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Department Generated Correspondence (Y)

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Our ref: PP_2011_BLACK_004_00 (11/11696)
Your ref: 11/11696

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

Dear Mr Moore,

Re: Planning Proposal to amend Clause 46 of the Blacktown Local Environmental Plan 1988 to permit the development of a new service centre on Sunnyholt Road and additional restaurant facilities in the existing service centre on Old Windsor Road

I am writing in response to your Council's letter dated 29 June 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 the Blacktown Local Environmental Plan 1988 to amend Clause 46 of the Blacktown Local Environmental Plan 1988 to permit the development of a new service centre on Sunnyholt Road and additional restaurant facilities in the existing service centre on Old Windsor Road.

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.

With the implementation of the Standard Instrument LEP, the Department's preference is for matters of land use permissibility to be addressed via the land use tables of an LEP and not via specific 'enabling clauses' as is the approach in this case. In this instance however the Department is of the view that the approach provided for in the planning proposal is the most appropriate way to progress this matter in a timely manner. However, as Council moves towards preparing its Standard Instrument LEP, it is recommended that an appropriate land use zone be identified for this site and that other matters associated with the site's development be addressed via Council's DCP. Council is encouraged to work with the Department's Regional Planning Team to identify an appropriate zone to progress this matter in the future.

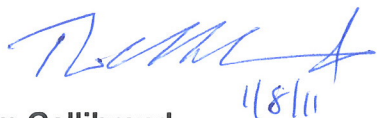
Council's concerns in relation to the potential traffic implications associated with the future development of this site are noted. However in this case, the Department considers that this issue is best addressed as part of Council's assessment of any future Development Application for the site.

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 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 Gilead Chen of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_BLACK_004_00): to amend Clause 46 of the Blacktown Local Environmental Plan 1988 to permit the development of a new service centre on Sunnyholt Road and additional restaurant facilities in the existing service centre on Old Windsor Road.

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 the Blacktown Local Environmental Plan 1998 to amend Clause 46 of the Blacktown Local Environmental Plan 1988 to permit the development of a new service centre on Sunnyholt Road and additional restaurant facilities in the existing service centre on Old Windsor Road should proceed subject to the following conditions:

1. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 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)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Roads 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, 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. 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).
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 1st day of August 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure