

Mr Andrew Moore
General Manager
Penrith City Council
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Penrith NSW 2751

Via e-mail: zac.scott@penrith.city
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14 November 2025

Subject: PP-2025-1360 to amend Penrith Local Environmental Plan 2010 - Part of Lot 1 DP 1293805, 221-235 Luddenham Road, Orchard Hills (Alspec Industrial Business Park)

Dear Mr Moore

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to increase the maximum building height from 24 metres to 40 metres for part of Lot 1 DP 1293805, 221-235 Luddenham Road, Orchard Hills (Alspec Industrial Business Park).

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act, 1.4 Site Specific Provisions is justified in accordance with the terms of the Direction.

No further approval is required in relation to the Directions.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 26 June 2026. Council should aim to commence the exhibition of the planning proposal as soon as possible.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to mapinstrument.drafting@dpie.nsw.gov.au. The relevant Department of Planning, Housing and Infrastructure team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Chris Faley to assist you. Mr Faley can be contacted on (02) 5778 1404.

Yours sincerely



Tina Chappell
Director, Local Planning and Council Support
Central, West and South

Encl: Gateway determination