



Mr Alan Stoneham
General Manager
Penrith City Council
PO Box 60
Penrith NSW 2751

16/01924

Dear Mr Stoneham

**Planning proposal to amend the Penrith Local Environmental Plan 2010 –
PP_2016_PENRI_001_00 – to permit a service station as an additional permitted
use at 61-73 Christie Street, St Marys**

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* for the above planning proposal.

As delegate for the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Plan making powers were delegated to Councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

I have determined that the inconsistencies with Section 117 Directions 4.3 – Flood Prone Land and 6.3 – Site Specific Provisions are of minor significance. No further work is required to address these matters. The consistency of the planning proposal with Section 117 Direction 4.4 – Planning for Bushfire Protection should be further considered following consultation with the relevant public authorities.

Council is to advise the Metropolitan Region (Parramatta) team if an inconsistency with a Direction requires the Secretary's approval, or if a change to the planning proposal is required as a result of this consultation. This will need to occur prior to finalising the Plan.

The Gateway determination required that the planning proposal be made publicly available for a period of 28 days.

The amendment Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence exhibition of the planning proposal as soon as possible. Council's request to

draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under s54(2)(d) of the EP&A Act if the timeframes are not met.

If you have any queries in regards to this mater, please contact Tessa Parmeter, of the Metropolitan (Parramatta) office of the Department of Planning and Environment on 9860 1555.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'RCumming'.

5/2/2016

Rachel Cumming
Director
Metropolitan Region (Parramatta)
Planning Services



Gateway Determination

Planning Proposal (Department Ref: PP_2016_PENRI_001_00): to amend Penrith Local Environmental Plan 2010 to permit a service station as an additional permitted use at 61-73 Christie Street, St Marys.

I, the Director, Metropolitan Region (Parramatta), as delegate of the Greater Sydney Commission, have determined under section 56(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act) that an amendment to the Penrith Local Environmental Plan 2010 should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to consult with the NSW Rural Fire Service and give consideration to the provision of Section 117 Direction 4.4 – Planning for Bushfire Protection to demonstrate consistency with the direction.
2. Consultation with required under section 56(2)(d) of the EP&A Act with Transport for NSW - Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) The planning proposal must be made publicly available for a minimum of 28 days, and
 - (b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for materials that must be made publicly available along with the planning proposals as identified in Section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning and Infrastructure 2013).
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 5th day of February 2016

**Rachel Cumming
Director
Metropolitan Region (Parramatta)**

**As Delegate of the Greater Sydney
Commission**