

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

Dear Mr Robinson

Planning proposal PP_2018_BLACK_006_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 rezone land at 150 and 162 Reservoir Road, Blacktown from R2 to RE1, identify sites in land acquisition mapping, and remove height of building and minimum lot size mapping from the sites.

As delegate of the Greater Sydney Commission, 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 Direction 3.1 Residential Zones, is justified in accordance with the terms of the Direction.

In relation to section 9.1 Direction 4.4 Planning for Bushfire Protection consultation with NSW Rural Fire Service is required, and the Gateway determination has been conditioned accordingly. Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of this Direction. Council should ensure this occurs prior to the plan being made.

I have considered Council's request not to be the local plan-making authority and agreed not to authorise local plan-making delegation to Council because Council has an interest in the subject sites, when they are acquired in the future.

The amending Local Environmental Plan (LEP) is to be finalised within **9 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 8 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 Greater Sydney Commission 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 Mr Michael Cividin to assist you. Mr Cividin can be contacted on 9860 1554.

Yours sincerely



Ann-Maree Carruthers
Director, Sydney Region West
Planning Services

27/9/18

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2018_BLACK_006_00): to amend Blacktown Local Environmental Plan 2015 by rezoning 150 and 162 Reservoir Road, Blacktown from R2 Low Density Residential to RE1 Public Recreation, identify the sites for acquisition, and remove height of building and minimum lot size controls for the sites consistent with Harpers Bush Reserve.

I, the Director, Sydney Region West at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, 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 rezone land at 150 and 162 Reservoir Road, Blacktown from R2 Low Density Residential to RE1 Public Recreation, identify sites for acquisition and remove height of building and minimum lot size controls on the sites, should proceed subject to the following conditions:

1. Prior to the finalisation of the plan, a contamination assessment of the land should be carried out in accordance with State Environmental Planning Policy No 55 Remediation of Land;
2. Community consultation is required under Sections 3.34(2)(c) and Schedule 1, Clause 4 of the *Environmental Planning and Assessment Act 1979* (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 of 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 NSW Rural Fire Service under section 3.34(2)(d) of the Act, prior to community consultation. The NSW Rural Fire Service 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;
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 authorisation to exercise delegation for local plan-making authority not be granted as Council has an interest in the land;



6. The time frame for completing the LEP is to be **9 months** from the date of the Gateway determination.

Dated 27th day of September 2018.

**Ann-Maree Carruthers
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission**