

DATE OF DETERMINATION	2 June 2023
DATE OF PANEL DECISION	1 June 2023
DATE OF PANEL BRIEFING	22 May 2023
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Louise Camenzuli, Carlie Ryan
APOLOGIES	Ross Fowler
DECLARATIONS OF INTEREST	The Chair disclosed that he has in the past advised a corporate client in relation to a property dispute involving Goodman, but as it is no longer current and is unrelated to the subject property, it does not raise any significant conflict of interest for this determination.

Papers circulated electronically on 15 May 2023.

MATTER DETERMINED

PPSSWC-284 – Penrith – DA22/1110 - 2 Cuprum Close, Kemps Creek - Construction of Two Warehouse Buildings (Lot 4A & 4B) in Precinct 4 at the Oakdale West Industrial Estate (OWE), Including Approval for Building, Layouts (Including Internal), Landscaping, and Warehouse and Distribution Use

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

Intersection Upgrade

At the final briefing of the Panel, Council indicated that it had just been advised that Transport for NSW is considering the introduction of a fourth leg to the future signalised intersection of the Southern Link Road and Emporium Avenue to connect Aldington Road to the south.

The introduction of a fourth leg to this future intersection is likely to run along the western boundary of the site and may require a small portion of land from the western edge of the site.

Council was asked to provide further advice to the Panel on the implications of the potential intersection upgrade for the development.

Council subsequently advised that the potential intersection upgrade is in the early stages of development and is not currently reflected in the approved SSD concept plan for the Oakdale West Estate nor the land acquisition plan for the Western Sydney Employment Area in *State Environmental Planning Policy (Industry and Employment) 2021*. Further, there are currently no published draft concept plans of the potential intersection upgrade, and no funding has been allocated for this section of Southern Link Road yet.

Council also advised that even if the proposed intersection upgrade does require land from the site, the loss of this land is unlikely to be material for the ongoing operation of the development as it is only likely to affect some of the landscaping on the northern corner of the site and, potentially, a small portion of the large handstand on the western edge of Warehouse 4A.

After careful consideration, the Panel determined it would be unreasonable to delay the determination of the development application given:

- The proposed intersection upgrade is not reflected in any of the strategic planning controls for the site;

- The current uncertainty about the specific configuration of the potential intersection upgrade and that it may take several months, if not years, before the final configuration is determined;
- There is potentially sufficient land available for the potential intersection upgrade to the west of the site;
- That, if land is subsequently required from the site for the intersection, the loss of this land is only likely to have a minor impact on the ongoing operation the development; and
- The landscaping of the development and truck movements on the hardstand of Warehouse 4A could be readily reconfigured to accommodate the final configuration of the intersection upgrade.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

In particular, the Panel concluded that:




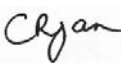
- The development is consistent with the approved SSD Oakdale West Estate Concept Plan and associated Voluntary Planning Agreement (2017/8367);
- Complies with the relevant environmental planning instruments and requirements in the *Penrith Development Control Plan 2014*;
- The environmental impacts of the development are acceptable and can be suitably controlled with the recommended conditions;
- The site is suitable for the development; and
- The development will result in significant benefits for the NSW economy by generating employment and creating high quality warehouse and distribution centres on strategically-located land in the Western Sydney Employment Area;
- The development is in the public interest.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

Council exhibited the development application from 20 February 2023 to 6 March 2023 and received no public exhibitions during the exhibition period.

PANEL MEMBERS	
Justin Doyle (Chair) 	David Kitto 
Louise Camenzuli 	Carlie Ryan 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-284 – Penrith – DA22/1110
2	PROPOSED DEVELOPMENT	Construction of Two Warehouse Buildings (Lot 4A & 4B) in Precinct 4 at the Oakdale West Industrial Estate (OWE), Including Approval for Building, Layouts (Including Internal), Landscaping, and Warehouse and Distribution Use
3	STREET ADDRESS	2 Cuprum Close, Kemps Creek
4	APPLICANT/OWNER	Applicant: Goodman Property Services (Aust) Pty Limited Owner: BGMG11 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Precincts—Western Parkland City) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Penrith Development Control Plan 2014 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 15 May 2023 Council memo report received: 16 May 2023, 19 May 2023 and 23 May 2023 Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing to discuss council's recommendation: 22 May 2023 <ul style="list-style-type: none"> Panel members: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Carlie Ryan Council assessment staff: Kathryn Saunders, Jacqueline Klincke, Gavin Cherry
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report