

DATE OF DETERMINATION	30 September 2026
DATE OF PANEL DECISION	30 September 2026
DATE OF PANEL BRIEFING	17 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 and 15 September 2026.

MATTER DETERMINED

PPSSWC-487 – Penrith – DA24/0703 – 285 Aldington Road, Kemps Creek (Lot 10 in DP 1296455) - 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.

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 listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application (DA) pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The single allotment comprising the DA site is located within Precinct 12 ('Mamre Road') of the *Western Sydney Employment Area*. Precinct 12 is one of several precincts identified by *SEPP (Industry and Employment) 2021* with the aim of promoting economic development to facilitate future employment and growth in the area. The broader area surrounding Precinct 12 is undergoing significant transformation driven by the development of the Western Sydney Airport.

The site is zoned IN1 General Industrial and SP2 Infrastructure under Chapter 2 of *SEPP (Industry and Employment) 2021*. The proposed warehouses are permissible with consent and consistent with the aims of the SEPP, which encourage employment-generating development such as warehousing while conserving land of high biodiversity, heritage or cultural value.

The development has been proposed in two stages:

Stage 1

- Demolition of existing structures;
- Clearing of existing vegetation including tree removal on 269 Aldington Road, Kemps Creek and 287 Aldington Road, Kemps Creek;
- Bulk earthworks, including associated retaining walls;

- d) Stormwater management and drainage works, including an OSD basin, bio-retention raingarden system, and interim irrigation area in the position of (future) Warehouse 1;
- e) Construction, fitout and use of a warehouse ('Warehouse 2') of approximately 15,439 sqm of warehouse area and approximately 985 sqm of ancillary office space;
- f) Awnings (up to a depth of 10m) covering loading dock areas;
- g) Driveways and associated loading/unloading and heavy vehicle manoeuvring area, including site access from Aldington Road and heavy vehicle egress to Abbots Road.
- h) Associated car parking areas (comprising 75 spaces);
- i) Fencing and landscaping works;
- j) Signage; and
- k) Hours of operation 24 hours, 7 days a week.

Stage 2

- a) Stormwater management and drainage works, including OSD tank;
- b) Construction, fitout and use of a warehouse ('Warehouse 1') of approximately 26,910 sqm of warehouse area and approximately 1,620 sqm of ancillary office space;
- c) Awnings (up to a depth of 10m) covering loading dock areas;
- d) Extension of driveways and associated loading/unloading and heavy vehicle manoeuvring area;
- e) Associated car parking area, comprising an additional 133 spaces;
- f) Landscaping works;
- g) Associated business identification type signage; and
- h) Hours of operation 24 hours, 7 days a week.

On 17 April 2025, the Applicant appealed to the Land & Environment Court against the deemed refusal of the DA.

Following negotiations during the appeal, the Applicant has now amended the plans to address the matters raised in Council's Amended Statement of Facts and Contentions (filed 6 March 2026), including:

- a) drainage and flooding impacts upon downstream properties;
- b) potential dust impacts on nearby residential premises;
- c) potential noise and vibration impacts on nearby residential premises; and
- d) overall traffic impacts, having regard to both construction and operational phases.

On 10 August 2026, Council provided its Assessment Report to the Panel recommending deferral. While Council was generally supportive of the amended DA, it found that Aboriginal cultural heritage had not yet been adequately addressed, pending final consultation with the Registered Aboriginal Parties on the updated Aboriginal Cultural Heritage Assessment Report.

On 15 September 2026, Council provided an Addendum Report to the Panel advising that the consultation process with Registered Aboriginal Parties that was previously in progress has now concluded and the responses provided have not raised any noteworthy or further concerns. The Panel was also informed that an Aboriginal Cultural Heritage Assessment Report for the proposed development of the site and the associated Archaeological Report have now been finalised and provided by the Applicant. A Stage 2 Signage Plan has also been supplied by the Applicant to update the DA material.

Council also advised that the recommended Conditions of Consent supplied to the Panel and posted to the Portal on 31 August 2026 have been agreed to by the Applicant.

DPHI and TfNSW have provided concurrence to the amended DA, subject to conditions, and are satisfied that the revised scheme will not interfere with the future widening of Mamre Road or the future Mamre and Abbots Road intersection.

Initially, the Panel was concerned about the extensive tree removal proposed. However, the Panel notes that the revised plans include a Landscape Masterplan as well as detailed design plans for each of Stages 1 and 2. The Panel accepts Council's assessment that the landscaping proposed, subject to conditions, will be adequate particularly having regard to views of the development from Mamre Road. A Biodiversity Management Plan is required by the Conditions to be prepared by the Applicant and approved by Council for each stage of the development.

The DA includes a Detailed Site Investigation prepared by Douglas Partners to address contamination. The Conditions require the development to be carried out in accordance with the recommendations of that report and an "unexpected finds" regime is to be implemented. Conditions are also imposed to address the Transgrid easement passing through the property.

With the Aboriginal heritage assessment work completed, the Panel is now satisfied that the DA should be approved for the reasons set out in the Assessment Report, as updated by the Addendum Report. Further, the Panel has concluded that:

1. By contributing in excess of 44,000 m² of new warehousing and office space, the proposal will make a substantial contribution to the productive capacity of the Western Sydney Employment Area, with a consequent boost to regional employment. In that way, the development will deliver returns on the major investment in infrastructure by the State and Federal Governments in the parts of Western Sydney proximate to the Western Sydney Airport. As such, the proposed warehouses will further the aims and objectives of SEPP (Industry and Employment) 2021 and the State Environmental Planning Policy (Precincts – Western Parkland City) 2021.
2. The proposal has otherwise been assessed by Council staff to be consistent with the aims and operative controls of the applicable State planning instruments, as well as the Mamre Road Precinct Development Control Plan 2021.
3. Issues of contamination and biodiversity are the subject of reporting included with the DA, and the requirements of SEPP (*Resilience and Hazards*) 2021, and *Draft SEPP – Climate Change and Natural Hazards* are reported to have been complied with.
4. With an *Aboriginal Cultural Heritage Assessment Report* (ACHAR) having been prepared to evaluate the impact of the proposed development on Aboriginal heritage values, now accompanied by an Archaeological Report which has been assessed by Council to be sufficient, the Panel is satisfied that issues of Aboriginal heritage have been sufficiently investigated and potential impacts (noting that Aboriginal objects have been located in the study area) are to be sufficiently mitigated.
5. For the above reasons the proposed development is in the public interest.

CONDITIONS

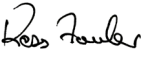
The DA was approved subject to the conditions published on the Portal on 31 August 2026.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and re-exhibition of the DA. The Panel notes that issues of concern included:

- Inadequate landscaping
- Vehicular access arrangements
- Stormwater and drainage issues, including impacts on downstream properties
- Construction impacts, including dust, noise and vibration impacts on nearby residential premises
- Traffic impacts, including safety related matters

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report, Addendum Report and Conditions.

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 (Precincts – Western Parkland City) 2021 - 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 - Draft environmental planning instruments: Draft State Environmental Planning Policy (Climate Change and Natural Hazards) - Development control plans: - 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	- Council Assessment Report: 10 August 2026 - Council Addendum Report: 15 September 2026 - Written submissions during public exhibition: 6 - Total number of unique submissions received by way of objection: 3 - Amended Statement of Facts & Contentions filed on 6 March 2026
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	Posted to the Portal on 31 August 2026