

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development modification
Application number and project name	SSD-78665709-Mod-1 Modification 1 to alterations and additions to an approved mixed-use development to include in-fill affordable housing at 160-172 Lord Sheffield Circuit, Penrith.
Applicant	UPG LORD SHEFFIELD 162 PTY LTD
Consent Authority	Minister for Planning and Public Spaces

Decision

The Team Leader of Affordable Housing Assessments under delegation from the Minister for Planning and Public Spaces has, under 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to the recommended conditions.

A copy of the instrument of modification and conditions are available [here](#).

A copy of the Department of Planning, Housing and Infrastructure's assessment report is available [here](#).

Date of decision

16 June 2026

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted with the modification application during the assessment and information considered in the Department's assessment report;
- the findings and recommendations in the Department's assessment report;
- the submissions made concerning the modification; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's assessment report were accepted and adopted as the reasons for making this decision.

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- the modification would provide a range of benefits for the region and the State as a whole;
- the modification is permissible with consent, and is consistent with NSW Government policies;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent. Engagement on the project is considered to be in line with the *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines; and
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 27 March 2026 until 9 April 2026 (14 days) and received two (2) submissions, one was in support and the other was comments by Penrith City Council.

The key issues raised by the community (including in submissions) and considered in the Department's assessment report and by the decision maker include design excellence, parking and access, and waste management. Other issues are addressed in detail in the Department's assessment report.

<i>Issue</i>	<i>Consideration</i>
Design Excellence the modification should be reviewed by the SDRP to confirm the proposal retains the potential to achieve design excellence.	Assessment - The Department has reviewed the modification through sending a referral to the Government Architect (GA) NSW. - GA considers that the proposed amendments are minor design refinements arising from detailed design coordination and to not need to be reviewed by the State DRP (SDRP). - The key public domain interfaces, façades, material palette, and overall architectural design remain consistent with the approval. The building envelope including the roof features and parapet propose minor changes but remain unchanged from the public domain. Conditions No changes are recommended to the conditions.
Parking and Access car parking allocation, separate areas for commercial staff and residential visitors and safety issues.	Assessment - The Applicant responded to these issues through amended plans including lowering the planter boxes to 900 mm to improve sightlines, relocation of storage cages and accessible spaces near the lifts and additional swept paths. - The Department has reviewed the amended plans and is satisfied that the modification addresses Council's concerns, improve the accessibility in the basement and the surrounding traffic conditions will remain relatively unchanged with an additional one car space located on site. The development was approved with six car spaces under the minimum parking rates provided in the Housing SEPP so the modified development is five spaces less than the minimum rates, which is considered acceptable in the context of the site's location immediately adjacent to Penrith railway station. Conditions Conditions include updating conditions A1, A7 and B9.
Waste Management - chute room configuration and clearances on Basement Levels 1 and 2. - practical bins routes in the loading bay due to the location of pillars within the loading bay. - management of pedestrian access to the loading bay.	Assessment - Applicant's Waste Consultant responded to Council's 900 mm clearances, which is specific to Council, stating that design has been confirmed by the Design Consultant that this requirement is not needed for the current configuration (i.e. 900 mm clearance around the perimeter of the track systems) and will remain unchanged with the previous scheme. - The Applicant submitted swept turning path diagrams of Council's 10.5 m long waste truck, confirming it can enter/exit in a forward direction with sufficient clearances at all times. The building manager will coordinate collection schedules, loading dock access for all service vehicles and manage any conflicts between commercial staff, waste management vehicles. - The Department is satisfied that the amended waste management across Basement Levels 1 and 2 and the Ground Level will continue to provide sufficient waste storage space and operate in accordance with the approved conditions for the site. Conditions Conditions include updating conditions A1 and A7.