



Planning & Environment

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Mr Kerry Robinson
General Manager
Blacktown City Council
PO Box 63
BLACKTOWN NSW 2148

Our ref: PP_2014_BLACK_004_00 (14/11251)
Your ref: RZ-13-1834

Attention: Agnes Brejzek

Dear Mr Robinson,

Planning proposal to amend Draft Blacktown LEP 1988 (Amendment No 243)

I am writing in response to Council's letter dated 23rd June 2014 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 rezone and reclassify three sites in Rooty Hill.

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

I note the draft Blacktown Principal Local Environmental Plan 2014 is on track for finalisation by December 2014. To ensure the proposal can progress regardless of the timing of the Principal Plan, Council is to exhibit the planning proposal as both an amendment to the Blacktown Local Environmental Plan 2014 and as an amendment to the Blacktown LEP 1988. The planning proposal is also to include an explanation as to the relationship of the two draft plans.

I have also agreed the planning proposal's inconsistencies with Section 117 Directions 1.1 Business and Industrial Zones, 3.1 Residential Zones and 4.3 Flood Prone Land are of minor significance. In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction and creation of land for public purposes. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made 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 section 54(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 Metropolitan Delivery (Parramatta) office of the Department on 02 9860 1130.

Yours sincerely

11/9/2014

Rachel Cumming
Director, Metropolitan Delivery (Parramatta)
Housing, Growth and Economics



Gateway Determination

Planning proposal (Department Ref: PP_2014_BLACK_004_00): to amend draft Blacktown Local Environmental Plan 1988 to rezone and reclassify three sites in Rooty Hill to facilitate opportunities for the practical co-location of public open space.

I, the Director, Metropolitan Delivery (Parramatta), at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act, that an amendment to the draft Blacktown Local Environmental Plan 1988 (Amendment No 243) for rezoning and reclassification of three sites in Rooty Hill within Blacktown Local Government Area, should proceed subject to the following conditions:

1. Before the planning proposal is placed on exhibition, Council is to:
 - a. amend the planning proposal to correctly identify land details involved in the planning proposal (by including Lot 100 DP 1061593); and
 - b. ensure that the planning proposal satisfies the requirements of State *Environmental Planning Policy No 55 -Remediation of Land*. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
2. Council is to exhibit the proposal as both an amendment to the Blacktown LEP 1988 and as an amendment to the draft Blacktown Principal LEP 2014. The planning proposal is also to include an explanation as to the relationship of the proposal and Council's draft Principal LEP.
3. The Secretary's delegate pursuant to:
 - item (5) (d) of section 117(2) Direction - 1.1 Business Zones agrees that the inconsistency in this instance is of minor nature;
 - item (6)(d) of section 117 (2) Direction – 3.1 Residential Zones agrees that reduction of dwelling density in this instance is of a minor nature;
 - item (9)(b) of section 117 (2) Direction – 4.3 Flood Prone Land agrees that the provisions of the planning proposal that are inconsistent are of minor significance; and
 - item (4) of the Section 117(2) Direction – 6.2 Reserving Land for Public Purposes, endorses the rezoning of Lot 101 DP 771563 (Gardner Street, Rooty Hill), Lot 1 DP 135796 (No 962 Great Western Highway, Rooty Hill), Lot 2 DP 135796 (Great Western Highway, Rooty Hill), Lot 3 DP 771563 (950 Great Western Highway, Rooty Hill), Crown Land Plan 13069-1603 (Corner Burns Close and Great Western Highway) from 6(a) Public Recreation to 2(a) Residential.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Office of Environment and Heritage
 - Transport for NSW – Road and Maritime Services
 - Sydney Water



Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. The planning proposal is exhibited for 14 days.
6. 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. However, a public hearing is required to be held into this matter in accordance with the Department's practice note PN009-003, as the planning proposal involves reclassification including Council owned land from community to operational; and
7. The timeframe for completing the Local Environmental Plan is to be 6 months from the week following the date of the Gateway determination.

Dated 11th day of September 2014.

Rachel Cumming
Director, Metropolitan Delivery (Parramatta)
Housing, Growth and Economics

Delegate of the Minister for Planning