



IRF25/2487

Gateway determination report – PP-2025-1360

Increase Maximum Building Height – 221-235
Luddenham Road, Orchard Hills

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal
Architectural Plans
Height Breach Diagram
Landscape Plans
Visual Impact Assessment
Proposed Height of Building Map
Ordinary Council Meeting Report
Local Planning Panel Report and Recommendation
NSW Rural Fire Service Advice on SSD-81434988

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Penrith
PPA	Penrith City Council
NAME	Increase Maximum Building Height from 24 metres to 40 metres for part of Alspec Industrial Business Park
NUMBER	PP-2025-1360
LEP TO BE AMENDED	Penrith Local Environmental Plan 2010
ADDRESS	221-235 Luddenham Road, Orchard Hills
DESCRIPTION	Part of Lot 1 DP 1293805
RECEIVED	29/10/2025
FILE NO.	IRF25/2487
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Facilitate the delivery of a high-bay warehouse within the Alspec Industrial Business Park, by increasing the maximum building height control from 24m to 40m for the subject site; and
- Enable progression of a concurrent state significant development application for a warehousing facility.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Penrith LEP 2010 to increase the maximum building height from 24m to 40m for part of the subject site at 221–235 Luddenham Road, Orchard Hills.

No other planning controls (zoning, FSR, heritage, etc.) are proposed to change.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject site is known as Lot 1 DP 1293805, 221–235 Luddenham Road, Orchard Hills. It has an area of 10.4959 hectares and comprises vacant land within the Alsip Industrial Business Park.

Lot 1 DP 1293805 is identified as bushfire-prone land and is certified urban capable land under the Cumberland Plain Conservation Plan. The site is accessed via Luddenham Road, with future upgrades planned for Patons Lane.

The surrounding area is transitioning to industrial uses but retains a mix of rural and residential character.

The site is located directly north of the future Western Sydney freight line, east of the Sydney Metro West Rail line, approximately halfway between the new metro stations at Orchard Hills and Sydney Science Park and to the west of the Erskine Park and Mamre Road industrial precincts. The Western Sydney International Airport is located approximately 13.6 kilometres to the south.



Figure 1 Site context (source: Figure 21 of Visual Impact Assessment Report)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Height of Building (HOB_014) map, which is suitable for community consultation.

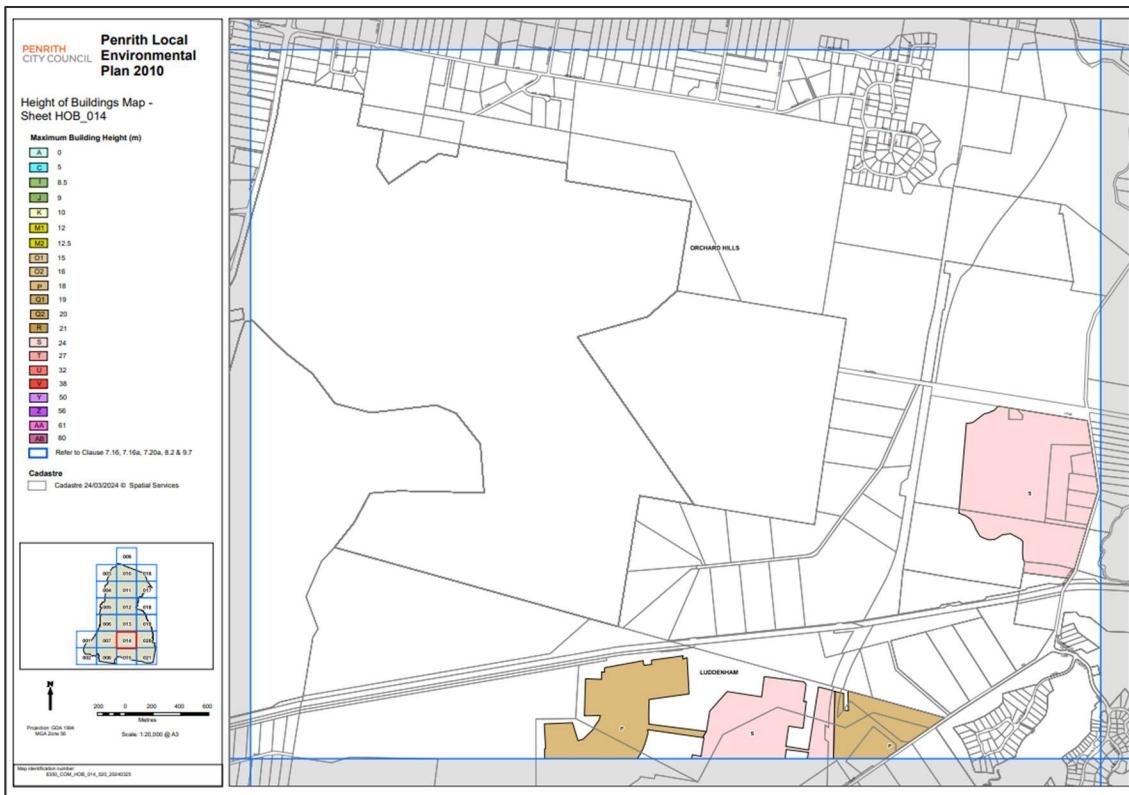


Figure 2 Current height of building map (source: Penrith LEP 2010)

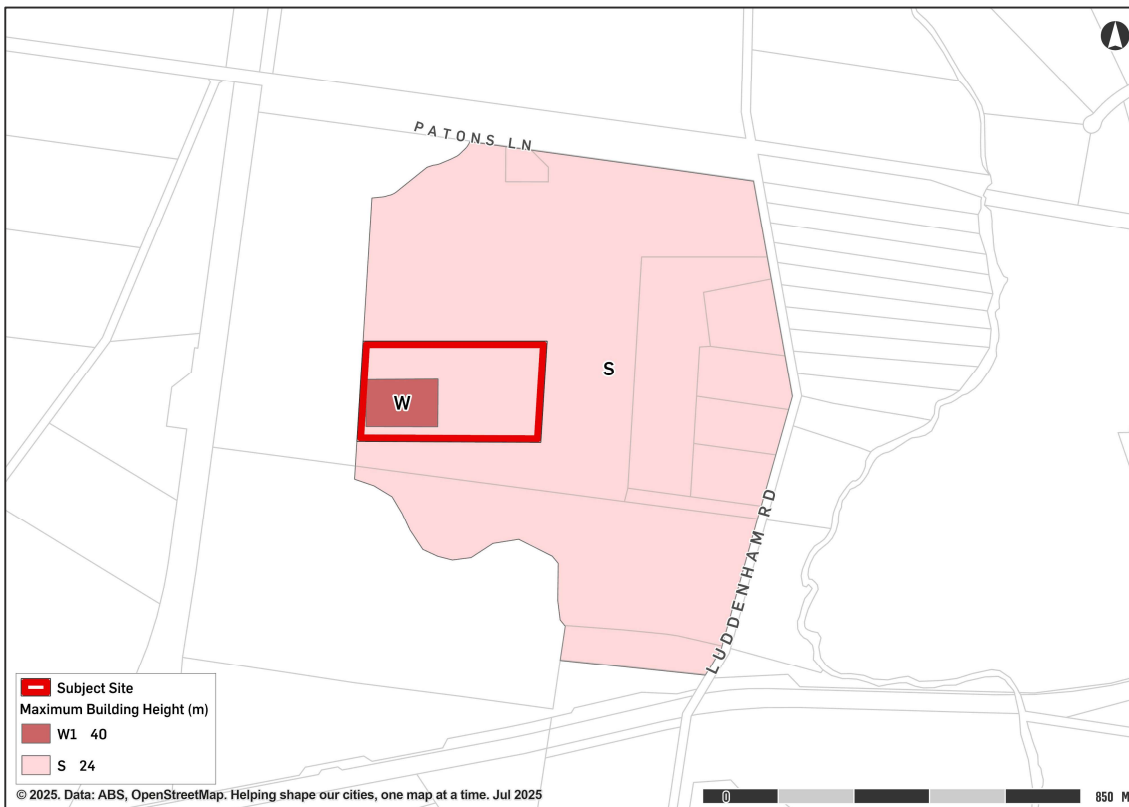


Figure 3 Proposed height of building (source: Appendix 1 of Planning Proposal)

1.6 Background

The Alspec Industrial Business Park was originally zoned for industrial development in May 2024 under PP-2022-1052.

A State Significant Development Application (SSD-81434988) is currently under assessment for the construction and operation of a storage and distribution warehouse within the Alspec Industrial Business Park that includes a “high-bay” component with a height of 39 metres. This does not comply with the 20m height of building control applicable to the site under the Penrith LEP 2010.

At the date of this Gateway assessment, SSD-81434988 is at the ‘response to submission’ stage of the assessment. This planning proposal is intended to enable the progression of SSD-81434988.

2 Need for the planning proposal

The planning proposal is not a direct result of an endorsed strategy; however, the planning proposal is consistent with the Penrith Local Strategic Planning Statement and Employment Lands Strategy.

The subject land was originally rezoned in May 2024 to deliver warehouse buildings in support of the Greater Penrith to Eastern Creek (GPEC) area, Aerotropolis and nearby industrial estates such as Erskine Park and Mamre Road Precinct.

The planning proposal is the best means of achieving the intended objective of a high-bay warehouse.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan.

Table 3 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive	The planning proposal will enable development of industrial land, creating jobs and investment that will support the Western Economic Corridor.

Objective 20: Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City	The Western Sydney Airport is located to the south of the site, and the planning proposal will support economic development in the Western City surrounding the Aerotropolis.
Objective 23: Industrial and urban services land is planned, retained and managed	The planning proposal is consistent with the principal of 'retain and manage', with the intended outcome enabling a high bay warehouse on existing industrial land. No changes are proposed to existing land use zoning.

3.2 District Plan

The site is within the Western City District and the Greater Sydney Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 4 District Plan assessment

District Plan Priorities	Justification
Planning Priority W8: Leveraging industry opportunities from the Western Sydney Airport and Badgerys Creek Aerotropolis	The Western Sydney Airport is located to the south of the site. The original re-zoning of the site and this planning proposal to enable a high-bay warehouse, leverage the proximity of the Aerotropolis and support economic growth in the Western City.
Planning Priority W10: Maximising freight and logistics opportunities and planning and managing industrial and urban services land	Industrial activity and urban services, including warehousing, are important to the Western City economy. The planning proposal ensures that the existing industrial land will be retained and developed for warehousing consistent with this Planning Priority. Specifically, the planning proposal will enable a high-bay warehouse, which is consistent with Action 55 of the District Plan to " <i>Facilitate the contemporary adaptation of industrial and warehouse buildings through increased floor to ceiling heights</i> ".

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
Penrith Local Strategic Planning Statement 2020	<p>The planning proposal enables economic development of an existing industrial zoned precinct and is generally consistent with the following priorities of the Penrith LSPS:</p> <ul style="list-style-type: none"> • Planning Priority 1: Align development, growth and infrastructure; • Planning Priority 11: Support the planning of the Western Sydney Aerotropolis; and • Planning Priority 12: Enhance and grow Penrith’s economic triangle.
Penrith Employment Lands Strategy	<p>The Alspec Industrial Business Park will deliver investment jobs within the Penrith LGA. The planning proposal maximises the potential of the Alspec Industrial Business Park and is consistent with Direction 3 of this strategy to ‘building on our strengths and facilitate new enterprises’.</p>

3.4 Local planning panel (LPP) recommendation

The Penrith Local Planning Panel supported the Planning Proposal on 24 September 2025 and recommended it be progressed through the Gateway process for the following reasons:

- Consistency with the Greater Sydney Region Plan and Western City District Plan;
- Alignment with Council’s Local Strategic Planning Statement (LSPS) and Employment Lands Strategy; and
- Facilitates economic development and local employment by enabling high-bay warehousing through an amendment to the Height of Buildings control in PLEP 2010.

3.5 Section 9.1 Ministerial Directions

The planning proposal’s consistency with relevant section 9.1 Directions is discussed below:

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	The planning proposal is consistent with the Greater Sydney Regional Plan as assessed in Section 3.1 of this report.
1.4 Site-Specific Provisions	Minor Inconsistency - Justified	<p>The planning proposal is accompanied by Architectural Plans, which is inconsistent with Direction 1.4 (2) that states “A <i>planning proposal must not contain or refer to drawings that show details of the proposed development</i>”.</p> <p>As the planning proposal relates to SSD-81434988, which by necessity includes</p>

		architectural plans, the inconsistency is considered reasonable and is of minor significance.
1.10 Implementation of the Western Sydney Aerotropolis Plan	Consistent	The planning proposal is consistent with this Direction as it supports development of the Alspec Industrial Business Park for warehousing that complements the Aerotropolis plan.
3.10 Water Catchment Protection	Consistent	<p>The subject site is within the Hawkesbury-Nepean Catchment under Chapter 6 of SEPP (Biodiversity and Conservation) 2021.</p> <p>The proposed amendment to the Height of Building Control is not considered to impact water quality, watercourses or the environmental quality of the catchment, noting that suitable water quality design measures would be addressed through SSD-81434988.</p>
4.1 Flooding	Consistent	<p>At the time the site was zoned industrial in 2024 under PP-2022-1052, the intended development outcome for the site, including buildings up to 20 metres high, was considered consistent with the NSW Government's Flood Policy and Manual.</p> <p>This planning proposal relates to the Height of Building Control and does not alter or increase the amount of zoned land or building footprint. Accordingly, this planning proposal is not considered to impact flood matters, noting that design specific considerations in the precinct will be considered through the assessment of SSD-81434988.</p>
4.3 Planning for Bushfire Protection	Consistent	<p>The NSW Rural Fire Service have been consulted in relation to SSD-81434988 and have provided no objections to the development subject to compliance with bush fire protection measures.</p> <p>This advice provided to SSD-81434988 is considered to satisfy the requirement of this Direction for consultation with the NSW Rural Fire Service.</p> <p>The objectives of Planning for Bush Fire Protection are considered to be satisfied for an industrial development, and the planning proposal is consistent with this Direction.</p>
4.4 Remediation of Contaminated Land	Consistent	A Final Validation report has been submitted for SSD-81434988, demonstrating that the site has been remediated and is suitable for the intended use.

5.1 Integrating Land Use and Transport	Consistent	The site is in close proximity to existing and proposed regional transport infrastructure, including future Metro, future Western Sydney Freight Line, Western Sydney International Airport and motorways.
5.3 Development near regulated airports and defence airfields	Consistent	<p>Under Part 4.3 of SEPP (Industry and Employment) 2021, the land is subject to an Obstacle Limitation Surface (OLS) height of 230.5 metres. The proposed Height of Building Control is 40 metres, which is significantly lower than the OLS.</p> <p>The subject site is not affected by the Australian Noise Exposure Forecast associated with the Western Sydney International Airport.</p> <p>The planning proposal is not considered to impact the operation of the Western Sydney International Airport and is consistent with the objectives of this Direction. Consultation with the airport operator or Commonwealth agencies is not considered necessary.</p>
7.1 Employment Zones	Consistent	<p>The planning proposal is consistent with this Direction as it:</p> <ul style="list-style-type: none"> • Encourages employment growth in the established Alspeg Industrial Business Park; and • Does not reduce the amount of zoned employment land or total potential floor space.

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 7 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Resilience and Hazards) 2021	<p><u>Chapter 4 Remediation of Land</u></p> <p>This chapter provides for consideration of contamination during the DA process.</p>	Consistent	Refer discussion against Ministerial Direction 4.4 above.

SEPP (Transport and Infrastructure) 2021	<p><u>Chapter 2 Infrastructure</u></p> <p>The chapter provides approvals pathways for infrastructure and includes consultation requirements and matters for consideration for development in respect to impacts on infrastructure.</p>	Consistent	The planning proposal is not inconsistent with the provisions of this SEPP, with adjoining/adjacent infrastructure to be considered as part of SSD-81434988.
SEPP (Precincts - Western Parkland City) 2021	<p><u>Chapter 4 Western Sydney Aerotropolis</u></p> <p>The aims of this chapter are to facilitate development of the Western Sydney Aerotropolis and ensure surrounding development is compatible with the airport.</p>	Consistent	The site is subject to the OLS Map under Part 4.3 of this Chapter. The planning proposal is consistent with this SEPP as per the assessment of Section 9.1 Direction 5.3 above.
SEPP (Biodiversity and Conservation) 2021	<p><u>Chapter 6 Water Catchments</u></p> <p>The site is within the Hawkesbury-Nepean River Catchment and subject to development controls relating to water quality, ecology, flooding and proximity to waterbodies.</p> <p><u>Chapter 13 Strategic Conservation Planning</u></p> <p>The aim of this chapter is to protect areas with high biodiversity values.</p>	Consistent	<p><u>Chapter 6 Water Catchments</u></p> <p>Refer discussion against Ministerial Direction 3.10 above.</p> <p><u>Chapter 13 – Strategic Conservation Planning</u></p> <p>The subject site is Certified – urban Capable Land under this SEPP. It is considered that the amendment of the Height of Building Control does impact the consistency with SEPP, with the compliance with the Cumberland Plain Conservation Plan Mitigation Measures Guideline addressed through SSD-81434988.</p>
SEPP (Sustainable Buildings) 2022	The aims of this policy are to encourage sustainable buildings through the application of standards for residential and non-residential development.	Consistent	The provisions of this SEPP will be addressed through SSD-81434988.

4 Site-specific assessment

4.1 Environmental

Visual impact is the key environmental impact associated with the increase in the Height of Building Control and has been assessed below.

Visual Impact

A Visual Impact Assessment report, prepared for SSD-81434988, has been submitted with the planning proposal. This report includes an assessment and photomontages for 8 viewpoints around the subject site (**Figure 4**).

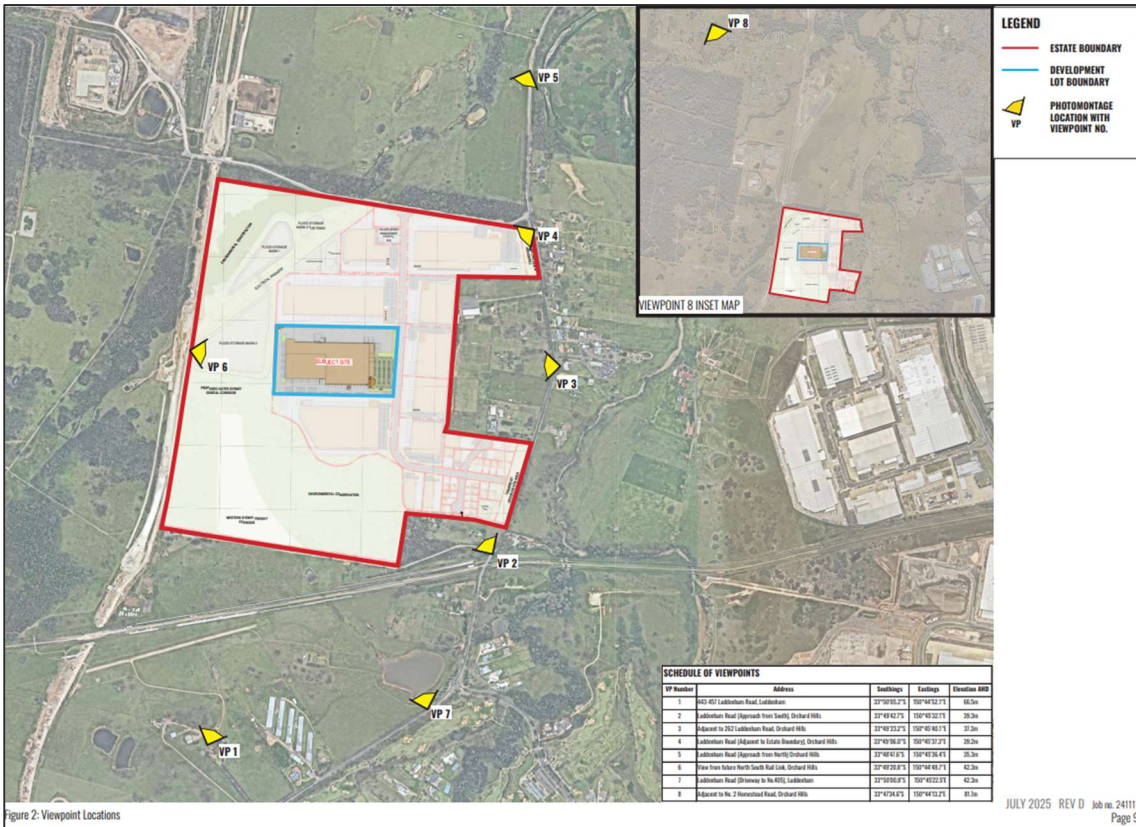


Figure 4 Viewpoint Locations

The assessment concludes that moderate impacts may be expected from Viewpoint 1, 4 and 6 (**Figures 5 to 7**), with the remaining viewpoints receiving minor or no impacts.



Figure 5 Viewpoint 1 – Photomontage Year 15



Figure 6 Viewpoint 4 – Photomontage Year 15



Figure 7 Viewpoint 6 – Photomontage Year 15

In consideration of these moderate impacts:

- Although the potential building is a tall element in the visual catchment, when viewed from a distance such as Viewpoints 1 and 4, the visual impact is lessened;
- Visual impacts will likely lessen over time with the ongoing emergence of the industrial estate and surrounding area, i.e., the site will be less visually isolated and will integrate with the area;
- Views experienced by passing motorists are temporary in nature and considered less significant;
- The primary receptor for Viewpoint 6 will be Metro Trains travelling at speed past the site. Visual impacts are likely to be temporary, and in the longer-term, form part of the larger industrial estate; and
- A condition of the Gateway condition will require public exhibition in accordance with the LEP Making Guidelines (August 2023), which would provide an opportunity for the public to consider visual impacts.

4.2 Social and economic

The planning proposal will enable a high-bay warehouse, which will provide economic benefits to the area. The amendment to the Height of Building is not considered to result in any significant adverse social impacts.

4.3 Infrastructure

The amendment to the Height of Building Control to enable a high-bay warehouse is not considered to generate any additional demand for infrastructure. The land is subject to a Voluntary Planning Agreement for the delivery of traffic upgrades and road widening. A minor amendment to this VPA will be required to align with this amendment. The submitted planning proposal notes that it is intended to progress the VPA amendment concurrently with the planning proposal.

5 Consultation

5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

Council has nominated consultation with the NSW Rural Fire Service. This referral is not considered necessary as agencies, including the NSW Rural Fire Service have been consulted during the assessment of SSD-81434988. The planning proposal is not considered to result in any new matters that require further agency consultation.

6 Timeframe

Council proposes a 11 month time frame to complete the LEP (June 2026).

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends an LEP completion date of 26 June 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal is site-specific and consistent with relevant strategies, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The planning proposal is consistent with the Greater Sydney Regional Plan, Western City District Plan and Penrith Local Strategic Planning Statement 2020;
- The Alspec Industrial Business Park was zoned for industrial development in May 2024 and the planning proposal remains consistent with the original intent of the rezoning; and
- The planning proposal will enable the concurrent assessment of a State Significant Development Application (SSD-81434988) for a high-bay warehouse on the site.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistency with section 9.1 Direction 1.4 Site Specific Provisions is minor or justified.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 26 June 2026 be included on the Gateway.



(Signature)

13 November 2025 (Date)

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14 November 2025 (Date)

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