

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-55266460 45-57 Moxon Road Warehouse and Distribution Centre
Applicant	Hale Capital Development Management Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The A/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 development consent is available [here](#).

A copy of the Department of Planning, Housing and Infrastructure's assessment report is available [here](#).

Date of decision

19 Jul 2024

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 capital investment of \$87 million and generation of 286 construction jobs and 585 operational jobs;
- the project is permissible with development consent, and is consistent with NSW Government policies including the South District Plan and City of Canterbury Bankstown Local Strategic Planning Statement;
- 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 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; and
- weighing all relevant considerations, the project is in the public interest.

- **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 4 August 2023 until 31 August 2023 (28 days). Nine submissions were received, including eight objections and one in support of the project.

The key issue raised by the community (including in submissions) and considered in the Department’s assessment report and by the decision maker include flood management. Other issues are addressed in detail in the Department’s assessment report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Flood Management</i></p> <p><i>Concerns were raised by the public regarding the potential for flood risk to be exacerbated by the development</i></p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • During major flood events, both the site and the surrounding area are subjected to flooding due to overland flow from the Wiggs Road Channel as well as the mainstream flooding associated with the Salt Pan Creek. • The development would be largely built on fill to achieve a finished floor level that would provide adequate flood protection to the warehouse building. The central and southern driveways as well as majority of parking areas are located on suspended slabs at ground level to allow for overland flow to Salt Pan Creek and offset flood storage underneath. • The existing levee wall that prevents the ingress of flood water from Salt Pan Creek to the site will also be reinstated and extended. In addition, the existing site also includes a system of pumps that serves to remove nuisance flood water from Wiggs Road floodwater ingress. • The development is unlikely to cause any increase in flood levels off-site during a flood event with these measures in place. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Require the Applicant to implement its proposed mitigation and management measures, including a flood emergency response plan and engineering controls such as the flood conveyancing structure, offset flood storage and levee walls. • Require the Applicant to undertake sensitivity analyses and verify its flood modelling as part of detailed design for the suspended slab and flood conveyancing structures.