

7 Letter of Offer for a Voluntary Planning Agreement - Westfield Penrith Planning Proposal

Compiled by: Peter Failes, Senior Planner
Brooke Levingston, City Planning Coordinator

Authorised by: Natalie Stanowski, Acting Head of City Planning
Andrew Jackson, Director Planning and Regulatory Services

Outcome	<i>Shape our growing city</i>
Strategy	<i>Navigate balanced growth and plan strategically</i>
Principal Activity	<i>Ensure services, facilitates and infrastructure meet the needs of a growing population through the contributions framework</i>

Previous Items: 2- Westfield Penrith Planning Proposal (569-595 High Street, Penrith)- Councillor Briefing- 06 Sep 2021 7:00PM
3- Westfield Penrith Planning Proposal (569-595 High Street, Penrith)- Councillor Briefing- 21 Mar 2022 7:00PM
7- Westfield Penrith Planning Proposal (569-595 High Street, Penrith)- Ordinary Meeting- 29 May 2023 7:00PM
3- Planning Proposal and Letter of Offer for Westfield Penrith- Councillor Briefing- 11 Aug 2025 At the conclusion of the Policy Review Committee Meeting

Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.

Proponent: Scentre Group / Urbis

Subject Land: 569-595 High Street, Penrith (Lot 1 DP 1137699)

Landowner: Scentre Group, RE1 Limited and GTP RE Limited

Executive Summary

This report seeks Council's endorsement to publicly exhibit a Letter of Offer (the Offer) to enter into a Voluntary Planning Agreement (VPA) associated with a planning proposal for 569-595 High Street, Penrith. This report also seeks Council's endorsement to grant delegation to the General Manager to negotiate and finalise a draft VPA for public notification and execution.

The Offer (provided at Appendix 1) establishes a development contribution rate for hotel floorspace. The Offer supports a planning proposal which seeks to amend floor space and building height controls in Penrith Local Environmental Plan 2010 (LEP 2010) to enable redevelopment of the site for commercial and hotel development. At its Ordinary meeting of 29 May 2023, Council endorsed the planning proposal to be submitted to the Department of Planning, Housing and Infrastructure (the Department) to request a Gateway determination. Council's resolution also required that, prior to submitting the planning proposal for Gateway, the proponent submit a Letter of Offer to the satisfaction of Council officers.

The Offer has been assessed in accordance with Council's *Penrith Developer Infrastructure Agreements Policy* and was also presented to Council's Local Infrastructure Contributions Working Group (LICWG) on 29 January 2025 and 24 June 2025 who recommended that the Offer be accepted and preparation of a draft VPA may proceed.

Should Council endorse the Offer for public exhibition, it will be exhibited concurrently with the planning proposal and in accordance with the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021* and the *Penrith Developer Infrastructure Agreements Policy*.

Following public exhibition, it is proposed that a draft VPA will be prepared and notified to secure the outcomes of the Offer. It is intended that the VPA will be executed prior to finalisation of the planning proposal.

Background

Council is in receipt of a planning proposal for 569-595 High Street, Penrith, which is currently occupied by Westfield Penrith. The planning proposal seeks to amend the floor space and building height controls in LEP 2010 in two specific locations on the site, being the corner of Riley Street and Belmore Streets (referred to as Block A – The Hub) and the corner of Henry and Station Streets (referred to as Block B – Borec House), as shown in Appendix 2. The envisaged development would comprise two towers above a podium, provide more than 35,000m² of floor space and create around 1,360 new jobs once operational.

The proposed changes to Penrith LEP are summarised in the table below.

Item	Existing Control	Proposed Control
Height of Building	20 metres	- Block A: 84m (approx. 22 storeys) - Block B: 47m (approx. 11 storeys)
Floorspace	1.5:1 floor space ratio (FSR)	Retain existing maximum FSR control of 1.5:1 across the entire Westfield site but allow a maximum gross floor area of up to: - Block A: 24,000m²; - Block B: 14,000m² This will be enforced through a new site-specific clause in Penrith LEP.

At its Ordinary meeting of 29 May 2023, Council endorsed the planning proposal to be forwarded to the Minister for Planning and Public Spaces with a request to issue a Gateway determination. Council's resolution also required that:

- Prior to submitting the planning proposal for Gateway, the proponent submit a Letter of Offer to the satisfaction of Council officers.
- A further report be presented to Council on the Letter of Offer for endorsement.

The proponent submitted an Offer (discussed in more detail below) which was assessed by Council officers and deemed acceptable. On this basis, the planning proposal was progressed to Gateway stage.

On 12 September 2025, the Department of Planning, Housing and Infrastructure, as delegate for the Minister for Planning and Public Spaces, forwarded a Gateway determination that:

- Allows the planning proposal to proceed to public exhibition.
- Requires the planning proposal to be updated to clarify and update provisions, address recent Ministerial Directions and include a plain English explanation of the proposed site-specific clause.
- Requires consultation with Transport for NSW, Sydney Trains, NSW State Emergency Service, NSW Reconstruction Authority and Heritage NSW.

- Allows Council to exercise local plan-making authority functions.

Council officers will update the planning proposal to ensure the Gateway conditions are satisfied. In accordance with Council's resolution of 29 May 2023, the General Manager has delegation to make any necessary amendments to the planning proposal in response to the conditions of the Gateway determination. A copy of the Gateway determination is provided at Appendix 3.

Letter of Offer

The *Penrith Civic Improvements Plan 2008* (CIP) is the current plan that levies contributions in the Penrith City Centre. The contributions collected under the CIP provide funding for roadworks, community facilities, drainage and open space. At present, the CIP does not apply to 'hotels' which means a contribution cannot be levied for this development type.

Given the proponent's intention to develop a hotel on their site, Council officers requested that a monetary contribution be provided for hotel development. This would allow Council to levy a contribution for hotel floorspace on that part of the land subject to the planning proposal. This approach intends to 'close the gap' by ensuring a contribution is collected for all floorspace. Accordingly, the proponent submitted an Offer (provided at Appendix 1), which establishes a contribution rate for hotel development.

The proposal is expected to have a cumulative impact on traffic congestion in the Penrith City Centre, which means there is a limited nexus to target specific works, such as intersection upgrades. Accordingly, it is deemed appropriate to collect a monetary contribution for all floorspace within the development which can be used to contribute towards infrastructure delivery in the City Centre.

The Offer was assessed in accordance with Council's *Penrith Developer Infrastructure Agreements Policy* and was presented to Council's Local Infrastructure Contributions Working Group on 29 January 2025 and 24 June 2025 who recommended that it be accepted and that the preparation of a VPA may proceed.

The key components of the Offer are summarised in the table below.

Application	All hotel floorspace on Block A and Block B (refer Appendix 2). Credits will be applied for any existing floorspace, which is consistent with Council's current approach to developer contributions. If an applicable contribution rate applies to hotel development at the time of payment (e.g. an amendment to the CIP is made or a new contribution plan is introduced), the applicable rate will be applied.
Rate	As per the rate for 'commercial office' in the CIP. This rate was selected as this land use is considered the most comparable to hotel development. The current rate for the October-December 2025 period is \$234 per sqm of GFA, but the rate will be indexed at the time of payment.
Timing for Payment	Construction Certificate.
Other floorspace	To be paid as per the contribution plan which applies at the time of payment.

Draft VPA

The planning proposal and Offer will be exhibited concurrently to provide transparency to the community about how the proposal will be supported by adequate infrastructure.

Following exhibition, a draft VPA will be prepared to secure the outcomes of the Offer and to ensure the planning proposal is supported by adequate infrastructure. This is discussed further in the 'Next Steps' section of this report.

Financial Implications

The Offer establishes a contribution rate for hotel floorspace as the CIP does not currently apply to this development type. This approach intends to close the gap by ensuring a monetary contribution is collected for all floorspace within the development.

The Offer and any subsequent planning agreement does not have the effect of excluding the application of Section 7.11, 7.12 or 7.24 of the *Environmental Planning and Assessment Act 1979* in relation to any development application associated with the planning proposal. This means that any future development will need to consider the payment of applicable development contributions.

The landowner will be responsible for costs associated with preparation and public notification of the Offer and future VPA.

Risk Implications

Any risks to Council have been limited through the negotiation of the Offer in accordance with *Council's Penrith Development Infrastructure Agreements Policy* and review of the Offer by Council's Local Infrastructure Contributions Working Group.

The future VPA will be reviewed by Council's Legal Services team and/or external lawyer.

The VPA will be registered on the title of the land, which means it will be binding on, and enforceable against, the owner of the land. The applicant must commence the registration process within 10 business days of the execution of the VPA. The VPA also includes clauses for dispute resolution, to manage instances of non-compliance with VPA conditions. The landowner must submit evidence to Council that they have registered the VPA on title with the NSW Land Registry Services

Next Steps

The Offer

Should Council endorse the recommendations in this report, the Offer will be publicly exhibited concurrently with the planning proposal and in accordance with the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2021* and *Penrith Developer Infrastructure Agreements Policy*.

In accordance with Council's resolution of 29 May 2023, a further report will be presented to Council detailing any submissions received during the public exhibition period, in relation to the planning proposal.

Draft VPA

This report seeks Council's endorsement to grant the General Manager delegation to negotiate and finalise the draft VPA, consistent with the Offer and publicly notify a draft VPA.

Following public notification of the VPA, a further report will be presented to Council outlining submissions received. However, where no submissions are received or where a submission does not relate directly to specific matters negotiated in the VPA, then delegation is provided to the General Manager for the VPA to be executed. This approach will enable the VPA to

be executed in a timely manner and ensure it is finalised before the planning proposal is made.

Conclusion

Council is in receipt of a Letter of Offer associated with a planning proposal for 569-595 High Street, Penrith. The Offer establishes a contribution rate for hotel floorspace and supports a planning proposal which seeks to amend floor space and building height controls in LEP 2010 to enable redevelopment of the site for commercial and hotel development. This report seeks Council's endorsement to publicly exhibit the Offer concurrently with the planning proposal.

This report also seeks Council's endorsement to grant delegation to the General Manager to negotiate and finalise the draft VPA for public notification and execution.

RECOMMENDATION

That:

1. The information contained in the report on Letter of Offer for a Voluntary Planning Agreement - Westfield Penrith Planning Proposal be received.
2. Council publicly exhibits the Letter of Offer in Appendix 1, in conjunction with the planning proposal, and in accordance with the community consultation requirements in the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2021* and *Penrith Developer Infrastructure Agreements Policy*.
3. A further report be presented to Council following the public exhibition of the planning proposal.
4. That delegation be provided to the General Manager to negotiate and finalise the terms of a draft VPA, consistent with the Letter of Offer.
5. Council endorse the draft VPA for public notification, as prepared under the delegation of the General Manager.
6. A further report be prepared for Council following public notification of the draft VPA, if submissions that relate directly to specific matters negotiated for the VPA are received and/or amendments to the draft VPA are proposed that change the nature and terms of the draft VPA.
7. Council endorses the draft VPA for execution, where no submissions are received or submissions received do not relate to specific matters negotiated in the draft VPA.
8. If the draft VPA is to be executed, Council authorise the General Manager to finalise and sign the VPA and make minor amendments where necessary (e.g. typographic errors, incorrect clause references, dates, and the like).
9. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

ATTACHMENTS/APPENDICES

- | | | |
|--|---------|----------|
| 1. VPA Letter of Offer for Westfield Penrith | 6 Pages | Appendix |
| 2. Location of Land and Proposed Towers on Block A and Block B | 1 Page | Appendix |
| 3. Gateway Determination for PP-2025-1540 | 2 Pages | Appendix |

SCENTRE GROUP

29 May 2025

Penrith City Council
PO Box 60
Penrith NSW 2751

Attention: Christine Gough

RE: Draft VPA Offer Letter to support Planning Proposal for 569-595 High Street, Penrith - Westfield Penrith

Dear Christine,

Scentre Management Limited, RE1 Limited and GPT RE Limited (the Proponent) are proposing this Letter of Offer to enter into a Planning Agreement with Penrith City Council under Section 7.4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and in connection with the above Planning Proposal that was endorsed by Council to proceed to Gateway at its meeting held on 29 May 2023.

1. Requirements under Section 7.4 of the EP&A Act

This Letter of Offer (the Offer) has been structured to address the requirements under s7.4 of the *Environmental Planning and Assessment Act 1979*, as set out below:

S7.4(3)(a) a description of the land to which the agreement applies.

The offer relates to land known as Westfield Penrith and comprises land known as Lot 1 DP1137699 and shown on the Site Plan at Figure 1 below.

Figure 1: Site Plan



Scentre Pty Limited
ABN 95 000 317 279

Level 30, 85 Castlereagh Street, Sydney NSW 2000 Australia
GPO Box 4004, Sydney NSW 2001 Australia

scentregroup.com

SCENTRE GROUP

S7.4(3)(b) a description of –

- (i) the change to the environmental planning instrument to which the agreement applies, or
- (ii) the development to which the agreement applies

The objective of the Planning Proposal is to facilitate the redevelopment of the eastern portion of Westfield Penrith located at 569-585 High Street, Penrith for a mixed-use commercial and hotel development comprising two towers above a podium. The future redevelopment may include the provision for:

- Employment activities including:
 - Entertainment and leisure;
 - Commercial office;
 - Visitor accommodation;
 - Retail; &
 - Other uses as permitted within the zoning
- Landscaping and public domain upgrades

To achieve this outcome, it is intended to amend PLEP 2010 as follows:

- Height of Building (**HOB**) – retain a maximum HOB of 20m for the site, except for the location of the two building footprints (towers), where the height will be increased to 84m (Block A – The Hub) and 47m (Block B – Borec House), as illustrated in the proposed HOB map.
- Floor Space Ratio (**FSR**) – retain the existing FSR of 1.5:1 for the site, except for the location of the two building footprints (towers) which have no maximum FSR as illustrated in the proposed FSR map.
- Introduce a site-specific clause under Part 7 of the PLEP 2010 setting out the objectives for development on Block A and Block B at 569-595 High Street, Penrith, as well as specific Gross Floor Area (GFA) controls.

S7.4(3)(c) the nature and extent of the provision to be made by the developer under the agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made

The proposed Planning Agreement relates to future development that relies on the Planning Proposal, if the Planning Proposal is Gazetted in its current form.

The timing of the provision and manner by which the provision is to be made is summarised in **Table 1** below.

S7.4(3)(d) in the case of development, whether the agreement excludes (wholly or in part) or does not exclude the application of section 7.11, 7.12 or 7.24 to the development.

The Planning Agreement does not have the effect of excluding sections 7.11, 7.12 or 7.24 of the Environmental Planning and Assessment Act 1979.

S7.4(3)(e) if the agreement does not exclude the application of s7.11 to the development, whether the benefits under the agreement are or are not to be taken into consideration in determining a development contribution until section 7.11

Any benefits under this agreement are not to be taken into account in determining the section 7.11 development contributions for future development applications.

S7.4(3)(f) a mechanism for the resolution of disputes under the agreement

The proposed Planning Agreement will include a suitable Dispute Resolution clause generally in accordance with Council's VPA template provided at **Appendix D** of the 'Penrith Development Agreements Policy' (November 2024).

S7.4(3)(g) the enforcement of the agreement by a suitable means, such as the provision of a bond or guarantee, in the event of a breach of the agreement by the developer.

It is intended that the Planning Agreement be registered on the title to the land and it is considered such registration would constitute suitable means of enforcement for the purposes of section 7.4(3)(g) of the Act.

In addition, as per Council's VPA template, the Proponent will provide to the Council a Security (by means of a Bank Guarantee, Bond or cash deposit) prior to issue of a relevant construction certificate.

2. Risks

The risk associated with this Offer relates to environmental impacts including traffic impacts on the surrounding network that may result from the future development on Block A and Block B enabled by the proposed PLEP 2010 amendment.

To mitigate the impacts associated with the future development on Block A and Block B that are enabled by the proposed PLEP 2010 amendment, the Offer sets out the terms for a monetary contribution that Council can use towards traffic improvement works on the surrounding road network.

3. The Offer

The Planning Agreement establishes a contribution rate for hotel floorspace. The contribution for hotel floorspace shall be levied as per Table 1.

The Planning Agreement will apply to any development that increases the gross floor area on Block A and Block B, as identified in Figure 1. Contributions credits will be applied to existing floor space. Monetary contributions for all other development types shall be calculated as per the contribution plan which applies at the time of payment of the contribution.

The final Planning Agreement is to be agreed and executed prior to the Gazettal of the Planning Proposal. The terms of the final Planning Agreement will be subject to review and if necessary, amendment in a form satisfactory to all parties in the event that the scope of the Planning Proposal alters prior to Gazettal.

Table 1: Monetary Contribution for Hotel Floorspace

<u>Application</u>	<u>Rate</u>	<u>Timing</u>
Hotel floorspace located on Block A and Block B, as identified in Figure 1	As per the rate for 'Commercial office' in the Penrith Civic Improvements Plan 2008 (to be indexed at the time of payment). If at the time of payment of the contribution for hotel floorspace, an applicable contribution rate or contribution plan applies, then the applicable contribution rate or plan will be applied.	At relevant Construction Certificate and at pro-rata rate if development is staged.

I look forward to progressing the finalisation of this Offer with Council so that planning for this exciting development can continue in collaboration with Council.

In accordance with the Penrith Developer Infrastructure Agreements Policy, the letter provides information on:

- Land affected by the agreement (see above)
- Parties to the agreement and where necessary, authority to act on behalf of other parties:
 - Scentre Management Limited ACN 001 670 579
 - RE1 Limited ACN 145 743 862
 - GPT RE Limited ACN 107 426 504
- The Planning Proposal to which the VPA relates (see above)
- Written consent of all owners of land affected by the agreement (will be provided under separate cover in the coming weeks)
- All matters referred to in s7.4 of the EP&A Act (see above).

Yours sincerely,



Jamie Gordon
General Manager - Development
Scentre Group Development & Asset Management

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SCENTRE GROUP

29 May 2025

Christine Gough
 Penrith City Council
 601 High St
 Penrith NSW 2750

Dear Christine,

Westfield Penrith – VPO Offer to support Planning Proposal

This letter confirms that Scentre Management Limited ACN 001 670 579 as responsible entity of the Scentre Group Trust 1, RE1 Limited ACN 145 743 862 as responsible entity of the Scentre Group Trust 2 and GPT RE Limited ACN 107 426 504 as responsible entity of General Property Trust, (“the Owners”), being the owners (within the meaning of that term under the Environmental Planning and Assessment Regulation Act 1979) of Westfield Penrith (“the Property”) hereby authorise the attached VPA Offer Letter dated 29 May 2025 to be submitted by Scentre Group to Penrith City Council.

Yours faithfully,

SIGNED by SCENTRE MANAGEMENT)
 LIMITED ACN 001 670 579 by its undersigned)
 attorneys who each declare that he has)
 received no notice of revocation of the Power)
 of Attorney dated 26 September 2023 under)
 which this document is signed)



Signature of Attorney A

Name of Attorney A



Signature of Attorney B

Mark Burton

Name of Attorney B

DocuSign Envelope ID: 47E3EBFE-D376-434F-BB99-8B4FD8A5733D

SCENTRE GROUP

SIGNED by RE1 LIMITED ACN 145 743 862)
 by its undersigned attorneys who each)
 declare that he has received no notice of)
 revocation of the Power of Attorney dated)
 26 September 2023 under which this)
 document is signed)

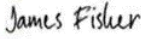

 Signature of Attorney A

Name of Attorney A

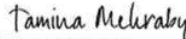

 Signature of Attorney B

Mark Burton
 Name of Attorney B

SIGNED by GPT RE LIMITED ACN 107 426 504)
 by its undersigned attorneys who each declare)
 that he has received no notice of revocation of)
 the Power of Attorney dated 12/10/2022)
 under which this document is signed)

Signed by:

 0004885C9090433
 Signature of Attorney

James Fisher
 Name of Attorney

Signed by:

 EB87C9344E7C470
 Signature of Attorney

Tamina Mehraby
 Name of Attorney

Appendix 2: Westfield Penrith Land and Location of Proposed Towers on Block A and Block B





Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2025-1540): The planning proposal seeks to amend the Height of Building control, amend floor space controls and insert site-specific provisions, within the Penrith LEP 2010, to enable the development of part of Westfield Penrith.

I, the Director, Local Planning and Council Support at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Penrith Local Environmental Plan 2010 to Height of Building control, amend floor space controls and insert site-specific provisions for parts of Lot 1 DP 1137699, 569-595 High Street, Penrith (Westfield Penrith) should proceed subject to the following:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 29 May 2026.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be updated, and forwarded to the Minister under s 3.34(6) of the Act, 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 references to the Director-General from the site-specific clause, or alternatively 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, including the *Guide to exclusions from clause 4.6 of the Standard Instrument*; and
 - Provide an updated timeframe.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:

- (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - Transport for NSW
 - Sydney Trains
 - NSW State Emergency Service
 - NSW Reconstruction Authority
 - Heritage NSW.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal (where possible) and given at least 30 working days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 12 September 2025



Tina Chappell
Director Local Planning and Council
Support
Central, West and South
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces

PP-2025-1540 (IRF25/1862)

Councillor Sabbie Kaur
Councillor John Thain
Councillor Reece Nuttall
Councillor Garion Thain
Councillor Glenn Gardiner
Councillor Vanessa Pollak
Councillor Faithe Skinner
Councillor Ross Fowler OAM
Councillor Edwin Mifsud

5 Land Transfer for Local Open Space within Jordan Springs East (Central Precinct)

286 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Reece Nuttall

That:

1. The information contained in the report on Land Transfer for Local Open Space within Jordan Springs East (Central Precinct) be received.
2. Council agrees to the transfer of land and hand over / dedication of landscaping works in accordance with Development Consent Number 16/104.

6 Australian Government Black Spot Program 2026/27 and 2026/27 - 2028/29 Towards Zero Safer Roads Program (TZSRP) Funding Nominations

287 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Reece Nuttall

That:

1. The information contained in the report on Australian Government Black Spot Program 2026/27 and 2026/27 - 2028/29 Towards Zero Safer Roads Program (TZSRP) Funding Nominations be received.
2. Council provide in-principle support for the Jordan Springs High Pedestrian Activity Area project to be included for application to Transport for NSW under the HPAA Sub-Program.
3. Funding applications be made to Transport for NSW for the six (6) projects listed in Table 1 of this report.

7 Letter of Offer for a Voluntary Planning Agreement - Westfield Penrith Planning Proposal

288 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Garion Thain

That:

1. The information contained in the report on Letter of Offer for a Voluntary Planning Agreement - Westfield Penrith Planning Proposal be received.
2. Council publicly exhibits the Letter of Offer in Appendix 1, in conjunction with the planning proposal, and in accordance with the community consultation requirements in the *Environmental Planning and Assessment*

Act 1979, Environmental Planning and Assessment Regulation 2021 and Penrith Developer Infrastructure Agreements Policy.

3. A further report be presented to Council following the public exhibition of the planning proposal.
4. That delegation be provided to the General Manager to negotiate and finalise the terms of a draft VPA, consistent with the Letter of Offer.
5. Council endorse the draft VPA for public notification, as prepared under the delegation of the General Manager.
6. A further report be prepared for Council following public notification of the draft VPA, if submissions that relate directly to specific matters negotiated for the VPA are received and/or amendments to the draft VPA are proposed that change the nature and terms of the draft VPA.
7. Council endorses the draft VPA for execution, where no submissions are received or submissions received do not relate to specific matters negotiated in the draft VPA.
8. If the draft VPA is to be executed, Council authorise the General Manager to finalise and sign the VPA and make minor amendments where necessary (e.g. typographic errors, incorrect clause references, dates, and the like).
9. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Against

Councillor Todd Carney
Councillor Kirstie Boerst
Councillor Robin Cook
Councillor Sue Day
Councillor Sabbie Kaur
Councillor John Thain
Councillor Reece Nuttall
Councillor Garion Thain
Councillor Glenn Gardiner
Councillor Vanessa Pollak
Councillor Faithe Skinner
Councillor Ross Fowler OAM
Councillor Edwin Mifsud

8 Draft Voluntary Planning Agreement - 262 Caddens Road Claremont Meadows (DA22/0835)

289 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Reece Nuttall

That: