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Our ref: PP_2012_BLACK_004_00 (12/14033)
Your ref: RZ-12-466

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

Dear Mr Moore,

Planning proposal to amend Blacktown Local Environmental Plan 1988

I am writing in response to your Council's letter dated 17 August 2012 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 (LEP) 1988 to facilitate an amendment to State Environmental Planning Policy (Western Sydney Employment Area) 2009 to permit the development of a Bunnings Warehouse at Reservoir Road, Huntingwood.

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.

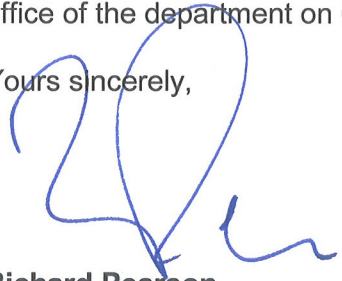
The Department supports Council's intended outcome to permit the development of a Bunnings Warehouse on the subject land. However, the Department does not generally support the inclusion of items as 'additional permitted uses' preferring instead to deal with issues around zoning and land use permissibility in the Land Use Tables of a Council's LEP. Therefore, an additional permitted use in this instance is not supported. Council is to progress the matter by including the IN2 Light Industrial zone in the SEPP and rezoning the site to IN2. Alternatively, Council should consider adding 'hardware and building supplies' and 'garden centre' as permissible uses in the IN1 General Industrial zones. Council is to amend the planning proposal accordingly, prior to the commencement of public exhibition.

The amending 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 as soon as possible following agency consultation. 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 NSW 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 9860 1560.

Yours sincerely,


Richard Pearson
A/Director-General

2/10/12

Gateway Determination

Planning proposal (Department Ref: PP_2012_BLACK_004_00): to amend Blacktown Local Environmental Plan 1988 to facilitate an amendment to State Environmental Planning Policy (Western Sydney Employment Area) to permit the development of a Bunnings Warehouse.

I, the Director-General, Department of Planning and Infrastructure 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 facilitate an amendment to Schedule 1 Additional Permitted Uses of State Environmental Planning Policy (Western Sydney Employment Lands)(SEPP WSEA) 2009 to permit 'hardware and building supplies' and 'garden centre' as additional permitted uses on lot 101, DP 1166084, 183 Reservoir Road, Huntingwood should proceed subject to the following conditions:

1. The inclusion of 'hardware and building supplies' and 'garden centre' as additional permitted uses is not supported in this instance. Council is to either introduce the IN2 Light Industrial zone to the SEPP and zone the site IN2, or include 'hardware and building supplies' and 'garden centre' as permissible uses with consent in the IN1 General Industrial zone.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to include maps consistent with the desired zoning chosen by Council. These maps should be placed on public exhibition with the planning proposal.
3. 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)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - 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.

5. 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).

6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

2

day of

October

2012.



Richard Pearson
A/Director-General
Delegate of the Minister for Planning and
Infrastructure