

Our reference: 2441182
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26 May 2010

Mr Peter Goth
Regional Director Sydney West Region
Department of Planning
Locked Bag 5020
PARRAMATTA NSW 2124

Dear Mr Goth

Section 56 Gateway Determination for Planning Proposal Panthers Penrith Site, Penrith.

Council has prepared a Planning Proposal for the Panthers Penrith Site, under Section 55 of the Environmental Planning and Assessment Act 1979. Council at its meeting of 24 May 2010 endorsed the Planning Proposal to be submitted to the Department for a Gateway Determination under Section 56 of the Act.

The Planning Proposal for the Panthers site is seeking to zone land to allow for a unique regional entertainment, leisure and lifestyle precinct. Council has had previous discussions with Department officers regarding this proposal and in particular the retail components of the proposal which comprise general retail of 12,500sqm and specialised retail in the form of a brand outlet centre of 25,000sqm. This has been the subject of extensive independent economic analysis.

To ensure that the provision of the proposed Brand Outlet Centre can be delivered in a managed way that allows the City of Penrith to benefit from this different, regional form of retail offer without impacting significantly on general retailing in the City Centre, the application of a separate definition for brand outlet centres and a limit to floor space for this use is seen as a critical element of the Planning Proposal. Consequently, Council resolved that:

5. *“Should a specific brand outlet centre definition not be permitted by the Department of Planning at any stage during the gateway process the planning proposal is to be amended to include only the 12,500m² maximum retail permissibility on the site.”*

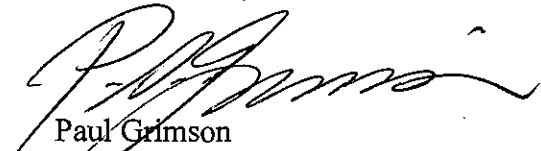
The following documents are provided electronically to be forwarded to the Gateway:

1. Council's Planning Proposal for the Panthers Penrith Site
2. Council report and resolution of 24 May 2010
3. Visual Character and Urban Design Study, HBO+EMTB September 2009
4. Traffic, Transport and Access, GHD June 2009
5. Land Use and Economic Impact, Hill PDA February 2010
6. Retail Impact Assessment of Development Proposals of Panthers Penrith Site and Parkview Site, Hill PDA February 2010.

It should also be noted that the preparation of the Planning Proposal has been undertaken in accordance with the 'Penrith City Council Riverlink Precinct Development Probity and Governance Process Plan' (the Probity Plan), prepared by Deloitte in March 2009. The Probity Plan ensures transparency and integrity of the planning process given that Council owns land within the Riverlink Precinct in proximity to the Panthers Penrith site. Also, in keeping with the spirit of the Probity Plan, Council commissioned BBC Consulting Planners to undertake an independent Net Community Benefit Test (as previously required under the draft Centres Policy). This test also informs the proposed new tests of the 'Sequential Test' and 'Site Suitability Criteria' and is contained in the Planning Proposal. The Net Community Benefit Test is appended to the Planning Proposal for the Department's reference.

For further information please contact Natasha Baker on (02) 4732 8122 or nbaker@penrithcity.nsw.gov.au.

Yours sincerely



Paul Grimson
Sustainability and Planning Manager