

DATE OF DEFERRAL	17 August 2026
DATE OF PANEL BRIEFING	10 August 2026
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Ross Fowler
APOLOGIES	Carlie Ryan
DECLARATIONS OF INTEREST	Louise Camenzuli declared a perceived conflict of interest due to acting for Frasers Industrial on complex tripartite road delivery arrangements that are relevant to ESR's development.

Papers circulated electronically on 10 August 2026.

MATTER DEFERRED

PPSSWC-487 – Penrith – DA24/0703 – 285 Aldington Road, Kemps Creek - Demolition of Existing Structures, Tree Removal, Bulk Earthworks, and Construction, fit out and use of 2 Warehouse Buildings (in 2 Stages), with Associated Works including Driveways, Stormwater Management Works, Retaining Walls, Fencing and Signage.

REASONS FOR DEFERRAL

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at briefings listed at item 8 in Schedule 1.

The Panel agreed to defer the determination of the matter until 14 September 2026.

The decision to defer the matter was unanimous

ACTIONS

To allow for the progression of the Development Application to determination, the Panel directed that: This DA is the subject of a current development appeal against the deemed refusal of the Panel.

Confidential conciliation processes in the litigation are advanced, and without prejudice to the parties' positions, it is hoped that a final determination report to the Panel will be available on or before 31 August 2026.

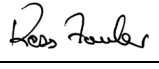
It will be necessary for a complete set of the amended material to be lodged on the Portal (preferably with organisation or file names for the documents which makes it easy to understand what documents comprise the final DA set). The Panel agrees to the amendment of DA documents to facilitate that upload.

The Applicant advised that if the Panel were minded to approve the DA, it may be preferable to wait until the final feedback from any the Registered Aboriginal Party due in early September. The Panel indicated that it would be content for advice about that final feedback to be provided by supplementary note so as not to delay the determination report.

To avoid duplication of work already done, the Panel indicated that (if convenient to the Council assessment staff) annexing a copy of the Court SOFAC, and concentrating the report on how the contentions are now resolved through amendment or condition would be acceptable if convenient.

The Panel indicated that if the Applicant disputed any of the conditions accompanying the determination report, it should promptly submit a mark up of any such condition with its reasons for proposing deletion or amendment, as soon as possible after the report and conditions become available.

If the outstanding information is not provided by 14 September the Panel may move to determine the DA based on the information currently at hand.

PANEL MEMBERS	
Justin Doyle (Chair) 	David Kitto 
Ross Fowler 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-487 – Penrith – DA24/0703
2	PROPOSED DEVELOPMENT	Demolition of Existing Structures, Tree Removal, Bulk Earthworks, and Construction, Fit out and Use of 2 Warehouse Buildings (in 2 Stages), with Associated Works including Driveways, Stormwater Management Works, Retaining Walls, Fencing and Signage.
3	STREET ADDRESS	285 Aldington Road, Kemps Creek
4	APPLICANT/OWNER	Applicant: Esr Developments (Australia) Pty Ltd Owner: The Trustee for ESR Aldington Rd Property Trust
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy (Industry and Employment) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Sustainable Buildings) 2022 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Penrith Local Environmental Plan 2010 • Draft environmental planning instruments: Nil • Development control plans: ○ Penrith Development Control Plan 2014 • 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	• Council assessment report: 10 August 2026 • Written submissions during public exhibition: 6 • Total number of unique submissions received by way of objection: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing: 10 March 2025 ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Carlie Ryan, Ross Fowler ○ <u>Council assessment staff</u>: Robert Walker, Gavin Cherry ○ <u>Applicant representatives</u>: Grace Macdonald, Caitlin D’Arcy, Luke Rayner, Christopher Curtis, Lachlan Jones • Briefing: 16 June 2025 ○ <u>Panel members</u>: Chair Justin Doyle (Chair), David Kitto, Louise Camenzuli, Ross Fowler ○ <u>Council assessment staff</u>: Robert Walker, Sandra Fagan ○ <u>Applicant representatives</u>: Grace Macdonald, Will Dwyer, Luke Rayner, Christopher Curtis, Lachlan Jones

		• Briefing: 18 May 2026 ○ <u>Panel members</u>: Chair Justin Doyle (Chair), David Kitto, Ross Fowler ○ <u>Council assessment staff</u>: Robert Walker, Sandra Fagan ○ <u>Applicant representatives</u>: Grace Macdonald, Will Dwyer, Luke Rayner, Christopher Curtis, Lachlan Jones • Final briefing to discuss council's recommendation: 17 August 2026 ○ <u>Panel members</u>: Chair Justin Doyle (Chair), David Kitto, Ross Fowler ○ <u>Council assessment staff</u>: Robert Walker, Gavin Cherry ○ <u>Applicant representatives</u>: Grace Macdonald, Will Dwyer, Luke Rayner, Christopher Curtis, Lachlan Jones
9	COUNCIL RECOMMENDATION	Deferral
10	DRAFT CONDITIONS	Not Applicable