

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

Dear Mr Robinson

Planning proposal PP_2018_BLACK_009_00 to amend Blacktown Local Environmental Plan 2015

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979 (the Act)* in respect of the planning proposal to expand St Bartholomew's Cemetery in Prospect, by rezoning land from RE1 - Public Recreation, RU4 - Primary Production Small Lots, and SP2 - Classified Road to SP1 - Cemetery, reclassifying part of the subject land from 'community land' to 'operational land' and make corresponding changes to the Land Reservation Acquisition Map and Lot Size Map.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands and 4.3 Flood Prone Land is justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made eight 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Cho Cho Myint to assist you. Ms Myint can be contacted on 9860 1507.

Yours sincerely

 15 February 2019
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2018_BLACK_009_00): seeks to amend Blacktown Local Environmental Plan 2015 to expand the St Bartholomew Cemetery in Prospect by rezoning land to the east of the cemetery, from RE1 - Public Recreation, RU4 - Primary Production Small Lots, and SP2 – Classified Road to SP1 – Cemetery, reclassifying part of the subject land from 'community land' to 'operational land' and make corresponding changes to the Land Reservation Acquisition Map and Lot Size Map.

I, the Executive Director, Regions, at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Blacktown Local Environmental Plan (LEP) (2015) to expand the St Bartholomew Cemetery in Prospect by rezoning land to the east of the cemetery, from RE1 - Public Recreation, RU4 - Primary Production Small Lots, and SP2 – Classified Road to SP1 – Cemetery, reclassifying part of the subject land from 'community land' to 'operational land' and make corresponding changes to the Land Reservation Acquisition Map and Lot Size Map should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to update the planning proposal to:
 - (a) amend Part 2 'Intended Outcomes' and Part 3 'Explanation of Provisions' of the planning proposal so that it is consistent with the Department's "A guide to preparing planning proposals"; and
 - (b) clarify ownership details of two land parcels (Lots 1 & 2 DP456722).
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

3. Consultation is required with the following public authorities and organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Direction:
 - Roads and Maritime Services;
 - Office of Environment and Heritage;
 - Heritage Council;
 - Office of Strategic Lands;
 - Transport for NSW;
 - Sydney Water; and
 - relevant utility providers for phone, gas and electricity.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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 time frame for completing the LEP is to be **12 months** from the date of the Gateway determination.

Dated *15th* day of *February* 2019.



Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning