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Our ref: PP_2011_BLACK_006_00 (11/16794)
Your ref: RZ-11-360

Mr Ron Moore
General Manager
Blacktown City Council
PO Box 63
BLACKTOWN NSW 2148

Dear Mr Moore,

Re: Planning Proposal to amend Clause 31 of Blacktown Local Environmental Plan 1988 to extend the number of trading days for Parklea Markets to include Fridays as an extra trading day

I am writing in response to your Council's letter dated 8 September 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend Clause 31 of the Blacktown Local Environmental Plan 1988 by amending the definition of "week-end market" to extend the number of trading days for Parklea Markets to include Fridays as an extra trading day.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is noted that the subject planning proposal is one of a number of proposals currently being progressed for the Parklea Market site. Council is to include additional information either as part of the planning proposal or accompanying it, that considers the cumulative impacts of all proposals for the subject site. The additional information should include a background summary of the recent applications and planning proposals considered by Council and the Department and the potential cumulative impacts of the proposed activities on surrounding land uses and the traffic network, to ensure the community are clearly informed of the current proposal in light of the two preceding planning proposals.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to this Direction. However, Council is encouraged to consider at an early stage how it intends to control and guide future development of the land through an appropriate zone under its Standard Instrument Local Environmental Plan.

The amending 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 the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Amar Saini of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,



Neil McGaffin 7.10.11
A/Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_BLACK_006_00): to amend Clause 31 of Blacktown Local Environmental Plan 1988 to extend the number of trading days for Parklea Markets to include Friday as an extra trading day.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to Clause 31 of the Blacktown Local Environmental Plan 1988 to extend the number of trading days for Parklea Markets to include Friday as an extra trading day should proceed subject to the following conditions:

1. Council is to consult the Roads and Traffic Authority and the NSW Department of Transport regarding the potential cumulative impacts of the proposed activities on the traffic and public transport networks. Consultation with these agencies is to occur prior to the commencement of public exhibition, and Council is to amend the planning proposal accordingly to reflect the comments and views of the public authorities and submit the proposal to the regional team for concurrence.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning 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 section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Transport NSW
 - Road and Traffic Authority

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 prior to the commencement of public exhibition. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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 7th day of October 2011.



Neil McGaffin
A/Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure