

DATE OF DETERMINATION	5 May 2025
DATE OF PANEL DECISION	5 May 2025
DATE OF PANEL BRIEFING	28 April 2025
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Carlie Ryan, Ross Fowler
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 22 April 2025.

MATTER DETERMINED

PPSSWC - 422 – Penrith – DA24/0294 - 221-227 and 289 - 317 Luddenham Road, Orchard Hills - Bulk Earthworks and Subdivision into Eight Community Title Lots, Including Dam Dewatering, Vegetation Removal, New Internal Estate Road, Luddenham Road Widening Land Dedication, Land Remediation, Landscaping, Utilities, and Basins for Stormwater Treatment and Storage and Flood Storage

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 proposal constitutes the first Development Application for physical works within the newly rezoned industrial estate known as Alspeg Industrial Business Park. The proposal primarily includes bulk earthworks, a new internal estate road and super lot subdivision in the form of eight community title lots. Site servicing and any proposed buildings will be subject of separate approvals. Lot 8 will be removed from the community scheme as part of the conditions of consent as the collector road will be dedicated as a public road.

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, and the following specific matters:

1. The conditions of consent require adherence to the General Terms of Approval of NSW Department of Primary Industries and Regional Development in relation to the unnamed creek within the northwestern extent of the property identified as Key Fish Habitat, Heritage NSW in relation to Aboriginal Cultural Heritage, the NSW Rural Fire Service in relation to bushfire risk, the Department of Climate Change, Energy, Environment and Water in relation to riparian vegetation management, and Fisheries NSW in relation to the impact of the development on the surrounding ecology, and the Panel is satisfied that those issues have been satisfactorily addressed.
2. The Final Validation Report and DSI submitted with the DA have satisfactorily resolved consideration of known and potential contamination (noting the unexpected finds condition proposed).

3. The development proposed in the application includes subdivision through community title, which will allow for the ordered delivery and management of the different land parcels, and when delivered subject to the proposed conditions will allow for the collective management of the proposed sewerage and stormwater infrastructure to service the development, along with the dedication of the collector road to Council when complete in accordance with the VPA.
4. A Wildlife Hazard Assessment has considered the appropriate planting of vegetation which the Panel is advised will sufficiently mitigate against birdlife interfering with the airport's operation.
5. Proposed construction traffic arrangements have been considered and resolved with TfNSW and Sydney Metro having regard to the use of roads related to adjacent rail infrastructure and Luddenham Road.
6. The issue of flooding is satisfactorily resolved.
7. Reports including a Salinity Management Plan, Fill Management Protocol, and Supplementary Geotechnical and Salinity Investigation focusing on Salinity Management in the Outer Sydney Orbital corridor and detention ponds have been considered by Council's technical staff to sufficiently address the potential for adverse effects of saline soils.
8. Sewerage management is subject of a separate development application currently being considered by Council (DA24/0654) which will collect sewage from future operations, treat the sewage, and reuse the treated product in cooling towers, toilet flushing and irrigation. The community management plan anticipated by the conditions will address management of common infrastructure. A condition is recommended to require a restriction on title for each lot that restricts 'wastewater generating development' until an agreed sewage management arrangement is complete and ready to operate with required easements etc to be in place.
9. The proposal will assist in the development of Alspec Industrial Business Park and the wider Luddenham Road Industrial Business Park, which will provide important industrial real estate for economic development in Sydney's West adjacent to the new Western Sydney Airport, anticipated North South Rail line, and planned future Sydney Orbital.
10. Views to the development will be sufficiently mitigated by proposed and existing vegetation and landscaping, noting that further assessment is to be carried out during the consideration of DA's for buildings on the approved lots.
11. The Panel notes that the certified major transport corridor is in line with the proposed Outer Sydney Orbital which is not currently mapped, but has been identified as a future transport corridor by TfNSW. As the Orbital sits within the site, the land in the location of the Orbital has not been rezoned ensuring it is protected for this future piece of infrastructure.

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

CONDITIONS

The development application was approved subject to the conditions in the council assessment report:




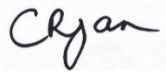
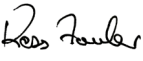
Queries were raised during the determination briefing in relation to the sequencing of delivery of works under the VPA, the dedication of the Collector Road, and the proposed community title subdivision.

Subsequent correspondence from the Council has confirmed that arrangements in that regard (covered principally by conditions 88 – 96) have been reviewed to be sufficient and to accord with the proposed staging of the development.

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 	Carlie Ryan 
Ross Fowler 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC - 422 – Penrith – DA24/0294
2	PROPOSED DEVELOPMENT	Bulk Earthworks and Subdivision into Eight Community Title Lots, Including Dam Dewatering, Vegetation Removal, New Internal Estate Road, Luddenham Road Widening Land Dedication, Land Remediation, Landscaping, Utilities, and Basins for Stormwater Treatment and Storage and Flood Storage
3	STREET ADDRESS	221-227 Luddenham Road, Orchard Hills 289 - 317 Luddenham Road Orchard Hills
4	APPLICANT/OWNER	Applicant: Danny Kataieh Owner: Atilol Holdings Pty Limited
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 (Remediation of Land) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and Infrastructure) 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 Council, Developer and Landowner 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 PPSSWC-422: 17 April 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 Final briefing to discuss council's recommendation: 28 April 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Carlie Ryan, Ross Fowler Member <u>Council assessment staff</u>: Sandra Fagan <u>Applicant representatives</u>: Danny Kataieh, Bruce Colman

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