



Contact: Gilead Chen
Phone: (02) 9873 8500
Fax: (02) (02) 9873 8599
Email: Gilead.Chen@planning.nsw.gov.au
Postal: Locked Bag 5020, Parramatta NSW 2124

Our ref: PP_2011_BLACK_007_00 (11/21234)
Your ref: RZ-11-1249

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

Dear Mr Moore,

Re: Planning Proposal to rezone a number of lots at Riverbank Drive and The Ponds Boulevard, The Ponds and delete Clause 20(c)(3) under Blacktown LEP 1988

I am writing in response to your Council's letter dated 14 November 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 delete Clause 20(c)(3) of the LEP and rezone:

- Lot 1071 DP 1119679 from 3(a) General Business to 5(a) Special Uses;
- Lot 1074 DP 1119679 from 5(a) Special Uses to 3(a) General Business; and
- Part of Lot 1075 DP 1119679 from 2(a) Residential to 3(a) General Business.

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 planning proposal refers to lot boundaries being 'realigned' on the subject site. The Department believes that this does not provide a true indication of the objectives and desired outcomes of the planning proposal nor does it reflect the actual extent of amendments being made. Instead, the planning proposal should be amended to refer to changing the zoning of the subject land.

In addition, the planning proposal should be amended to provide details of additional retail floor space being provided as an outcome of the planning proposal proceeding. Council should also amend the terminology used in relation to the retail component of the proposal from 'adjusting' the amount of floor space to 'changing' the amount of retail floor space. The Department believes that these changes better reflect the objectives and overall intent of the planning proposal.

Council is to provide a copy of the proposed exhibition material containing the above amendments to the Department's Regional Planning Team.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 3.1 Residential Zones are of minor significance. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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_007_00): to rezone a number of lots at Riverbank Drive and The Ponds Boulevard, The Ponds and delete Clause 20(c)(3) under Blacktown LEP 1988.

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 LEP 1988 to delete Clause 20(c)(3) of the LEP and rezone:

- Lot 1071 DP 1119679 from 3(a) General Business to 5(a) Special Uses;
- Lot 1074 DP 1119679 from 5(a) Special Uses to 3(a) General Business; and
- Part of Lot 1075 DP 1119679 from 2(a) Residential to 3(a) General Business.

should proceed subject to the following conditions:

1. Council is revise the planning proposal as follows:
 - a. Provide a more detailed explanation of the objectives of the planning proposal which include providing additional retail floor space on the subject site;
 - b. Replace terminology in the planning proposal relating to the retail component from 'adjusting' the amount of floor space to 'changing' the amount of retail floor space;
 - c. Provide additional information relating to the increase in retail area that will be provided as a result of the proposed zone amendments;
 - d. Replace terminology in the planning proposal relating to zoning from 'realigning' zone boundaries to 'changing' the zoning of the subject sites;
 - e. Update mapping to clearly identify the site subject to the planning proposal, proposed zone changes, and property descriptions.
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 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)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Roads and Traffic Authority (RTA)

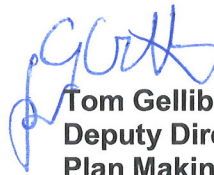
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may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

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 **9 months** from the week following the date of the Gateway determination.

Dated

21 day of 12

2011.



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