

DETERMINATION AND STATEMENT OF REASONS
SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	8 July 2025
DATE OF PANEL DECISION	8 July 2025
DATE OF PANEL BRIEFING	28 April 2025
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Ross Fowler
APOLOGIES	Carlie Ryan
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 7 July 2025.

MATTER DETERMINED

PPSSWC-418 – Penrith - DA24/0330 - 211-227 Luddenham Road, Orchard Hills - Construction and Use of a Warehouse and Distribution Facility and Associated Works, Including Subdivision (x 2 Lot Community Title), Weighbridge, Truck Wash, Refuelling Area, Site Preparation, Car Parking, Landscaping, Temporary Pump Out Sewage, and Business Identification Sign.

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 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 following reasons:

The proposal has demonstrated consistency with the applicable planning instruments and guidelines which have been formulated to guide development within the Luddenham Industrial Business Park.

The proposal has been considered in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Regulations, inclusive of the considerations under section 4.15 of the Act. Regard has also been had to the interrelationship of this DA with the consent for DA24/0294 and pending and proposed development applications for the site.

The cumulative assessment conducted as part of DA24/0294 (facilitating application for the precinct) for traffic and noise generation have been compared to the proposal which has demonstrated consistency with these documents.

The site is suitable for the development and the proposal is unlikely to result in any unacceptable amenity, environmental or land use safety impacts subject to the imposition of the conditions of consent.

Having regard to the above matters the Panel is satisfied that approval of the proposal is in the public interest.

The Panel notes that the estate is located within the Alspec Industrial Business Park. A consent known as the 'bulk earth works consent' for the site was approved by this Panel on 5 May 2025. That consent approved the super lot creation via community title subdivision, collector road construction, estate wide stormwater management infrastructure, flood storage basins, bulk earth works establishing pads, protection and enhancement of conservation areas, utility services and landscaping.




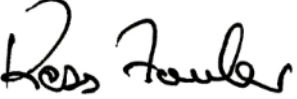
The site is not yet serviced for sewage and the developer seeks to manage wastewater via a private sewage treatment plant that is the subject of a separate DA pending approval (DA 24/0654). Pending approval of this DA, for which there is in-principle support by the Council, the Applicant has proposed a temporary pump out system for sewage related to the current proposed warehouse, as an interim measure. The Council has assessed, and the Panel has determined, that the pump-out system is acceptable as an interim measure for the proposed warehouse only. By way of conditions of consent (see conditions 72-79, in particular, condition 73), this system is to be decommissioned and the warehouse is to be connected to the estate-wide sewage system within six months of the estate-wide system being operational.

CONDITIONS

The development application was approved subject to the conditions in the Council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Louise Camenzuli
 David Kitto	
 Ross Fowler	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC - 418 – Penrith – DA24/0330
2	PROPOSED DEVELOPMENT	Construction and Use of a Warehouse and Distribution Facility and Associated Works, Including Subdivision (x 2 Lot Community Title), Weighbridge, Truck Wash, Refuelling Area, Site Preparation, Car Parking, Landscaping, Temporary Pump Out Sewage, and Business Identification Sign
3	STREET ADDRESS	211-227 Luddenham Road, Orchard Hills
4	APPLICANT/OWNER	Applicant/Owner: HB & B Property
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 (Sustainable Buildings) 2022 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Resources and Energy) 2021 State Environmental Planning Policy (Precincts-Western Parkland City) 2021 Penrith Local Environmental Plan 2010 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Penrith Development Control Plan 2014 Planning agreements: Executed Planning Agreement between Penrith City Council and Developer/landowner 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 PPSSWC-418: 19 June 2025 Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 15 July 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Carlie Ryan, Ross Fowler <u>Council assessment staff</u>: Gavin Cherry, Jake Bentley <u>Applicant representatives</u>: Danny Kataieh, Bruce Colman, Anthony Kong, Taylah Brito, Nick Hazlewood, Craig Sims

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report