

DATE OF DETERMINATION	27 June 2025
DATE OF PANEL DECISION	27 June 2025
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Kevin Lam, Ninos Khoshaba
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 22 May 2025.

MATTER DETERMINED

PPSSWC-442 - Fairfield - DA205.1/2024 - 94 Newtown Road, Wetherill Park - Demolition of existing structures and the construction and use of two attached warehouse and distribution centres, including ancillary site works, an internal access road, landscaping, tree removal, double-storey offices and car parks, and associated structures.

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 reasons outlined in Council's assessment report, which have been summarised below:

1. Bulk and Scale - The bulk and scale of the proposal was considered excessive, with minimal articulation along Newton Road. Amended architectural plans and design changes were submitted to reduce the overall bulk and scale of the development from the public domain and improve the articulation along Newton Road.
2. Landscaping and Loss of Tree Canopy Cover – The application proposes the removal of 179 trees to facilitate the development. Amended landscape plans were submitted to improve the overall tree canopy cover onsite. A condition of consent has been imposed to increase the number of replacement plantings (presently proposed at 99) to require additional tree plantings within the rear setback of the premises (see Figures 11 and 12 of Council's assessment report).
3. Landscape Setback – The application initially proposed a landscape setback of less than 10 metres, with a pedestrian pathway located around the perimeter of the building. Amended architectural plans have been submitted, which now remove the pedestrian pathway and propose a landscape setback of 10 metres, which is compliant with Council's landscape setback controls.

Other issues included insufficient information submitted and signage details and carpark and traffic management matters. These issues have since been resolved through the submission of amended architectural plans and documentation.

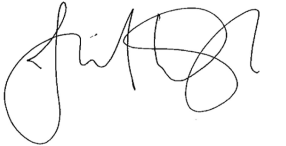




Following consideration of the matters under Section 4.15(1) of the EP&A Act 1979, the provisions of the relevant State Environmental Planning Policies, the Fairfield Local Environmental Plan 2013 and the Fairfield City Wide Development Control Plan 2024, the application is considered satisfactory, subject to conditions of consent and in the public interest.

CONDITIONS

The development application was approved subject to the conditions of consent received from Council on 3 June 2025.

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	 Kevin Lam
 Ninos Khoshaba	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-442 - Fairfield - DA205.1/2024
2	PROPOSED DEVELOPMENT	Demolition of existing structures and the construction and use of two (2) attached warehouse and distribution centres, including ancillary site works, an internal access road, landscaping, tree removal, double-storey offices and car parks, and associated structures.
3	STREET ADDRESS	94 Newtown Road, Wetherill Park Lot 1 DP 1017259
4	APPLICANT/OWNER	Applicant: Michael Beal – Urbis Owner: Trust Company Australia ACF Centuria Institutional Investment No. 3 Pty Ltd ATF AIR Wetherill Park Trust
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 (Resilience and Hazards) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Transport and Infrastructure) 2021 Fairfield Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Fairfield City Wide Development Control Plan 2024 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: 22 May 2025 Draft conditions of consent received from the Council on 3 June 2025 Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 19 November 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Ninos Khoshaba <u>Council assessment staff</u>: Mason Shute, Liam Hawke <u>Applicant representatives</u>: Michael Beale, Kian Tavakoli, Sam Gough, Willian Ly, Simon Wilkes, Andrew Asvestas
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Received from the Council via email on 3 June 2025