

Our reference: P-1060893-K2Y4
Contact: Sandra Fagan
Telephone: (02) 4732 7992

29 January 2026

NSW Department of Planning, Housing, and Infrastructure
4 Parramatta Square
12 Darcy Street,
Parramatta, NSW, 2124

ATTN: Dave Auster
Email: dave.auster@dpie.nsw.gov.au

Dear Dave,

**Council Response to Submissions - SSD-81434988- Alspec Warehousing
(High-Bay) Facility at 221-235 Luddenham Road, Orchard Hills, NSW, 2748**

Thank you for providing Penrith City Council the opportunity to comment further on the abovementioned State Significant development proposal.

Council staff have reviewed the information referred for comment on 15 December 2025 and the following comments are provided for the Department's consideration.

1. Planning Considerations

- a) The Department are requested to holistically consider the comments in Council's previous correspondence as these remain relevant to the proposal.
- b) If the proposal receives a favourable determination, the Department should impose conditions that address the requirement for the preceding and underpinning works to be completed prior to occupation of the warehouse. This includes all required utility services; vehicle access; stormwater management infrastructure; an operational sewage management system; new estate roads; upgrades to existing roads; and new intersections at both

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the southern end of the Luddenham Road site frontage, and the intersection of Patons Lane and Luddenham Road.

- c) Regarding this, the Department should note that Council is currently assessing Development Application DA25/0955 which seeks consent for the Patons Lane / Luddenham Road signalised intersection, and Development Application DA25/0318 for the southern intersection at Luddenham Road.
- d) The Department will need to impose conditions addressing the requirement to satisfactorily complete the previous subdivision endorsed by Development Consent DA24/0294, as this subdivision includes requirements for encumbrances on lots (including cumulative noise) and a community title plan relating to the shared sewage infrastructure to support future warehouse uses.
- e) Regarding the lack of shade planting in the heavy rigid vehicle parking area at the western end, the applicant has provided a response stating that no tree planting within this parking area is recommended. While building elements can assist in providing shade to the western elevation of the proposed building, the Department should consider urban heat from exposed and open hardstand areas.

2. City Planning Considerations

City Planning's position remains unchanged from previous feedback. The following comments are provided for DPHI's consideration in the assessment of the SSD and the preparation of appropriate conditions of consent:

Voluntary Planning Agreement – Luddenham Road, Orchard Hills (VPA)

The Voluntary Planning Agreement – Luddenham Road Orchard Hills (VPA) as executed on 14 May 2024 applies to the development subject to this SSD. The following must be considered in assessment of this SSD and preparation of suitable conditions prior to consent:

- a) Clause 11.2 – Security –

- i. Under clause 11.2(c), prior to the issue of any Construction Certificate or Subdivision Works Certificate for any part of the Development approved by a consent granted under the Act, the Developer must provide to Council Security in an amount equivalent to 125% of the agreed value of the Works.
- ii. In this clause, Security means a Bank Guarantee or Bond.
- iii. In line with the above, a suitable condition must be provided within the consent, prior to determination, consistent with Clause 11.2.

b) Clause 11.4 – Restriction on the issue of Certificates

- i. Reference to the requirements of clause 11.4 must be considered prior to issuing consent, in particular timing triggers for all works items within Schedule 1 – Contributions table (see below).

Schedule 1 Contributions Table

Item Contribution	Details	Timing
Works		
1. Upgrade of Patons Lane from Luddenham Road through to the new western estate entry roundabout that provides access into the Land	As shown in Works in Kind Plan.	Prior to the issue of the first Occupation Certificate for the Development
2. Construction of one (1) new roundabout at the estate entry on Patons Lane and one (1) new intersection on Luddenham Rd to the satisfaction of Council and Transport for NSW	As shown in Works in Kind Plan.	Prior to the issue of any Occupation Certificate for the Development
3. Construction of an intersection at the secondary site access to the satisfaction of Council and Transport for NSW	As shown in Works in Kind Plan.	Prior to 1 January 2026
Dedication of Land		
4. Dedication of land to Council for the widening of Luddenham Road	As shown in Land Dedication Plan	Prior to the issue of any Occupation Certificate for the Development.
Other Benefits		
Provision of road access to the 'Additional Lands' in the Eastern and Southern parts of the Land.	As shown in Land Dedication Plan.	

- ii. While the VPA operates as a standalone instrument, the Developer is reminded that the works identified in Schedule 1 rely on the appropriate application of certificate-based timing triggers.

Applicable Development Contribution Plans – Penrith City Section 7.12 Development Contributions Plan 2020 (as amended)

- a) The Penrith City Section 7.12 Development Contributions Plan 2020 (CP) applies to the development subject to this SSD at a rate of 1% calculated against the proposed cost of works.
- b) Consistent with section 3.2.2 of the CP, a Cost Summary Report is required to accompany the SSD. This information has not yet been provided.
- c) Submission of the Cost Summary Report is required prior to determination to enable Council to prepare a development contributions quote to inform conditions of consent.

Planning Proposal (PP-2025-1360) to amend the Height of Buildings Map under Penrith Local Environmental Plan 2010 (Penrith LEP 2010)

- a) The SSD proposes a high bay warehouse of 39 metres, which exceeds the current maximum building height of 24 metres under Penrith LEP 2010. To facilitate this, the applicant has lodged Planning Proposal PP 2025-1360 seeking to amend the Height of Buildings Map to permit up to 40 metres on part of the site.
- b) The Luddenham Road VPA, executed in May 2024, is linked to the Planning Proposal (PP-2022-1052) that rezoned the site and introduced the current height control of 24 metres.
- c) The SSD, in its current form, is not consistent with the existing Penrith LEP controls. Finalisation of the SSD is therefore contingent on the outcome of the Planning Proposal process.

- d) Any determination of the SSD should appropriately acknowledge the status of the Planning Proposal and ensure consistency between the consent outcome and the finalised planning controls.

3. Development Engineering Considerations

There are no further comments from Council's Development Engineering team, beyond previous comments in Council's correspondence. If the application is viewed favourably by DPHI, it is expected that the consent authority imposes suitable conditions.

4. Traffic Engineering Comments

- a) Insufficient swept paths are provided showing the feasibility of heavy vehicle parking on various locations of the site (e.g. HRV swept paths on the west side of the site and parallel parking on various locations).
- b) Egress swept paths also show the vehicle is not contained within the driveway in exiting and may encroach fences and on-street parked vehicles.

5. Environmental Management Considerations

- a) In reviewing the documentation submitted, the applicant has noted the information provided, and, where relevant, has provided an update on the work undertaken. Though a revised 'Noise and Vibration Impact Assessment' has been submitted, no significant changes have been made. Therefore, Council's Environment Team has no further comments currently.

6. Waterways Considerations

- a) The MUSIC model and MARV reports were provided in the original referral. However, the waterways comments raised were in relation to the MUSIC model and MARV calculation background information not being provided.
- b) The MUSIC model and MARV reports indicate compliance, however the background information for the MUSIC model and MARV should be reviewed by DPHI to ensure that correct modelling was provided.

Because of the state significant development classification of the development, Council is not empowered as either the assessment authority or the consent authority. It must then also be recognised that Council is not responsible for the assessment or consideration of any post determination matters, unless otherwise expressly required by legislation, such as a Section 138 Roads Act Application or a Section 68 application under the Local Government Act 1993.

If the proposal is given a favourable determination by the consent authority, Council requests that no condition of consent is imposed that requires an Applicant to consult with Council where the need for an assessment of suitability, or a determination of condition compliance, is specifically the responsibility of the consent authority.

The exception to this request is where consultation relates specifically to the design and location of infrastructure or works that are intended to be dedicated to or transferred into Council's ownership. This also includes the use of public roads for construction vehicles and the need for a CTMP.

Should you wish to discuss any aspect of Council's comments, please contact me on (02) 4732 7992.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'SF' with a stylized flourish.

Sandra Fagan
Principal Planner