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