

# Notice of decision

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

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| <b>Application type</b>                    | Development Application  |
| <b>Application number and project name</b> | DA 24/14866<br>Change of Use to Depot at 20 Selwyn Street, Mayfield East |
| <b>Applicant</b>                           | Land Development Solutions Pty Ltd                                       |
| <b>Consent Authority</b>                   | Minister for Planning and Public Spaces                                  |

### Decision

The Director, Transport and Water Assessments, under delegation from the Minister of Planning and Public Spaces has, under s.4.16 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available here.

<https://www.planningportal.nsw.gov.au/daex/under-consideration/20-selwyn-street-change-use-depot>

A copy of the Department of Planning, Housing and Infrastructure's Assessment Report is available here.

<https://www.planningportal.nsw.gov.au/daex/under-consideration/20-selwyn-street-change-use-depot>

### Date of decision

1 April 2025

### 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 relevant matters set out in s7.13 of the *Biodiversity Conservation Act 2016*;
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's Assessment Report; and
- the findings and recommendations in the Department's Assessment Report.

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 is permissible with development consent under the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, satisfies requirements under the *State Environmental Planning Policy (Resilience and Hazards) 2021*, 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 consent authority has imposed conditions relating to compliance with applicable Australian Standards, construction standards and certification, environmental considerations and maintenance requirements;
- the issues raised by Newcastle City Council during consultation have been considered and adequately addressed through amendments to the design and through the recommended conditions of consent;
- no issues were raised by the community during the public exhibition of the application; and
- weighing all relevant considerations, the project is in the public interest.

## **Attachment 1 – Consideration of Community Views**

The Department exhibited the development application for the project, including the Statement of Environmental Effects from 15 October 2024 to 29 October 2024 (14 days) on the NSW Planning Portal. The Department also notified surrounding landholders in writing, Newcastle City Council and Transport for NSW.

No issues were raised by the community and no public submissions were received from the community during the exhibition period.

Newcastle City Council reviewed the development application and provided advice to the Department in relation to flooding, stormwater management, vehicle access parking and manoeuvring management, biodiversity, contributions, structural capability of the proposed demountable buildings, site fencing, traffic, noise, site parking, and land contamination. The Applicant responded to Council's issues and subsequently submitted a preliminary site investigation report and revisions to stormwater and driveway designs. Other issues raised by Council are addressed in the conditions of consent. The Department is satisfied with the consideration of these factors within the application.