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Clause 4.6 Variation Request

AIBP Storage and Distribution
Warehouse

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Report Number	Final

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Request To Vary A Development Standard

Request To Vary Clause 4.3 In Penrith Local Environmental Plan 2010

Address: 221-235 Luddenham Road, Orchard Hills

Date: 17/06/2025

Site And Proposed Development

1. Site Description

The key features of the site are summarised in the following table.

Table 1 Site Description

Characteristic	Description
Key Site Features	
Country	Dharug Country
Site Name	Alspec Industrial Business Park (AIBP)
Address	221-235 Luddenham Road, Orchard Hills
Legal Description (Title Particulars)	Lot 1 DP 1293805
Zoning	E4 General Industrial
Existing Use / Structures	No existing buildings or structures present on site.
Site Area	104,959m ²
Vehicular/Site Access	There is currently no existing access to the subject site within the AIBP. There is existing access off Luddenham Road into the broader AIBP and an internal estate road is proposed under DA24/0294 which will deliver direct access to the site.
Adjacent land uses North	The surroundings north of the site are predominantly rural residential and agricultural facilities. The Erskine Park Fire Service and Dogs NSW are also located to the north-east. The Western Motorway (M4) is located further north of the site accessed via the Luddenham Road and Mamre Road connection. South Creek flows north-south, with a tributary connection beginning north of the site and breaking away to the west.
Adjacent land uses East	The eastern boundary divides its interface with Luddenham Road (northern half) and several properties (southern half). These include agricultural, community and cultural uses relating to the Bosna Croatian Club, a plant nursery and Luddenham Oval. Further east across Luddenham Road are several rural residential dwellings and South Creek, a major creek line.
Adjacent land uses South	Immediately south of the site are more residential dwellings. Further south is the Northern Gateway Precinct of the Western Sydney Aerotropolis.
Adjacent land uses West	To the west of the site is an environmental conservation zone which is adjacent to a tributary of South Creek. To the northwest of the site is a waste management service relating to a recycling and landfill centre.
Topography	The site exhibits a gentle slope in topography. The site elevation ranges from approximately 38 m relative Australian Height Datum (mAHD) in

Characteristic	Description
	the northern portion of the site adjacent to Patons Lane to 54 mAHD in the southern portion of the site
Vegetation	The site is predominantly grassed, with some scattered trees.
Flooding/Overland Flow	The site is not identified as being affected by the flood planning area. However, there is surrounding flood impacts occurring within the broader AIBP within the north and eastern areas of the precinct which does not cross into the site.
Heritage	The site is not identified as a local heritage item, nor is it located within a heritage conservation area. However, the site is in proximity to a heritage item to the east, specifically: Item 843: Luddenham Road Alignment.
Aboriginal Archaeology	An Aboriginal Cultural Heritage Assessment (ACHA) has previously been prepared for the site as part of the Planning Proposal. It identified two key locations across the entire AIBP site consisting of higher densities of stone artefact materials. Both sites were considered of moderate significance with the excavated assemblage suggesting brief/intermittent visitation over the last 5,000 years and having research potential for further understanding of past activity and behaviour. Following the approval of the Bulk Earthworks application, an AHIP application has been lodged with Heritage NSW. The AHIP is currently under assessment.
Bushfire	The site is identified as being bushfire prone land and affected by Vegetation Category 3.
Biodiversity	The subject site is part of the Greater Penrith to Eastern Creek Investigations Area under the Cumberland Plain Conservation Plan (CPCP). It is classified as 'certified – Urban Capable Land' under the CPCP.
Contamination	A Preliminary Site Investigation (PSI) has previously been prepared for the site as part of the Planning Proposal. The report details all structures and buildings have been removed from the site. Any sources of contamination or potentially hazardous materials were identified, and the site has been made suitable from a contamination perspective for the proposed works.
Surrounding Locality	
Public Transport	The locality has limited access to public transport. There are no bus or train services in the immediate vicinity of the site. The Western Sydney Airport Metro line will have an Orchard Hills station.
Major Roads	The AIBP site currently has a vehicular access point from Luddenham Road. Patons Lane will be upgraded and is the subject of a future application with Penrith Council which will be lodged in 2025.
Any other key regional characteristics	The site is located immediately north of the Western Sydney Aerotropolis. It is in a key location in proximity to this strategic precinct and the Western Sydney Airport.

Figure 1 Aerial Photograph



Source: Urbis

Figure 2 Site Photographs



Picture 1 View looking north towards undeveloped lot to the north of the site across Patons Lane.

Source: Google Maps



Picture 2 View looking east towards residential properties east of the site, across Luddenham Road.

Source: Google Maps



Picture 3 View of the property immediately south of the site, adjoining the AIBP.

Source: Google Maps



Picture 4 View looking south at the residential dwellings.

Source: Google Maps

2. Proposed Development

The proposal seeks development consent for the construction of a new distribution warehouse within the AIBP.

A summary of the key features and details of the proposed development (including land use and works) is provided in the table below:

Table 2 Development Description

Project Element	Summary
Project Summary	<p>The Proposal seeks approval for the construction and operation of a new warehouse, to be used as a Storage and Distribution Warehouse within the AIBP. Specifically, the project comprises the following:</p> <ul style="list-style-type: none"> ▪ Construction of a new warehouse with a two-level ancillary office. The warehouse is predominantly 14.7 metres in height, with a high-bay warehouse component at the western portion of the building which achieves a maximum height of 39 metres. ▪ A total floor area of 48,157sqm; broken down as follows: <ul style="list-style-type: none"> – Warehouse area: 46,314sqm – Office Area: 1,843sqm ▪ Loading areas at the north and south sides of the warehouse, with hardstand surrounding the perimeter of the warehouse. Hardstand and carpark areas are accessed via four new driveways from the AIBP internal estate road. ▪ Provision of vehicular parking onsite to accommodate cars, vans, semi-trailers and B-doubles. It is envisaged that approximately 329 spaces will be provided on site within the proposed hardstand and carparking areas. ▪ Perimeter landscaping and tree planting with a total area of 10,134sqm (10%).
Site/Project Area	<p>Site area: 104,959 sqm Total Building footprint: 44,593 sqm</p>
Proposed uses	Warehouse land uses with ancillary offices.
Demolition/Earthworks	No demolition or earthworks required. Site preparation is approved under a separate local development application. The Bulk Earthworks application for the site has been approved.
Gross Floor Area (GFA)	<p>A total floor area of 48,157sqm; broken down as follows:</p> <ul style="list-style-type: none"> ▪ Warehouse area: 46,314sqm ▪ Office Area: 1,843sqm

Project Element	Summary
Floor Space Ratio (FSR)	0.46:1
Warehouses	One new warehouse is proposed to be constructed with ancillary offices and a high-bay component.
Maximum height	The maximum building height is 39m which attributes to the high bay component of the warehouse. The rest of the warehouse is predominantly 14.7m
Setbacks	North: 5m building (3m landscape) East: 15m building (7.5m landscape) South: 5m building (3m landscape) West: 10m building (5m landscape)
Vehicular Access	Four new accessways are proposed off the AIBP internal estate road. This includes two new light vehicle driveways into the designated car park, and two truck driveways with separate entry and exit to the hardstand area.
Parking	<ul style="list-style-type: none"> ▪ A total of 329 vehicle parking spaces is proposed including: <ul style="list-style-type: none"> – 246 car parking – 64 HRV parking – 19 B-Double parking ▪ 46 Bicycle parking spaces. ▪ 30 motorcycle parking spaces.
Landscape Area	10,134m ² (10%)
Hours of Operation	24 hours, 7 days a week.
Jobs	429 Operational Jobs
Estimated Development Cost	\$171,807,325 (Excl GST)

Planning Instrument, Development Standard And Proposed Variation

3. What is the planning instrument you are seeking to vary?

The proposed planning instrument to be varied is the Penrith Local Environmental Plan 2010 (PLEP).

4. What is the site's zoning?

The site is zoned E4 General Industrial in accordance with the PLEP 2010.

5. What is the development standard to be varied?

Clause 4.3 Height of Buildings is the standard to be varied. The objectives of the standard are:

- (a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,*
- (c) *to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance,*
- (d) *to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.*

6. Type of development standard?

The development standard is a numeric standard.

7. What is the numeric value of the development standard in the environmental planning instrument?

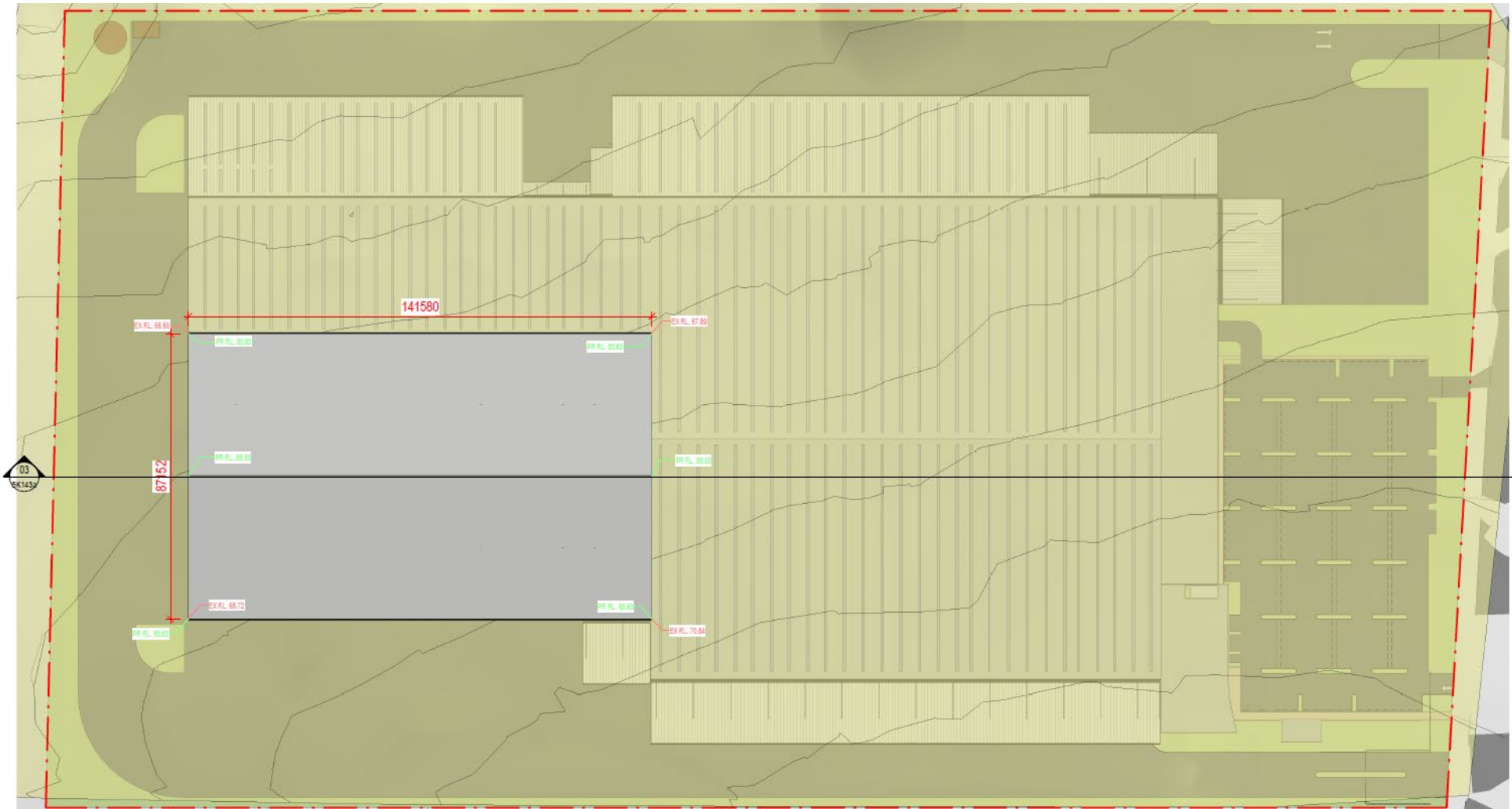
The maximum building height identified for the site is 24m.

8. What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?

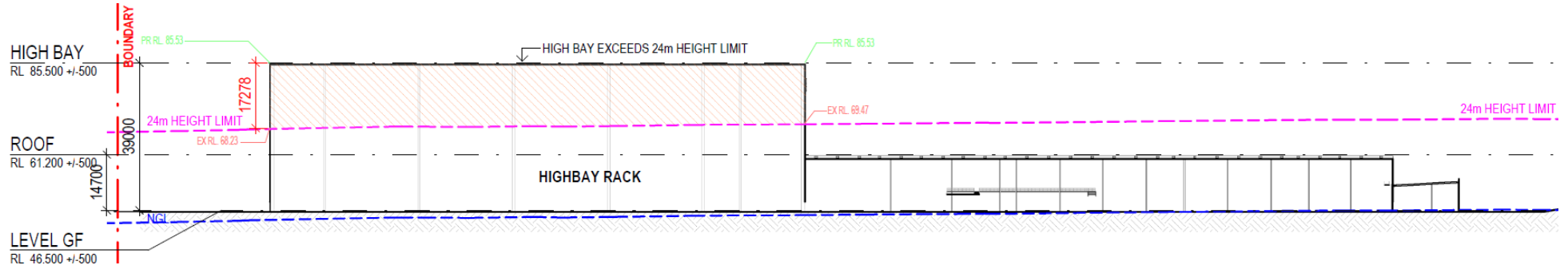
The proposal exceeds the maximum height of building development standard by 15m, which is a percentage variation of 62.5%.

9. Visual representation of the proposed variation

Figure 3 Height Encroachment Plan



Picture 5 Height Encroachment Plan - Dimensions



Picture 6 Height Encroachment – Area and Height

Source: Nettleton Tribe

Justification for the Proposed Variation

10. How is compliance with the development standard unreasonable or unnecessary in the circumstances of the particular case?

Table 3 Justification of Variation

Key Questions	Response
a) Are the objectives of the development standard achieved notwithstanding the non-compliance?	<p>The Clause 4.3 Height of Buildings objectives are as follows:</p> <ul style="list-style-type: none"> a. <i>to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,</i> b. <i>to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,</i> c. <i>to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance,</i> d. <i>to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.</i> <p>The proposal with the proposed non-compliance will continue to deliver upon and satisfy the objectives of this clause, as outlined below:</p> <ul style="list-style-type: none"> a. The size and the scale of the warehouse is compatible with the future character of the area and will not generate adverse impacts to the local context. The height exceedance is limited to the high-bay portion of the warehouse, which is less than 30% of the building footprint, and located at the rear of the site. Whilst it is a tall element within the view, it is located at a significant distance and does not dominate the character of the landscape as it is not visually recognisable. It does not adjoin any rural residential receivers as it is situated within the central portion of the AIBP. Accordingly, upon the completion of the AIBP, an industrial local character will be established which aligns with the proposed development. b. There is currently no development adjacent to the site to be impacted by. Notwithstanding, the adjacent land which will be delivered in future as part of the AIBP has been planned out to consider any environmental impacts. The siting and design of the storage and distribution warehouse will ensure no adverse visual, privacy, solar, and other impacts will be generated. This has also been assessed for the future road corridors to the west of the site. Views from this location are transient and only temporary. The appropriate assessments have been undertaken to identify and manage any potential impacts proposed by the bulk and scale of the development. No solar access or privacy issues arise from the proposed development or its exceedance of the development standard. The visual impact of the proposed development has been assessed to find moderate impacts are generated from two viewpoint locations. These views are softened by a high architectural façade treatment combined with significant planting. c. The site is not located adjacent to the nearby heritage items. The proposal will not adversely impact upon the heritage item identified along the Luddenham Road corridor. A Heritage Letter of Advice has been prepared to confirm no impacts are proposed to the heritage item. d. The proposed building heights have been carefully considered to ensure high-quality design outcomes alongside the need to maximise operational capacity. The warehouse transitions in height to permit the internal operations to support high bay warehousing. This feature creates visual interest by achieving a dynamic, stepped roofline. The stepped-down approach ensures the building height descends towards the building edges and eastern street frontage to appear visually sympathetic to the public domain. This will reduce the perceived bulk and scale of the warehouse. Overall, the proposal demonstrates a high-quality urban form that also delivers optimal internal functions for warehousing activities.

Key Questions	Response
b) Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)	<i>N/A. Refer above.</i>
c) Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)	The proposed height variation is appropriate and necessary. The height is instrumental to allowing high bay warehousing to be achieved. This will greatly maximise the storage and distribution operations to occur and improve outcomes for the proposed development. The predominate height is commensurate to other warehouse uses and high-bay buildings, as well as the aligning with the future character of the area as it transitions to industrial lands.
(d) Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard?	<i>N/A.</i>
e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary?	<i>N/A.</i>

11. Are there sufficient environmental planning grounds to justify contravening the development standard?

Yes, there are sufficient environmental planning grounds to justify contravening the development standard, given the following:

- Notwithstanding the non-compliance, the proposed development achieves the objectives of Clause 4.3 as outlined earlier.
- The proposed development is consistent with the objectives of the E4 General Industrial Zone in that it will continue to deliver industrial land uses. The high-bay warehouse will deliver a highly compatible and in-demand warehousing typology to support the need of logistics industries. This further aligns with strategic priorities to support the development of industrial and employment lands.
- Contravening the development standard is considered acceptable as the proposal delivers high-bay warehousing space to accommodate future tenant needs and maximise industrial opportunities for the site and broader AIBP. The height variation of 15m is limited to the rear of the site and does not dominate the character of the landscape. The development of the AIBP will mean the proposed storage and distribution warehouse will be screened from view from many locations.
- Most of the development is wholly below the maximum height of building control and compliant with the development standard. The non-compliance is minimal and does not result in any over-development of the site which would contribute to additional visual bulk, overshadowing or visual impacts.

12. Is there any other relevant information relating to justifying a variation of the development standard? (If required)

Consistency of the development with the objectives of the development standard is demonstrated in Table 3 above. The proposal is also consistent with the land use objectives that apply to the site under the Penrith LEP 2010. The site is located within the E4 General Industrial zone. The proposed development is consistent with the relevant land use zone objectives as outlined in Table 4.

Table 4 Assessment of Compliance with Land Use Zone Objectives

Objective	Assessment
To provide a range of industrial, warehouse, logistics and related land uses.	The proposal will facilitate the development of a Storage and Distribution Warehouse within an industrial precinct known as the AIBP. Industrial activities are maximised by the inclusion of high-bay warehousing to increase opportunities for future tenants and deliver a valuable, in-demand warehousing typology.
To ensure the efficient and viable use of land for industrial uses.	The site is zoned for industrial land uses, and therefore the proposal seeks to develop a Storage and Distribution Warehouse in a strategic location to leverage the surrounding industrial opportunities and the Western Sydney Airport.
To minimise any adverse effect of industry on other land uses.	The impacts of the development have been assessed to confirm no adverse impacts will be generated. Visual impacts were assessed to ensure the proposed built form does not significantly impact visual amenity and ensures it is sympathetic to the surrounding locality. The development of the AIBP will mean the proposed storage and distribution warehouse will be screened from view from many locations.
To encourage employment opportunities.	The proposed Storage and Distribution Warehouse will deliver jobs during the construction and operation phase of the development.
To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.	Not applicable to the development.

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