether the proposed changes would be generally consistent with the Original Application, noting that both the Original Application and the Amended Application sought approval for a warehouse facility.

7. The Department's AR further stated that *"the amended DA presents a development with lower impacts as the facility seeks to store and distribute steel products in lieu of the original proposal which sought to blend, store and distribute automotive lubricating oils."*
8. The Department's AR stated that the Amended Application was provided to key agencies, Liverpool City Council (**Council**) and to the members of the public who made submissions on the Original Application, and *"Of the 64 public submissions, only two submitters noted outstanding concerns with the proposed Steelforce warehouse."*
9. The Department's AR further stated that it *"considered the application to be consistent with the requirements of Clause 55 of the EP&A Regulation and recommend that the Independent Planning Commission (IPC) accept the amended application."*
10. The Commission has considered the Original Application, the Amended Application and the provisions of clause 55 of the EP&A Regulations and accepts the Department's conclusion in paragraph 9 and finds that the Amended Application is consistent with the requirements of clause 55 and agrees to allow the Amended Application.
11. The Commission notes that the Commission is the consent authority under the EP&A Act because the Department received 62 objections to the Original Application.

1.2 Site and locality

12. According to the Department's AR the Project is located on a 2.2 hectare (**ha**) undeveloped greenfield parcel of land, known as Lot 8 within the BRBH (the **Site**) that is located 36 kilometres (**km**) west of the Sydney city centre, 8 km south-west of the Liverpool town centre and in close proximity to the intersection of the M5 and M7 Motorways. The Site is the most eastern lot within the BRBH, and is accessed via Skyline Crescent to the south, which connects to Bringelly Road in Horningsea Park.
13. The Department's AR stated that the Site has been used primarily for grazing pasture land and is surrounded by a range of existing land uses and riparian zones. The Site is in an area surrounded by parklands to the immediate north and residential development to the north beyond the parklands and immediately to the east. The nearest sensitive receivers are two residential dwellings located approximately 15 metres (**m**) and 60 m to the east of the Site at 12 Bringelly Road, Horningsea Park.
14. The Department's AR stated that the Site's topography falls between 2% and 8% toward the north-eastern corner. One half of the Site drains to the existing natural waterway in the north-east and the other half flows towards a minor catchment to the south-east near Bringelly Road.
15. The Department's AR stated that the road network surrounding the Site includes:
 - *"Bringelly Road to the south, a State Road and sub-arterial route which connects with Cowpasture Road and Camden Valley Way;*
 - *Cowpasture Road to the east, a State Road and arterial route which connects with Camden Valley Way and Bringelly Road;*
 - *Stuart Road to the north, a local access road*
 - *Camden Valley Way to the south-east, a State Road and arterial route."*

Figure 1: Site layout and surrounding land uses



Source: Department of Planning and Environment – Assessment Report

1.3 Summary of the Project before the Commission

16. According to the Department’s AR, the Project comprises the construction and operation of a warehouse with associated light industrial uses and ancillary offices within the BRBH for the storage, dispatch and distribution of steel products. The Commission understands that the main components of the Project before it for determination are as detailed in **Table 1**.

Table 1: Main Components of the Project

Aspect	Description
Development Summary	<ul style="list-style-type: none"> The construction and operation of a warehouse with associated light industrial uses and ancillary offices within the BRBH for the storage, dispatch and distribution of steel products
Site area	<ul style="list-style-type: none"> 2.2 ha
Earthworks, civil works and services	<ul style="list-style-type: none"> Minor earthworks, foundations, stormwater drainage, construction of hardstand and car parking
Construction	<ul style="list-style-type: none"> Over 35 weeks
Key features	<ul style="list-style-type: none"> Warehousing and material storage area (10,600m²) Ancillary office (600m²) Maximum height of 13.7 metres (m)

Aspect	Description
Traffic	<ul style="list-style-type: none"> • Construction: up to 170 vehicle movements (two-way) per day comprising 140 movements from light vehicles and 30 from heavy vehicles • Operation: 132 vehicle movements (two-way) per day comprising 76 movements from light vehicles and 56 from heavy vehicles
Landscaping	<ul style="list-style-type: none"> • Large trees and buffer screens along the frontage and eastern boundary • Grassed areas at the rear of the site
Hours of operation	<ul style="list-style-type: none"> • Warehouse: 24 hours a day, Monday to Friday and 6 am to 3 pm Saturday • Office: 8 am to 5:30 pm, Monday to Friday
Capital investment value	<ul style="list-style-type: none"> • \$10.7 million
Employment	<ul style="list-style-type: none"> • 70 full-time equivalent construction jobs and 38 operational jobs
Parking / maneuverability	<ul style="list-style-type: none"> • 36 car parking spaces, plus an additional 12 future spaces at the rear • Maneuverability for a 26m B Double truck, which includes ability to drive through the warehouse
Access	<ul style="list-style-type: none"> • Ingress point for trucks on the eastern boundary • Egress point for trucks on the western boundary • Combined ingress/egress for cars located toward the western boundary
Waste	<ul style="list-style-type: none"> • Located at the rear of the site
Stormwater	<ul style="list-style-type: none"> • Piped stormwater drainage (minor) system • Overland flow path and open channels (major) • Detention tank (north western corner) • Treatment train (Gross Pollutant Trap) as well as additional tertiary treatment trains within BRBH

Source: Department of Planning and Environment – Assessment Report

1.4 Stated need for the Project

17. The Applicant's Amended Environmental Impact Statement (**Amended EIS**) stated that the *"strategic need for the proposal was established by the original Concept Plan. In summary, the development is required to:*
 - *Generate additional employment opportunities for local and regional communities; and*
 - *Grow private business investment to create a sustainable funding base for the Parklands in perpetuity."*
18. The Department's AR stated that the *"The Applicant has justified the need for the development by highlighting the need for Steelforce to source a suitably located site which supports its distribution and storage needs. The Applicant indicates that the location of the development is essential to improving the operational efficiencies of the transport and logistics and profile of the business as it is in close proximity to the regional road network and offers good visibility from Bringelly Road. The Applicant considers the proposed business use is consistent with the approved land uses and intent for the BRBH.*

Additional benefits identified by the Applicant include:

- *generating additional employment opportunities in Western Sydney, comprising of 70 full time construction jobs and 38 operational jobs*
- *contributing private investment to create a sustainable funding base for the WSP [Western Sydney Parklands]"*.

2. THE DEPARTMENT'S CONSIDERATION OF THE ORIGINAL AND AMENDED APPLICATIONS

2.1 Key steps in Department's consideration of the Original Application

19. The Department received the Original Application on 14 November 2017 which was accompanied by a range of supporting documents.
20. The Department publicly exhibited the EIS from 1 February 2018 until 2 March 2018. The Department received 75 submissions during the exhibition period, including 11 from government agencies, and 64 from the public. Of those received, 62 public submissions were in the form of objections. The Commission notes that Section 5 of the Department's AR provides an extensive consideration of the engagement undertaken by the Department.

2.2 Key steps in Department's consideration of the Amended Application

21. The Department received the Amended Application in December 2018 which was accompanied by a range of supporting documents. The Amended Application included:
 - a 96 m² reduction in the total Gross Floor Area (GFA) proposed, from 10,696 m² to 10,600 m²;
 - an increase in the northern, eastern and western boundary setbacks by 3.2 m, 2 m and 16.3 m respectively; and
 - a reduction in the provision of car parking by 22 spaces.
22. The Department's AR stated *"The amended DA was provided to key agencies and Council to consider whether it adequately addressed the issues raised for the Nulon Oils application. The Department also provided the amended DA to members of the public who made submissions on the Nulon Oils application."* The Commission notes that according to the Department's AR no agencies or the Council objected to the Project.

23. In relation to public comments, the Department's AR stated that *"Two members of the public expressed concern in relation to the amended DA. The concerns raised by the members of the public included the following:*
- *community consultation*
 - *consistency with the BRBH Concept approval*
 - *proposed hours of operation*
 - *potential noise impacts*
 - *potential traffic impacts."*

2.3 The Department's Assessment Report

24. The Department's AR stated that *"The key issues raised during exhibition of the original application have been largely addressed through the amended DA. The Steelforce Warehouse Facility presents a development with lower impacts given it seeks to store and distribute steel products in lieu of the original proposal which sought to blend, store and distribute automotive lubricating oils."*
25. According to the Department's AR, *"The Department has considered the amended EIS, the issues raised in the submissions and other comments provided by members of the public and supplementary information in its assessment of the development. The Department considers the key assessment issues for the Steelforce facility are noise and traffic."*
26. The Department's AR stated that *"The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects listed under section 1.3 of the EP&A Act and the principles of ESD. The Department has considered the development on its merits, taking into consideration strategic plans that guide development in the area, the EPIs that apply to the development and the submissions received from Government agencies, Council and the public."*
27. The Department's AR concluded that *"the potential impacts of the development can be appropriately managed and/or mitigated to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent, including:*
- *preparation and implementation of a Driver Code of Conduct*
 - *implementation and maintenance of landscape buffer screening*
 - *preparation and implementation of a Construction Traffic Management Plan.*

The Department also considers the development to be acceptable and in the public interest as the development:

- *would deliver 70 construction jobs and 38 operational jobs in Western Sydney*
- *would contribute \$10.7 million in private investment in the WSP*
- *would contribute funding for the ongoing management of the WSP*
- *is consistent with the objectives of the relevant strategic planning framework including the Greater Sydney Region Plan and the POM*
- *would provide a high quality development with a design outcome which is consistent with the BRBH approval*
- *would not result in any significant adverse environmental or amenity impacts.*

The Department concludes the proposal is in the public interest and the application is approval, subject to conditions."

3. THE COMMISSION'S MEETINGS AND SITE INSPECTION

28. There is no statutory requirement for the Commission to conduct a site inspection or locality tour when determining an application as per the Commission's *Site Inspection and Locality Tour Guidelines*.
29. Under the guidelines, the Panel members decided not to undertake a site inspection on the basis that it was unlikely to assist them in assessing or understanding the nature of the likely impacts of the Application.
30. The Commission also decided not to conduct any meetings.

4. THE COMMISSION'S CONSIDERATION

5.1 Material considered by the Commission

31. In determining this Application, the Commission has carefully considered the following material (the **Material**), including:
 - SSD 6324 – Bringelly Road Business Hub, determined by Department of Planning and Environment dated 13 January 2016, including subsequent modifications No. 1, 2 and 3;
 - Environmental Impact Statement – SSDA 17_8900 Nulon Motor Oils Warehouse, prepared by Ethos Urban, dated 18 January 2018 and all attached appendices;
 - Response to Submissions – SSDA 17_8900, prepared by Ethos Urban, dated 4 July 2018 and all attached appendices;
 - Amended Environmental Impact Statement – SSDA 17_8900 Steelforce Warehouse, prepared by Ethos Urban, dated 5 November 2018 and all attached appendices;
 - State Significant Development Assessment (SSD 8900) – Steelforce Warehouse Facility, prepared by the Department of Planning and Environment, dated 28 May 2019;
 - all submissions made to the Department during the public exhibition of the Original Application;
 - all comments made to the Department by the public on the Amended Application;
 - all government agency submissions made to the Department on the Original Application and Amended Application; and
 - the Department's response to the Commissions questions dated 28 June 2019 and 1 July 2019.
32. In determining this Application under section 4.55(2), the Commission has taken into consideration the following relevant mandatory considerations, as provided in section 4.15 of the EP&A Act (**Mandatory Considerations**):
 - the provisions of all:
 - environmental planning instruments;
 - 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);
 - development control plans;
 - planning agreements that have been entered into under s 7.4 of the EP&A Act, and draft planning agreements that a developer has offered to enter into under s 7.4; and
 - the *Environmental Planning and Assessment Regulations 2000* (**Regulations**) to the extent that they prescribe matters for the purposes of s 4.15(1) of the EP&A Act; that apply to the land to which the Application relates;
 - the likely impacts of the development, 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 Regulations; and
- the public interest.

5.2 Concept Plan

33. The Commission has given consideration to the Concept Plan (as modified) and the Material and is satisfied that the Project is consistent with the Concept Plan because it is consistent with the intended use and uses of the BRBH as outlined in paragraph 2.

5.3 Permissibility

34. Within Section 4 of the Department's AR, the Department sets out the permissibility of the Project and provided a detailed assessment of the relevant environmental planning instruments (**EPIs**) as applicable to the Project which include:
- *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)*;
 - *State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP)*;
 - *State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)*;
 - *State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19)*;
 - *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)*;
 - *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)*;
 - *State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)*; and
 - *Liverpool Local Environmental Plan 2008*.
35. The Department's AR includes a detailed and accurate consideration of the EPIs against the Project. Based on the Material the Commission finds that the Project is permissible with consent under the provisions of the WSP SEPP. The Commission further finds and accepts the assessment of relevant EPIs and the reasons identified in the Department's AR in relation to compliance with these EPIs.

5.4 Likely impacts of the development on both natural and built environments

36. Based on the Material, the Commission finds that the key impacts associated with the Project relate to noise and traffic impacts. The Commission notes that this view is consistent with that of the Department, as outlined in paragraph 25.

5.4.1 Noise Impacts

Department's Assessment

37. Section 6.1 of the Department's AR provided a detailed assessment of noise impacts generated by the Project including:

Construction Noise

- *"While the Department acknowledges there may be some construction noise impacts on the nearest sensitive receiver, the Department is satisfied construction noise would be controlled through the adoption of the Applicant's mitigation measures and would be short term and temporary in nature. Conditions are recommended to ensure the development is constructed to achieve the noise management levels in the latest version of the Interim Construction Noise Guideline (ICNG). Construction works would be restricted to standard day-time working hours and would not occur on Sundays or public holidays. The Department considers the construction noise impacts can be managed to an acceptable level through adherence to the ICNG."*

Operational Noise

- *"...the Applicant proposed to restrict night time deliveries to entering and exiting the site via the western access only which is furthest away from the residential receivers, thereby increasing the distance between delivery trucks and 12 Bringelly Road. The Applicant also offered to minimise noise from airbrakes on the site by ensuring that, at night, airbrakes were released only on Skyline Crescent. The Applicant provided revised modelling to demonstrate that, with these measures in place, the development would comply with night time project trigger levels at 12 Bringelly Road and sleep disturbance criteria at the residential receivers to the north.";*
- *"To ensure these mitigation measures are implemented, the Department has recommended conditions requiring that the Applicant prepare and implement a Driver Code of Conduct. The Driver Code of Conduct would ensure drivers are trained in reducing noise, including from airbrakes and are aware that night time deliveries occur only from the western access.";* and
- *"The Department considers the predicted noise impacts of the development are minimal and acceptable in the context of the site and that, with the implementation of the recommended conditions, noise would be suitably mitigated to maintain the amenity of the neighbourhood."*

Road Noise

- *"The NIA also considered the increase in noise levels from road traffic generated by the development. The assessment concluded that potential noise impacts from additional heavy and light vehicles would be negligible as noise would be masked by the existing high volumes of traffic on surrounding roads, including Bringelly Road. The Department considers that the implementation of the Driver Code of Conduct would ensure drivers are trained in reducing noise from vehicles to minimise impacts on nearby residences."*
38. The Department's AR concluded that *"given the nature of the development within an approved business hub and in an area which experiences high volumes of traffic the predicted noise impacts would not interfere with the amenity of the local area. Furthermore, the implementation of conditions requiring adherence to the ICNG and a Driver Code of Conduct will ensure appropriate noise mitigation measures are in place for the facility."*

Commission's Determination

39. The Commission notes that the Department's AR states that the closest building, being the property adjoining the eastern boundary of the Site, is currently an uninhabited dwelling. The Commission understands that this dwelling is both uninhabited and uninhabitable.
40. Whilst based on the Material the Commission accepts the Department's conclusion in relation to noise impacts as outlined in paragraph 38, it has recommended strengthening the conditions to further safeguard the amenity of the property adjoining the eastern boundary of the Site. This includes prohibiting all access and loading and unloading activities on the western side of the building between 10pm to 7am, and a requirement to keep roller doors closed for the same period. Based on the Department's assessment and the recommended conditions provided within the Department's AR as outlined in paragraph 37, and the supplementary requirements recommended by the Commission, it is satisfied that the Project will not result in unacceptable noise impacts, and further the amenity of the property adjoining the eastern boundary of the Site will be maintained.

5.4.2 Traffic Impacts

Department's Assessment

41. Section 6.2 of the Department's AR provided a detailed assessment of traffic impacts generated by the Project including:

Access

- *"The Applicant provided a swept path analysis for the largest heavy vehicle accessing the site (a 25 m B-double) in the Traffic Report. No concerns were raised by Council or RMS in relation to the proposed site access arrangements. The proposed access arrangements would be consistent with those described in the Site Design Guidelines approved for the BRBH and are considered acceptable by the Department."*

Operational Traffic

- *"RMS raised no concern in relation to operational traffic generation from the proposed development. RMS is currently upgrading the Skyline Crescent/ Bringelly Road intersection to accommodate traffic from the development of the BRBH. These intersection works would be completed prior to the operation of the development.";* and
 - *"The Department has carefully assessed the Traffic Report. On the basis the predicted traffic generation would be less than that approved for the BRBH and, for the PM peak period, would be around 10 % of the traffic previously predicted for the site as part of the BRBH, the Department agrees with the Applicant's conclusion that traffic impacts will be acceptable. No further upgrades to the surrounding road network, particularly the Skyline Crescent/ Bringelly Road intersection would be necessary as result of the proposed development."*
42. The Department's AR concluded that *"that the proposed traffic generation is lower than the predicted generation for the BRBH and the facility provides safe access and manoeuvrability on site. Furthermore, the implementation of conditions requiring a construction traffic management plan and work place travel plan will ensure appropriate measures are introduced to manage and minimise traffic generation associated with the facility."*

Commission's Determination

43. Based on the Material, the Commission accepts the Department's conclusion of traffic impacts as outlined in paragraph 42 and finds that the Project will have acceptable traffic impacts. The assessment and recommended conditions provided within the Department's AR as outlined in paragraph 41 demonstrate that the development is able to provide for safe vehicle movements between the Site and public road interface.

5.4.3 Other Impacts

44. The Commission notes that Section 6.3 of the Department's AR has provided additional assessment on a number of minor associated Project impacts which are construction traffic, water management, bushfire risk, parking, biodiversity, heritage waste management, contamination and remediation and development contributions. The Commission has, based on the Material, had regard to the assessment and accepts the Department's assessment of these impacts. The assessment which has taken into account all relevant guidelines and policies has found that the development can proceed without unacceptable environmental or amenity outcomes.

However, the Commission has decided to strengthen the proposed conditions regarding landscaping to require the Applicant to provide landscape screening along the eastern boundary of the Site to reduce visual impacts on the dwelling immediately adjoining the eastern boundary of the Site. In the event that the dwelling is inhabited, the screening would mitigate the views to the development.

5.5 Public interest

45. The Department's AR considered the public interest of the Project and concluded that the Project was in the public interest because it:
- *"would deliver 70 construction jobs and 38 operational jobs in Western Sydney*
 - *would contribute \$10.7 million in private investment in the WSP*
 - *would contribute funding for the ongoing management of the WSP*
 - *is consistent with the objectives of the relevant strategic planning framework including the Greater Sydney Region Plan and the POM [Plan of Management]*
 - *would provide a high quality development with a design outcome which is consistent with the BRBH approval*
 - *would not result in any significant adverse environmental or amenity impacts."*
46. Based on the Material, the Commission finds that the Project is in the public interest subject to the additional noise and landscape screening conditions which aim to maintain the amenity of the property adjoining the eastern boundary of the Site for the reasons outlined in paragraphs 40 and 44.

5.6 Objects of the Act

47. Under section 1.3 of the EP&A Act, the Commission considers the relevant objects of the EP&A Act to the Project are:
- 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,*
 - to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
 - to promote the orderly and economic use and development of land,*
 - to protect the environment, including the conservation of threatened and other species*

- (f) *of native animals and plants, ecological communities and their habitats,*
to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) *to promote good design and amenity of the built environment,*
- (h) *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,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

48. A key relevant object of the EP&A Act to the Project, as stated in paragraph 47 above, is the facilitation of ESD. The Commission notes that section 6(2) of the *Protection of the Environment Administration Act 1991* states that ESD requires the effective integration of social, economic and environmental considerations in its decision-making, and that ESD can be achieved through the implementation of:

- the precautionary principle;
- inter-generational equity;
- conservation of biological diversity and ecological integrity; and
- improved valuation, pricing and incentive mechanisms.

49. Section 4.8 of the Department's AR provided a detailed assessment of the objects of the EP&A Act, including Ecologically Sustainable Development (**ESD**). The assessment of the Project in the Department's AR, against those objects considered relevant by the Commission to the Project as outlined in paragraph 47. Based on the Material, the Commission finds that the Project is consistent with the principles of ESD and the objects of the EP&A Act for the reasons outlined in Section 4.8 of the Department's AR.

6. HOW THE COMMISSION TOOK COMMUNITY VIEWS INTO ACCOUNT IN MAKING ITS DECISION

50. The views of the community were expressed through public submissions as part of public exhibition process for the Original Application and comments received by the Department to the Amended Application.

51. The Commission carefully considered all of these views as part of making its decision. The way in which these concerns were taken into account by the Commission is set out in **Section 4** above.

7. CONCLUSION: THE COMMISSION'S FINDINGS AND DETERMINATION

52. The Commission has considered the Material, including the Original Application, the Amended Application and under clause 55(1) of the EP&A Regulations provides its agreement to the Amended Application.

53. The Commission accepts the conclusions set out by the Department's AR as set out in paragraphs 38 and 42.

54. The Commission has carefully considered the Material before it and finds that the Application is consistent with relevant EPIs and the Concept Plan and that the development can be managed to ensure acceptable amenity, land use safety and environmental outcomes subject to the recommended conditions.

55. The Commission made a number of amendments to the proposed conditions of consent

including to strengthen the acoustic safeguards applicable to the property adjoining the eastern boundary of the Site and required additional visual mitigation by way of landscape screening.

56. For the reasons outlined in Paragraphs 40, 43, 44, 46 and 49 above, the Commission has determined to approve the Application, subject to conditions.
57. These conditions are designed to:
- prevent, minimise and/or offset adverse environmental impacts;
 - set standards and performance measures for acceptable environmental performance
 - require regular monitoring and reporting; and
 - provide for the on-going environmental management of the development.



Chris Wilson (Chair)
Commission Member



Russell Miller AM
Commission Member