

Mr Andrew Moore
General Manager
Penrith City Council
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Via e-mail: peter.failes@penrith.city
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12 September 2025

Subject: PP-2025-1540 to amend Penrith Local Environmental Plan 2010 – Westfield Penrith

Dear Mr Moore

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) on 12 August 2025 in respect of the planning proposal (PP-2025-1540) to amend the Height of Building Control, amend floor space controls and insert site-specific provisions within the Penrith LEP 2010 in relation to Lot 1 DP 1137699, 569-595 High Street, Penrith (Westfield Penrith).

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act, 1.4 Site Specific Provisions, is justified in accordance with the terms of the Direction.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act 1.4A Exclusion of Development Standards from Variation and 4.1 Flooding. Council should ensure this occurs prior to the LEP being made.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 29 May 2026. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning, Housing and Infrastructure.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Chris Faley to assist you. Mr Faley can be contacted on (02) 5778 1404.

Yours sincerely



Tina Chappell
Director, Local Planning and Council Support
(Central, West and South)

Encl: Gateway determination