



IRF25/1862

Gateway determination report – PP-2025-1540

Westfield Penrith – 569-595 High Street, Penrith

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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
Existing and Proposed FSR and HOB Controls (Appendix 1 of Planning Proposal)
Urban Design Report (Appendix 2 of Planning Proposal)
Traffic and Transport Matters Report (Appendix 3 of Planning Proposal)
Flood Management Report (Appendix 4 of Planning Proposal)
Economic Assessment (Appendix 5 of Planning Proposal)
Heritage Impact Statement (Appendix 6 of Planning Proposal)
Preliminary Site Investigation (Appendix 7 of Planning Proposal)
Servicing and Utilities Report (Appendix 8 of Planning Proposal)
ESD Strategy (Appendix 9 of Planning Proposal)
Penrith DCP Assessment (Appendix 10 of Planning Proposal)
Penrith Local Planning Panel Advice (Appendix 11 of Planning Proposal)
Council Report and Resolution 29 May 2023 (Appendix 12 of Planning Proposal)
Letter of Offer dated 29 May 2025 - Voluntary Planning Agreement
Council Acceptance of Letter of Offer dated 12 August 2025

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Penrith City Council
PPA	Penrith City Council
NAME	569-595 High Street, Penrith (Westfield Penrith) – 2000 jobs
NUMBER	PP-2025-1540
LEP TO BE AMENDED	Penrith Local Environmental Plan 2010
ADDRESS	569-595 High Street, Penrith
DESCRIPTION	Lot 1 DP 1137699
RECEIVED	12/08/2025
FILE NO.	IRF25/1862
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 key objectives of the planning proposal are to:

- Facilitate the redevelopment of the eastern portion of Westfield Penrith for a mixed-use commercial and hotel development comprising two towers above a podium;
- To facilitate a mixed-use development outcome commensurate with Council's strategic vision for Penrith CBD as a vibrant commercial centre;
- Provide more than 35,000m² of employment generating floor space, resulting in approximately 2,000 new jobs and \$184 million in annual local economic output;
- Create capacity for tourist accommodation in the CBD through the delivery of a hotel that takes advantage of the increase in visitor travel in the region; and
- Integrate land use and transport and support the 30-minute city by facilitating a high-density, mixed-use development with commercial, retail and tourism uses that optimise use of public transport.

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, as per the table below, in relation to two parts (refer **Figure 1** further below) of Lot 1 DP 1137699:

Table 3 Current and proposed controls

Control	Current	Proposed
Maximum height of the building	20m	Part 47m and Part 84m
Floor space ratio	1.5:1 – Clause 4.4	14,000m ² and 24,000m ² Maximum GFA – New clause (see comment below).
Number of jobs	N/A	2000

In relation to the Floor space ratio proposal, the planning proposal seeks to establish a new site-specific clause, which states that despite the floor space ratio controls within clause 4.4 of the PLEP 2010, a building up to the maximum GFA may be approved on the relevant parts of the subject site. The planning proposal intends to exclude the proposed site-specific clause from the application of clause 4.6 Exceptions to Development Standards of the PLEP 2010

The wording of the site-specific clause is provided in the planning proposal and will make provision for:

- Objectives of the clause to support the Penrith City Centre, including architectural design, connections with public spaces, skyline contributions, respect of views and overshadowing of City Park;
- Application of the clause to part of Lot 1 DP 1137699;
- Allowance for the Maximum GFA as discussed above;
- Considerations relating to the exceedance of the Height of Building Map by up to 10%;
- Considerations that a consent authority must be satisfied of prior to the granting of development consent. These considerations align with the objectives of the clause and will require an architectural design competition for development;
- An allowance for the Director-General to certify in writing that an architectural design competition is not required; and
- A development standard requiring no overshadowing of City Park.

The following comments are provided in relation to the site-specific clause wording provided in the planning proposal:

- The clause is numbered 7.31; however, this clause number is already present in the PLEP 2010;
- The requirement for the consultation with the Director-General (now Planning Secretary) is not supported being inconsistent with Section 9.1 Direction 1.3 Approval Requirements (discussed below). This should be updated to the consent authority or removed;
- The requirement for an architectural design competition may be too onerous, which based on the current wording applies to any application (i.e. internal works, change of use, etc.) for development consent on the site. This requirement is also similar to existing design competition provisions in Clause 8.4 Design Excellence of the PLEP 2010.

A meeting was held with Penrith City Council on 2 September 2025 to discuss the site-specific clause and it was agreed that a condition of gateway determination will require the planning proposal to be updated prior to exhibition to:

- Remove the proposed clause 7.31 and provide a plain English explanation of the proposed site-specific clause;
- Clarify the relationship between the architectural design competition requirements of the proposed site-specific clause and the provisions of clause 8.4 of the PLEP 2010;
- Remove from the plain English explanation of the site-specific clause references to the Director-General, or if relevant, replace with the consent authority; and
- Include a note that the final wording of the site-specific clause will be subject to consultation and drafting with Parliamentary Counsel.

1.4 Site description and surrounding area

The site is known as Lot 1 DP 1137699, 569-585 High Street, Penrith. It has an area of 90,325m² and contains Westfield Penrith; a large regional shopping centre provided over two levels and across two buildings. The planning proposal applies to two specific locations on the eastern side of Lot 1 DP 11377699 (**Figure 1**).

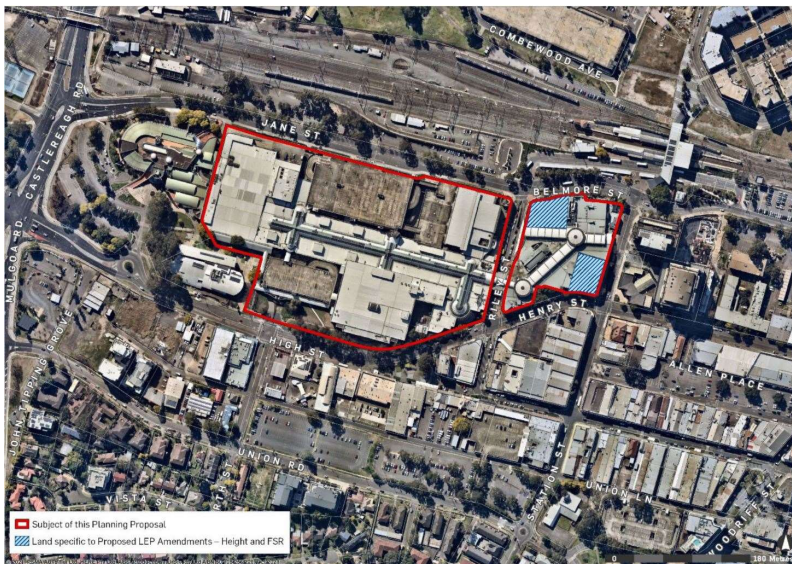


Figure 1 Aerial view of Westfield Penrith and land subject to planning proposal (source: Page 10 of submitted Planning Proposal)

The site has frontage to:

- Jane and Belmore Streets on the northern side, which form part of the Great Western Highway;
- Riley Street (which is straddled by Westfield Penrith) and Station Street;
- Station Street on the east; and
- High and Henry Streets on the south.

The surrounding area comprises the Penrith CBD, including a mixture of retail premises, commercial premises, government sites and public open space. The Penrith Train Station is located immediately north of the site, on the opposite side of the Great Western Highway.

Lot 1 DP 1137699 is zoned E2 Commercial Centre under the PLEP 2010 (**Figure 2**).



The planning proposal includes mapping showing the proposed changes to the Height of Buildings map Sheet HOB_006, which are suitable for community consultation.

Height of Buildings Map -
Sheet HOB_006

Maximum Building Height (m)

Q2	20
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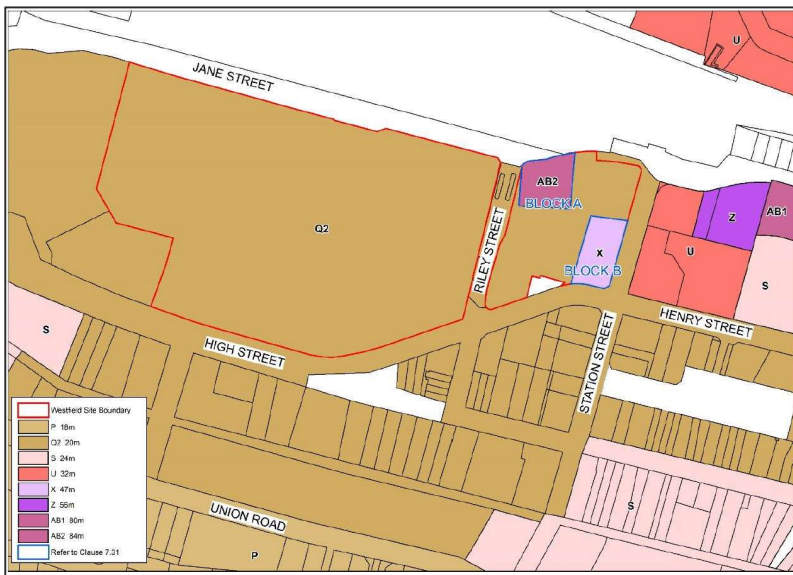


Figure 4 Proposed height of building map

1.6 Background

This planning proposal was originally submitted in May 2021. Following several information requests from Council, the planning proposal was presented to the Ordinary Meeting of Council in May 2023. Although Council resolved to submit the planning proposal for a gateway determination, the resolution was subject to a Letter of Offer (to the satisfaction of Council Officers) for a Voluntary Planning Agreement Offer being received, before Council undertook the gateway submission.

A Letter of Offer (dated 29 May 2025) was received and accepted by Council on 12 August 2025. The planning proposal from 2023 was subsequently submitted for Gateway Determination. The planning proposal document requires updating to reflect contemporary clauses in PLEP 2010 and Ministerial Directions as noted throughout this report.

The Voluntary Planning Agreement between the proponent and Council relates to the payment of monetary contributions towards upgrades of the local road network.

2 Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The planning proposal is not the result of a specific action of the Penrith Local Strategic Planning Statement 2020 (Penrith LSPS) or other endorsed strategy. However, the planning proposal supports the growth of Penrith CBD and gives effects to the actions of the Penrith LSPS.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A planning proposal to amend the PLEP 2010 is the only means of achieving the intended increases to maximum height and gross floor area of buildings on the subject sites. A planning proposal also provides certainty to Council, state agencies, developers and the community through the strategic planning framework.

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 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	- The planning proposal will create additional employment floor area within the strategic centre of the Penrith CBD. - The subject site is within walkable distance to the Penrith Station, providing connectivity to residents and delivers upon the objective of a 30-minute city.
Objective 22: Investment and business activity in centres	- The subject site is within the Greater Penrith 'Metropolitan Cluster', being an economic focus area of Greater Sydney, where it is intended to deliver very high levels of development and amenity. - This Objective further recognises that as Greater Sydney population grows, there will be a need to grow existing centres and expansion options will need to consider building heights and outward growth.
Objective 24: Economic sectors are targeted for success	- The planning proposal intends to facilitate a multi-use commercial and hotel development, which will deliver approximately 2,000 jobs within the Penrith CBD. - Tourism is recognised by this Objective as an important business workforce segment with the Western Sydney Airport creating opportunities for the Western Parkland City to become an alternative to the Eastern Harbour City for international tourists.

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 effect 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 5 District Plan assessment

District Plan Priorities	Justification
Planning Priority W1: Planning for a city supported by infrastructure	The subject site is adjacent to the Penrith Station, which will maximise the use of existing public transport infrastructure consistent with this planning priority.
Planning Priority W6: Creating and renewing great places and local centres, and respecting the Districts heritage	- The planning proposal is consistent with the place-based planning principles for centres, including delivery of transport-oriented development (site is adjacent to Penrith Station), expanding retail/commercial floor space and expanding employment opportunities. - The planning proposal is accompanied by a Heritage Impact Statement that identifies and outlines management of the heritage significance of nearby heritage items.
Planning Priority W7: Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City	- The site is within the Greater Penrith to Eastern Creek Growth Area and is consistent with the Greater Penrith to Eastern Creek (GPEC) Investigation Area Strategic Framework (discussed below). - The planning proposal will facilitate further commercial development within the Penrith City Centre that supports the delivery of the 30-minute city.
Planning Priority W9: Growing and strengthening the metropolitan cluster	- The subject site is located within the Collaboration Area for Greater Penrith, with the Penrith CBD identified as a significant commercial centre. The planning proposal is consistent with the aims of the Collaboration area to revitalise and growth the Penrith CBD and Action 43 (g). - The objective of the planning proposal is to facilitate a mixed-use development, inclusive of a hotel. This is consistent with Action 43 (g) to <i>“encourage new lifestyle, tourist and cultural uses to activate streets and grow the tourism and night-time economies”</i>.
Planning Priority W11: Growing investment, business opportunities and jobs in strategic centres	- The planning proposal will meet the significant demand for retail and office floor space needed in the Western City District over a 20-year period. - The planning proposal supports Action 56 through delivering additional commercial floor area that provides access to jobs, goods and services.
Planning Priority W16: Protecting and enhancing scenic and cultural landscapes	Impact on views has been considered in the 29 May 2023 Council Report and existing planning LEP and DCP mechanisms are in place to protect important vistas. It is considered that the planning proposal appropriately responds to scenic landscapes, which can further be assessed as part of a future Development Application.
Planning Priority W18: Delivering	The planning proposal is supported by shadow diagrams within an Urban Design Report and the amendment to the PLEP 2010 proposes provisions to further protect the solar access of the nearby City Park.

high quality open space	
Planning Priority W20: Adapting to the impacts of urban and natural hazards and climate change	The planning proposal is accompanied by a Flood Management Report addressing evacuation from the subject sites. It is recommended that a Gateway Determination be issued, subject to a condition requiring further consultation with the NSW Reconstruction Authority and NSW State Emergency Service to consider flood evacuation matters (refer Minister Direction 4.1 below for further discussion).
Greater Penrith to Eastern Creek (GPEC) Strategic Framework	<u>Priority 1: Connect with and care for Country</u> - Although located on the Cranebrook Terrace Formation, the subject site is both heavily developed and within a heavily developed CBD setting. It is considered that the planning proposal is acceptable and potential heritage impacts can be considered as part of a future Development Application. <u>Priority 2: Focused and responsive growth</u> - The subject site is located between the flood planning level and probable maximum flood. Action 2.5.6 of the GPEC Strategic Framework is to consider the capacity of the road network for evacuation from flood. As per discussion above, consultation is recommended with NSW Reconstruction Authority and NSW State Emergency Service. <u>Priority 3: Diverse and accessible employment</u> - The planning proposal supports the Penrith Centre as the metropolitan cluster and main destination for retail, entertainment, civic, community and professional service jobs (Action 2.1.1).

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 6 Local strategic planning assessment

Local Strategies	Justification
Penrith Local Strategic Planning Statement, March 2020	The planning proposal is generally consistent with the priorities of the Penrith LSPS, in particular: <i>Planning Priority 12: Enhance and grow Penrith's economic triangle</i> – The Penrith City Centre forms part of the economic triangle and the planning proposal will facilitate more offer and commercial development in the centre consistent with this Priority. <i>Planning Priority 14: Grow our tourism, arts and cultural industries</i> – This priority recognises the need to “facilitate short-term accommodation in the right locations, particularly in the Penrith City Centre”.
Penrith Economic Development Strategy 2023-2031	The planning proposal is consistent with this strategy and aligns with <i>Strategic Priority 2: Creating Vibrant Centre</i> and <i>Strategic Priority 3: Leveraging Employment Lands</i>.

Employment Lands Strategy 2021	The Employment Lands Strategy reinforces the Penrith City Centre's role as a strategic centre for the economic triangle. The planning proposal will enable further investment in the city centre, that will help attract and provide opportunities for new businesses in accordance with this Strategy.
Penrith Visitor Economy Strategy 2023-2030	The planning proposal is consistent with the objective of <i>Strategic Priority 1 Accommodation Diversity</i> to “ <i>build on Penrith's existing offering by encouraging new investment in the accommodation sector</i> ”.

3.4 Local planning panel (LPP) recommendation

The Penrith Local Planning Panel (LPP) considered this planning proposal on 26 October 2022 (**Attachment I**). The LPP considered that the planning proposal has strategic merit and should proceed to a gateway determination subject to:

- An updated Traffic and Transport Report; and
- Due consideration of comments in relation to site-specific impacts (i.e. flooding, stormwater, visual impacts, views and overshadowing), design excellence provisions, public domain upgrades, DCP controls and exclusion of site-specific controls from Clause 4.6.

The matters raised by the LPP were duly considered by Council at the Ordinary Meeting of Council on 29 May 2023, where it was resolved to submit this planning proposal for gateway determination.

3.5 Section 9.1 Ministerial Directions

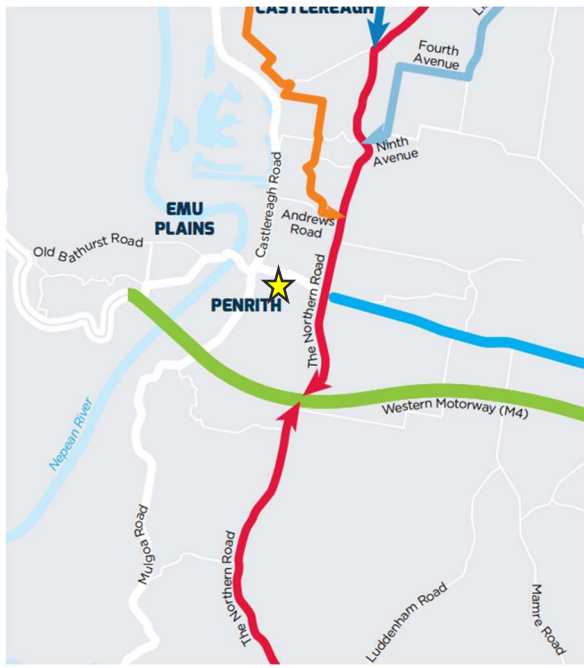
The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	This planning proposal is consistent with The Greater Sydney Region Plan: A Metropolis of Three Cities.
1.3 Approval and Referral Requirements	Consistent (subject to condition)	This Direction requires a planning proposal to minimise provisions that require concurrence, consultation or referral to a Minister or public authority. The planning proposal is inconsistent with this Direction as the proposed site-specific clause includes a provision that enables certification to be obtained from the Director General (now Planning Secretary) to waive the design competition. It is noted that Clause 8.4 (4) of the PLEP 2010 contains a similar provision; however, the authority to waive the design competition resides with the consent authority, which followed an amendment to the PLEP 2010 via <i>State Environmental</i>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<i>Planning Policy Amendment (Design Competition Guidelines) 2023 (EPI 698).</i> To obtain consistency with this Direction and the current approach adopted in the PLEP 2010, it is recommended that a condition of the Gateway Determination require the planning proposal to be updated to remove from the site-specific clause, the certification requirements from the Director-General.
1.4 Site Specific Provisions	Minor Inconsistency – Justified	Although the land uses envisioned by this planning proposal are permitted within the E2 Local Centre zone, the planning proposal intends to introduce a site-specific clause to impose development standards, in addition to those in the PLEP 2010, on future development. This is inconsistent with Direction 1.4 (1) (c). In addition to the inconsistency above, the planning proposal also contains concept drawings of the intended development, which is inconsistent with Direction 1.4 (2). As the planning proposal principally relates to Height of Building and Floor Space ratio controls, both inconsistencies relate to assessing the impacts (e.g. bulk and scale, overshadowing) associated with future development of the site. The concepts plans are used to demonstrate the intended outcome on the site and the proposed site-specific clause ensures that impacts are appropriately considered during the development assessment. It is considered that the inconsistencies are reasonable in the context of the intended development and the inconsistency with this Direction is of minor significance.
1.4A Exclusion of Development Standards from Variation	Inconsistent	Part (2) of this Direction states that a planning proposal must: (a). <i>minimise the exclusion of development standards from variation under clause 4.6 of a Standard Instrument LEP, or an equivalent provision of any other environmental planning instrument; and</i> (b). <i>not propose to exclude a development standard from variation under clause 4.6 of a Standard Instrument LEP, or an equivalent provision of any other environmental planning instrument unless the exclusion is consistent with the criteria</i>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<i>in Part 2 of the Guide to exclusions from clause 4.6 of the Standard Instrument.</i> The planning proposal is inconsistent with this Direction as it proposes to exclude the site-specific clause from the application of Clause 4.6. Furthermore, the planning proposal does not address this Direction or the Guide to exclusions from clause 4.6 of the Standard Instrument. For the purpose of this Gateway Assessment, consideration has been given to the <i>Guide to exclusions from clause 4.6 of the Standard Instrument</i> (Guide) and it is considered reasonable that Penrith City Council could justify consistency with the Guide. It is also noted that the Guide recommends community consultation when considering exclusions to clause 4.6. On this basis, the following approach is recommended: • A condition of the Gateway Determination requires the planning proposal to be updated prior to public exhibition to address Direction 1.4A, including the Guide; and • Penrith City Council be advised that the consistency with Direction 1.4A remains unresolved and Council may need to obtain the Secretary's agreement to the inconsistency prior to the plan being made.
3.2 Heritage Conservation	Consistent	This direction seeks to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Part of Lot 1 DP 1137699 contains a local item of heritage significance (Red Cow Hotel) and other heritage items are located in the vicinity of the subject site. The site is not within a Heritage Conservation Area. The heritage listing of the Red Cow Hotel will be retained and the proposed amendments to the development standards will not apply to the heritage item. The planning proposal has been accompanied by a Heritage Impact Statement. The planning proposal is considered consistent with this Direction with Heritage discussed further in Part 4 of this assessment report.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.10 Water Catchment Protection	Consistent	The site is within the Hawkesbury-Nepean Catchment, being a Regulated Catchment under Chapter 6 of SEPP (Biodiversity and Conservation) 2021. The planning proposal is consistent with the objectives of this Direction as: • The subject site is not close to any waterbodies or riparian land; and • The subject site and surrounding area is already developed and measures can be incorporated readily into future development to control run-off and reduce stormwater pollution.
4.1 Flooding	Unresolved	As per the 2024 Hawkesbury-Nepean River Flood Study, the subject site is located between the flood planning area and probable maximum flood. The planning proposal is accompanied by a Flood Management Report prepared 20 April 2021. This report provides discussion on the time for flood waters to rise and evacuation of the site, easterly along Henry Street, to higher ground. The evacuation route would connect with major evacuation routes (Figure 5) for the Hawkesbury-Nepean Valley identified by the NSW State Emergency Service.  Figure 5 Flood Evacuation Routes in vicinity of site shown as a star (source: Extract of NSW SES Fact Sheet Flood Evacuation Routes in the Hawkesbury-Nepean Valley)

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		Based on the expected number of workers and visitor accommodation to be created by the planning proposal, it is recommended that consultation be undertaken with the NSW State Emergency Service and NSW Reconstruction Authority to confirm that the proposal is satisfactory in relation of flooding and evacuation routes. Until this consultation has been undertaken, this direction remains unresolved.
4.4 Remediation of Contamination Land	Consistent	A Preliminary Site Investigation has been submitted with the planning proposal in accordance with the requirements of this Direction. Potential contaminating land use activities include past filling of land and former dry cleaner upslope of the site. This investigation recommends a further limited and targeted investigation of the site. Overall, it is considered that this Direction has been satisfied and contamination will be assessed further as the development progresses.
5.1 Integrating Land Use and Transport	Consistent	The planning proposal will enable additional employment opportunities in close proximity to the Penrith Station. This maximises use of the public transport and reduces dependency on cars. The planning proposal is consistent with the objectives of this Direction.
7.1 Employment Zones	Consistent	The planning proposal is consistent with the objectives of this Direction and will: • Retain the existing E2 Local Centre zoning of the site; • Increase the total potential floor space for employment uses; and • Support the viability of the Penrith CBD.

3.6 State environmental planning policies (SEPPs)

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

Table 8 Assessment of planning proposal against relevant SEPPs

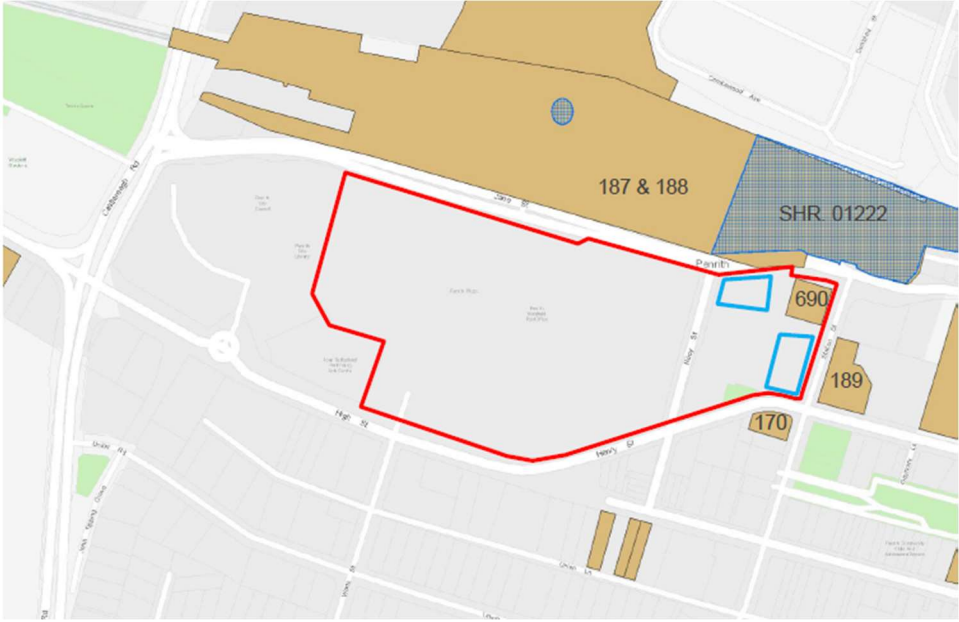
SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Biodiversity and Conservation 2021	<u>Chapter 6 Water Catchments</u> The site is within the Hawkesbury-Nepean River Catchment and subject to development controls relating to water quality, ecology, flooding and proximity to waterbodies.	Consistent	Refer discussion against Ministerial Direction 3.10 above.
Transport and Infrastructure 2021	<u>Chapter 2 Infrastructure</u> The chapter provides approvals pathways for infrastructure and includes consultation requirements and matters for consideration for development in respect to impacts on infrastructure.	Consistent	The planning proposal is not inconsistent with the provisions of this SEPP, with considerations of adjoining/adjacent infrastructure triggered at the development application stage.
Resilience and Hazards 2021	<u>Chapter 4 Remediation of Land</u> This chapter provides for consideration of contamination during the DA process.	Consistent	Consistent with Ministerial Direction 4.4, a Preliminary Site Investigation has been submitted with the planning proposal.
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	Future development will need to address the provisions of this SEPP.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Heritage	Part of Lot 1 DP 1137699 contains a local item of heritage significance (No. 690 - Red Cow Hotel) that immediately adjoins the area subject to the planning proposal. Other heritage items in the immediate vicinity of the site include: • Penrith Railway Station – Local and State Listing • Penrith Council Chambers (former) – Local Listing; and • Prospect Electricity Building (former) – Local Listing.  Figure 6 Local and State Heritage Items around development site (source: page 29 of Heritage Impact Statement, Appendix 6 of Planning Proposal) A Heritage Impact Statement has been submitted with the planning proposal that includes an assessment against local heritage controls and NSW Heritage guidelines. This statement concludes that the planning proposal will have “<i>no detrimental impact on the significance of the Red Cow Hotel and surrounding heritage items</i>”. In consideration of potential heritage impacts: • The planning proposal does not propose any changes to the listing of heritage items; • No change is proposed to the height of building or floor space ratio development standards for the Red Cow Hotel;

- The Penrith CBD contains a mixture of building heights controls, modern buildings and heritage items. The planning proposal is consistent with this changing context of the Penrith CBD;
- The Penrith Railway Station, Penrith Council Chambers (former) and Prospect Electricity Building (former) are all separated from the subject site by existing roads. In particular, the state-listed Penrith Railway Station is located on the northern side of Jane Street across a four-lane roadway, forecourt and bus lanes; and
- The Heritage Impact Statement provides reasonable discussion to support that the potential development (subject to future DA/s) would be able to respect the heritage values of surrounding heritage items and maintain public domain views from the street level.

On balance, it is considered that the planning proposal appropriately addresses heritage impacts and it is recommended that a gateway determination be issued. However, due to the number of heritage items present in the area, including the state-listed Penrith Railway Station immediately north of the site, it is recommended that a gateway condition require further consultation with Heritage NSW.

Built Form, Height and Visual Impact

Multiple tall buildings have been approved or are planned within the Penrith CBD, with the planning proposal consistent with this emerging built form (**Figure 7**).

The future development on the subject site will be subject to Clause 8.4 Design Excellence of the PLEP 2010, which will require the consent authority to be satisfied that the final built form of the development is consistent with the area.

Planning Controls Heights Massing

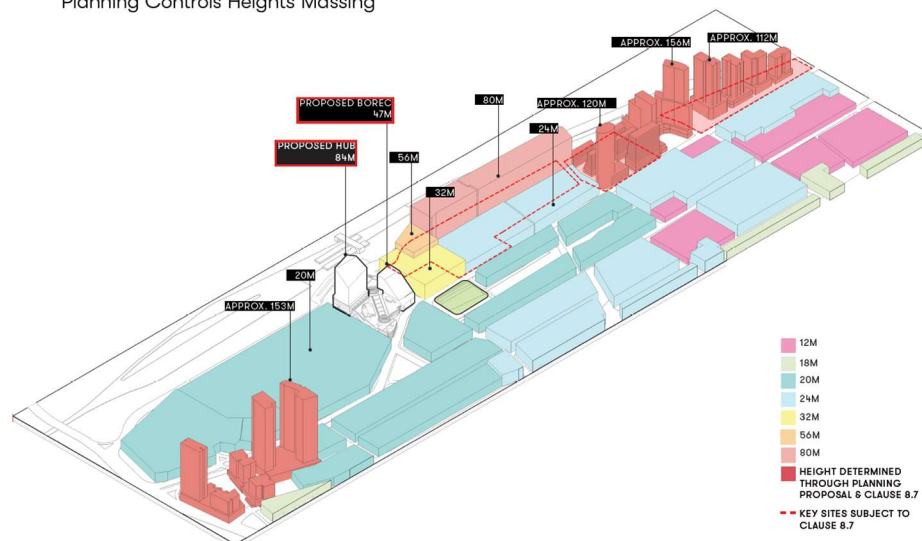


Figure 7 Emerging Built Form in the Penrith City Centre (source: Urban Design Report, Appendix 2 of Planning Proposal)

In relation to views, Penrith City Council gave consideration to this matter at the Ordinary Meeting of Council on 29 May 2023. This consideration notes views of the mountains may be partially affected by the development. The Penrith DCP contains controls for maintaining views of the Blue Mountains escarpment and in conjunction with Clause 8.4 of the PLEP 2010, it is considered that the impact on views can be addressed as part of a future development application.

Overshadowing

Shadow diagrams have been provided with the planning proposal, as part of an Urban Design Report. These diagrams illustrate the existing and proposed shadows between 9am and 3pm on 21 June. Importantly, these diagrams (extracts provided as **Figure 8** below) demonstrate that the nearby City Park will not be adversely overshadowed by the proposed amendment to the Height of Building Control. It is considered that overshadowing and solar access, of both public and private spaces, would be further considered as part of any future development application

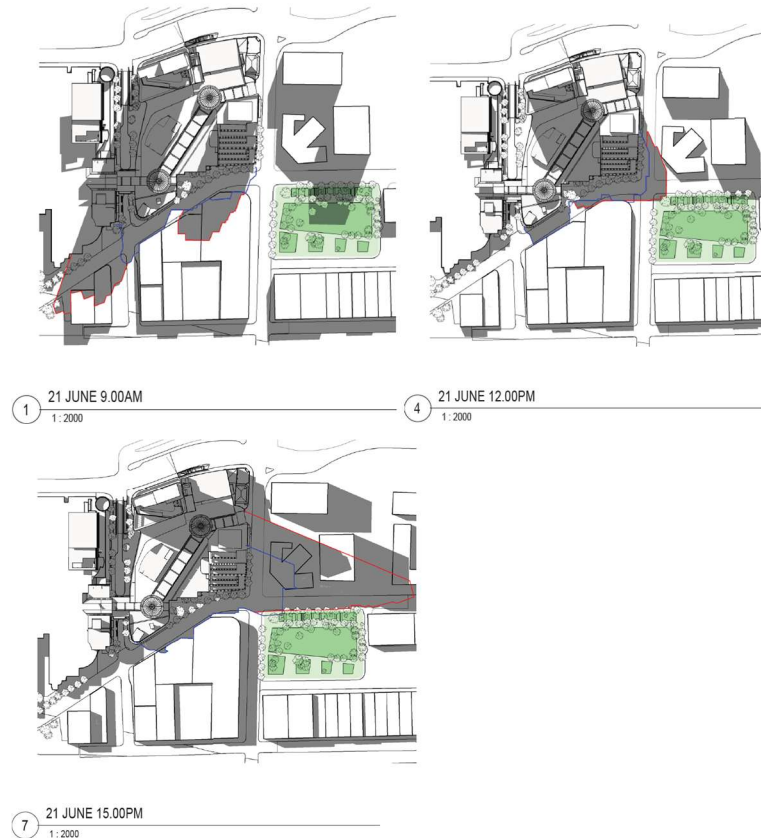


Figure 8 Shadow Diagrams, 9am, 12pm and 3pm (source: Urban Design Report, Appendix 2 of Planning Proposal)

Transport

A Traffic and Transport Matters Report supports the planning proposal and outlines estimated traffic generation and parking requirements for the anticipated mixed-use development on the site.

The Traffic and Transport Matters Report states that the car parking demand generated by the development of the subject site (in line with the Planning proposal) would be accommodated by the existing parking associated with Westfield Centre and Mondo Redevelopment. Access arrangements are anticipated to remain unchanged, either through existing basements, Jane Street and/or Riley Street. Council and the proponent are prepared to enter into a Voluntary Planning Agreement towards improvements to the local road network. In accordance with Council's Resolution on 29 May 2023. Council intends to exhibit the Voluntary Planning Agreement concurrently with the planning proposal.

The proposed development is expected to generate an additional 1,179 and 1,269 vehicles during AM and PM peak periods. The Traffic and Transport Matters report states that intersection performance is not considered to be significantly impacted;

however, the PM peak eastbound travel time along Jane Street / Great Western Highway will increase by over one minute.

It is recommended that a condition of the gateway determination require consultation with Transport for NSW. Given the proximity of the development site to the Penrith Station and the likely increase on demand on public transport, it is also recommended that consultation be undertaken with Sydney Trains.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	The planning proposal is supported by the VPA offer to deliver improvements to the public domain, which is considered a positive social outcome. The proposed amendments to the PLEP 2010 are not considered to have a significant adverse social impact noting the final development-specific social impacts can be considered as part of the Development Application assessment process.
Economic	The planning proposal is supported by an Economic Assessment, which identifies that the planning proposal would: • During construction, create 205 jobs over 3.5 years and \$108.6 million in gross value add (GVA) from capital expenditure of \$145 million; • During operation, would create 2,145 total jobs and \$319 million in GVA per year for the NSW economy. Direct jobs are estimated at 1,361; • Address the demand for additional commercial floor space in Western Sydney; and • Meet the demand for hotel accommodation within the Penrith City Centre and western Sydney.

4.3 Infrastructure

A Servicing and Utilities Report has been submitted with the planning proposal, which demonstrates that utilities are readily available to the site. A number of potential upgrades may be required for future development of the site, as detailed in the Table below; however, these are best considered as part of the Development Application process.

Table 11 Possible Infrastructure Connection Requirements

Infrastructure	Connection Requirement
Water	• New water connection. • Amplification of water mains.
Sewer	• New sewer connection. • Extension of sewer main.

Electricity	• New substations and/or high voltage feeder cables.
Gas	• Upgrade to existing gas connection. • Possible new gas connection and extension to gas main.

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

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Transport for NSW
- Sydney Trains
- NSW State Emergency Service
- NSW Reconstruction Authority
- Heritage NSW.

6 Timeframe

Council does not propose a time frame to complete the LEP, noting that the Planning Proposal was supported in May 2023 but not submitted for Gateway until August 2025. In this regard, it is recommended that a condition of gateway determination require the timeframe to be updated in the planning proposal prior to public exhibition.

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

The Department recommends an LEP completion date of 29 May 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.

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 the Regional and District Plans, 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:

- It is consistent with and gives effect to the Western City District Plan and Greater Penrith to Eastern Creek (GPEC) Strategic Framework;
- It is consistent with the Penrith Local Strategic Planning Statement 2020, Penrith Economic Development Strategy 2023-2031 and Employment Lands Strategy 2021;
- It supports the Penrith City Centre providing additional commercial floor space and employment opportunities in Western Sydney adjacent to public transport;
- The intended development outcome on the site will provide additional tourist accommodation opportunities for Western Sydney; and
- Suitable technical studies have been submitted with the planning proposal, that subject to further consultation with government agencies, demonstrate that the proposed PLEP 2010 amendments will not result in significant adverse environmental impacts.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Remove the proposed clause 7.31 and provide a plain English explanation of the proposed site-specific clause;
- Clarify the relationship between the architectural design competition requirements of the proposed site-specific clause and the provisions of clause 8.4 of the PLEP 2010;
- Remove from the plain English explanation of the site-specific clause references to the Director-General, or if relevant, replace with the consent authority;
- Include a note that the final wording of the site-specific clause will be subject to consultation and drafting with Parliamentary Counsel;
- Address section 9.1 Direction 1.4A Exclusion of Development Standards from Variation; and
- Provide an updated timeframe.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Direction 1.4 Site Specific Provisions are minor; and
- Note that the consistency with section 9.1 Directions 1.4A Exclusion of Development Standards from Variation and 4.1 Flooding is unresolved and will require justification.

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. Updating the planning proposal prior to public exhibition in relation to the site-specific clause provisions, addressing section 9.1 Direction 1.4A Exclusion of Development Standards from Variation and updated timeframe.
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.
3. Consultation is required with the following public authorities:

- Transport for NSW
- Sydney Trains
- NSW State Emergency Service
- NSW Reconstruction Authority
- Heritage NSW.

4. A public hearing is not required to be held.



8/09/2025

(Signature)

(Date)

Ian Bignell

Manager, Local Planning and Council Support (Central, West and South)



(Signature)

12 September 2025 (Date)

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