

# 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
<b>Application number and project name</b>	SSD-45998963 339 Horsley Road Multi-level Warehouse Milperra
<b>Applicant</b>	Hale Capital Development Management Pty Ltd
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The Director, Industry Assessments under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (the Act) granted consent to the development application subject to conditions.

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

### Date of decision

9 June 2023

### 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 2021;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted to the Department during the assessment of the development application;
- the findings and recommendations in the Department's assessment report; 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 key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including a capital investment of \$90 million and generation of 291 construction jobs and 566 operational jobs;
- the project is permissible with development consent, and is consistent with NSW Government policies including the Greater Sydney Region Plan – A Metropolis of Three Cities, the South District Plan and Canterbury Bankstown Connective City 2036
- 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; and
- the issues raised by the community, the City of Canterbury-Bankstown (Council) and relevant government agencies during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent. Engagement on the project is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines.
- weighing all relevant considerations, the project is in the public interest, subject to conditions.

## Attachment 1 – Consideration of Community Views

The Applicant engaged with the community during the preparation of the environmental impact statement (EIS) as a requirement of the Secretary's environmental assessment requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the Department it was placed on exhibition from 11 November 2022 until 8 December 2022 (28 days). The Department received a single submission from the public (an adjoining private business) and advice from an energy provider and five government agencies, including Council. No submissions objected to the development.

The key issues raised by the community (including in submissions) and considered in the Department's assessment report and by the decision maker include construction impacts and utility provider requirements. Other issues are addressed in detail in the Department's assessment report.

<i>Issue</i>	<i>Consideration</i>
<p><b>Construction Impacts</b></p> <ul style="list-style-type: none"> <li>Concern was raised by an adjoining business in relation to the impact the removal of the existing northern retaining wall would have on Parilla Fresh's warehouse building.</li> </ul>	<p>The Department has worked with the Applicant to ensure close consultation was undertaken with the adjoining business.</p> <p>In its Response to Submissions, the Applicant provided evidence of consultation with the adjoining business, confirming that the retaining wall to be removed is independent of Parilla Fresh's warehouse and adjacent only to a hardstand area. A new retaining wall would be built fully within the subject site. The adjoining business confirmed its concerns had been addressed</p> <p><u>Conditions include:</u> The Department has recommended conditions of consent to ensure that the Applicant prepare and implement a Construction Environmental Management Plan for the development, which would identify specific measures to manage construction along the northern boundary and ensure a community consultation and complaints handling protocol is in place.</p>
<p><b>Utility Provider Requirements</b></p> <ul style="list-style-type: none"> <li>The energy provider, Ausgrid, requested the Applicant continue to discuss requirements with Ausgrid.</li> </ul>	<p>The Department has recommended conditions of consent to ensure the Applicant consults with utility providers prior to commencement of construction.</p>