

Gateway Determination

Planning proposal (Department Ref: PP-2024-280): The planning proposal seeks to amend clause 8.2 of the Penrith LEP 2010 to exclude Key Sites 3 & 10 from the overshadowing provision, in order to achieve strategic density uplift as anticipated by Penrith LEP 2010 clause 8.7.

I, the Acting Executive 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 amend sun access provisions in Clause 8.2 to exempt 614-638 High Street Penrith (Key Site 10) and 87-93 Union Road Penrith (Key Site 3 & Key Site 10) should proceed subject to the following:

1. Prior to public exhibition, the planning proposal is to be updated as follows:
 - a. Make relevant updates to ensure the planning proposal document is written in plain English, clearly and succinctly explains the proposed provisions, and aligns with the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023).
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, Housing and Infrastructure, 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:
 - Penrith City Council
 - Jemena

Each public authority and government agency is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal 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 EP&A Act. This does not discharge the planning proposal authority from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. Given the nature of the proposal, Penrith City Council is not authorised to be Planning Proposal Authority (PPA).
6. Given the nature of the proposal, the Sydney Western City Planning Panel is not authorised to be the local plan-making authority.
7. The timeframe for the LEP to be completed is on or before 17 April 2026.

Dated 10th July 2025



Daniel Thompson
A/ Executive Director
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces