

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	4 March 2025
DATE OF PANEL DECISION	4 March 2025
DATE OF PANEL BRIEFING	24 February 2025
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Judy Clark, Jeff Organ
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 19 February 2025.

MATTER DETERMINED

PPSSWC-411 - Hawkesbury - DA0386/23 - 7 Curtis Road and 6 Hannabus Place, Mulgrave - Demolition of existing structures, site consolidation, and construction of four (4) warehouses consisting of 36 units.

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.

Development application

The panel determined to refuse 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 DA proposes an industrial development which would allow for the construction of four (4) warehouses to allow for 36 new industrial units, and as such offers the potential to make a significant contribution to the local employment generating economy.

While a number of the merit assessment issues have been resolved, the Council staff report identifies that a number of matters remain outstanding despite efforts to encourage the Applicant to address them during the DA process.

Of the matters reported in the staff assessment report, the Panel is satisfied that the following matters have not been sufficiently resolved in the present proposal and the DA should be refused:

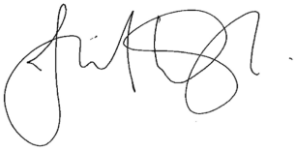



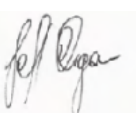
1. The Development Application has not provided sufficient information to enable an assessment against the State Environmental Planning Policy (Resilience and Hazards) 2021, and specifically, a suitably qualified person should prepare a revised Phase 1 Preliminary Site Assessment (PESA).
2. The DA has not sufficiently justified departure from the parking rates identified in Part A and B Chapter 5: Traffic, Access, Street Design and Parking of Hawkesbury Development Control Plan 2023 (HDCP) particularly in relation to the proposed departure from the parking rates nominated in that DCP with consequent impacts on surrounding streets and the proper operational functioning of the proposed facility.

At the Panel briefing, the Panel members expressed a frustration that these matters had not been resolved during the DA process to allow approval of this DA, noting that despite invitations made by the Panel Secretariat, no representative of the Applicant attended the briefing to put the Applicant's position so as to enable the Panel to consider whether these matters could have been resolved through design amendment, additional reporting, or condition. The Panel is satisfied that the Applicant has been afforded sufficient opportunity to address the matters of concern.

In those circumstances and having regard to the discussion of those matters in the staff assessment report, the Panel is satisfied that it is not in the public interest to approve the DA, and with the time allowed already for their resolution, the DA must be refused.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition which addressed raised design issues with the proposal. The Panel is satisfied the matter raised in that object could be resolved, if the issues raised above could be addressed.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Louise Camenzuli
 David Kitto	 Judy Clark
 Jeff Organ	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-411 - Hawkesbury - DA0386/23
2	PROPOSED DEVELOPMENT	Demolition of existing structures, site consolidation, and construction of four (4) warehouses consisting of 36 units.
3	STREET ADDRESS	7 Curtis Road and 6 Hannabus Place, Mulgrave Lot 172 DP 752061 and Lot 5 DP 717896
4	APPLICANT/OWNER	Applicant: Nathan Smith Owner: Mulgrave Pty Ltd/ Son of Hercules 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"> Environmental Planning and Assessment Act 1979 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Industry and Employment) 2021 Hawkesbury Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Hawkesbury Development Control Plan (DCP) 2002 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil 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: 3 February 2025 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"> Briefing: 14 October 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Judy Clark, Jeff Organ <u>Council assessment staff</u>: Adiba Kashfi, Steven Chong <u>Applicant representatives</u>: The applicant was invited but did not attend the briefing Final briefing to discuss council's recommendation: 24 February 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Judy Clark, Jeff Organ

		<ul style="list-style-type: none">○ <u>Council assessment staff:</u> Adiba Kashfi, Steven Chong, Prayog Pradhan, Matthew Golebiowski
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not Applicable