

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	18 March 2025
DATE OF PANEL DECISION	17 March 2025
DATE OF PANEL BRIEFING	10 March 2025
PANEL MEMBERS	Justin Doyle (Chair), Brian Kirk, David Kitto, Ross Fowler, Carlie Ryan
APOLOGIES	None
DECLARATIONS OF INTEREST	Louise Camenzuli declared a conflict of interest as the firm she works for represents the applicant.

Papers circulated electronically on 6 March 2025.

MATTER DETERMINED

PPSSWC-417 – Penrith - DA24/0264 – 826 - 882 Mamre Road, Kemps Creek - Construction, fit-out and use of two warehouse buildings ('Warehouse 6' and 'Warehouse 7' of the Aspect Industrial Estate) and a building containing a cafe and a site maintenance office, and associated works including earthworks, retaining walls and fencing.

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.

Minor amendment to condition

At the final briefing, Council advised the Panel that Condition 13 should be amended to allow retail sales or sales to the public from the proposed café.

The Panel agreed with this and has amended the condition accordingly (see below).

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 set out in Council's assessment report.

In particular, the Panel concluded that:

- The development is consistent with the provisions of the relevant environmental planning instruments, including the *State Environmental Planning Policy (Industry and Employment) 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*, *State Environmental Planning Policy (Sustainable Buildings) 2022* and *Penrith Local Environmental Plan 2010*
- The development is consistent with the approved concept plan for the Aspect Industrial Estate (SSD-10448) and *Mamre Road Precinct Development Control Plan 2021*
- The application has been referred to the relevant authorities for comment under the Transport and Infrastructure SEPP and none of these authorities have any objections to the development

- The site can be made suitable for the development, as required under the Resilience & Hazards SEPP, and conditions have been imposed on the development requiring the proposed remediation to be carried out
- The development includes measures to improve the sustainability of the proposed buildings on site, including the installation of solar panels
- The impacts of the development are acceptable and can be suitably controlled by conditions
- The development will deliver two major new warehouse and distribution centres in the Mamre Road Precinct to support economic growth in Western Sydney, including the growth of the nearby Western Sydney International Airport, and is consistent with the strategic planning objectives for the area
- The development is in the public interest.





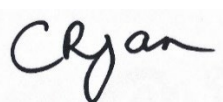
CONDITIONS

The development application was approved subject to the conditions in Council's assessment report with the following amendment.

- Add the words (except café) after "premises" at the end of Condition 13(a)(iii).

CONSIDERATION OF COMMUNITY VIEWS

Council exhibited the application in May 2024 and received no submissions from the community.

PANEL MEMBERS	
Justin Doyle (Chair) 	Brian Kirk 
David Kitto 	Ross Fowler 
Carlie Ryan 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-417 – Penrith - DA24/0264
2	PROPOSED DEVELOPMENT	Construction, Fit out and Use of Two Warehouse Buildings ('Warehouse 6' and 'Warehouse 7' of the Aspect Industrial Estate) and a Building containing a Cafe and a Site Maintenance Office, and Associated Works including Earthworks, Retaining Walls and Fencing.
3	STREET ADDRESS	826 - 882 Mamre Road, Kemps Creek
4	APPLICANT/OWNER	Applicant: Meg Horan / Mirvac Industrial Developments Owner: Mirvac Industrial Developments P/L
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 (Sustainable Buildings) 2022 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Mamre Road Precinct Development Control Plan 2021 • 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: 6 March 2025 • Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Preliminary Briefing: 29 July 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Brian Kirk, Ross Fowler ○ <u>Council assessment staff</u>: Sandra Fagan, Robert Walker ○ <u>Applicant representatives</u>: Meg Horan, Andrew Lee, Daniel Brook, Jacqueline Parker • Final briefing to discuss council's recommendation: 10 March 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Brian Kirk, Ross Fowler, Carlie Ryan

		<ul style="list-style-type: none">○ <u>Council assessment staff</u>: Sandra Fagan, Robert Walker○ <u>Applicant representatives</u>: Meg Horan, Stephen Foster, Alexandra Chung
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report