

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

Attention: Trevor Taylor

Dear Ms Robinson

Planning Proposal to amend Blacktown Local Environmental Plan 2015

I am writing in response to your Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) regarding various minor policy and housekeeping amendments to the *Blacktown Local Environmental Plan 2015*.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination. While the planning proposal is generally supported, the Gateway determination requires Council to make the following changes prior to placing it on public exhibition:

- 1) Remove Clause 7.14 Development in the B4 Mixed Use Zone, as this will duplicate existing heads of consideration under Section 79C of the Act. A further concern is that the proposed clause will create a subzone within the B4 zone. It is suggested that Council may seek to investigate the following to achieve the desired outcomes:
 - rezone certain land within the B4 zone to R4 High Density Residential; or
 - include a site specific amendment to Schedule 1 to permit residential flat buildings in the B4 zone,
- 2) Remove the proposed prohibition of 'Restaurant or café and Takeaway food and drink premises' in R4 High Density Residential land zone. Currently one of the objectives of the zone is to enable other land uses that provide facilities or services to meet the day to day needs of residents. These uses provide those additional facilities and services; and
- 3) Remove the proposed inclusion of Educational establishments as a permissible use in IN1 General Industrial and IN2 Light Industrial zone.

Plan making powers were delegated to council's in 2012. I have considered the nature of Council's planning proposal and I have decided to issue an authorisation for Council to exercise delegation to make the plan.

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. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsels' office six weeks prior to the projects publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 Commission may take action under s54(2)(d) of the Act if the timeframes outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Mr Daniel Gorgioski, of the Department's regional office on 9860 1538.

Yours sincerely

 20 October 2016
Stephen Murray
Executive Director, Regions
Planning Services

Delegate of the Greater Sydney Commission

Encl:
Gateway determination
Written authorisation to exercise delegation
Reporting template for delegated Local Environmental Plan amendments



Gateway Determination

Planning proposal (Department Ref: PP_2016_BLACK_005_00): to make various housekeeping amendments to the Blacktown Local Environment Plan 2015.

I, the Executive Director Regions, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Blacktown Local Environmental Plan (LEP) 2015* to make various minor policy and housekeeping amendments should proceed subject to the following conditions:

1. Prior to undertaking public exhibition Council is to amend the planning proposal to:
 - a) remove the proposed inclusion of Clause 7.14 Development in the B4 Mixed Use Zone;
 - b) remove the proposed prohibition of 'Restaurant or café and Takeaway food and drink premise' in R4 High Density Residential land zone; and
 - c) remove the proposed inclusion of Educational establishments as a permissible use in IN1 General Industrial and IN2 Light Industrial zone.
2. Community consultation is required under sections 56(2) and 57 of the 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 5.5.2 of the Department's 'A Guide to Preparing Local Environmental Plans'.
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 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 12 months from the week following the date of the Gateway determination.

Dated 23rd day of October 2016


Stephen Murray
Executive Director, Regions
Planning Services

Delegate of the Greater Sydney Commission



Written Authorisation to Exercise Delegation

Blacktown City Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_BLACK_005_00	Planning Proposal for minor policy and housekeeping amendments

In exercising the Commission's functions under section 59, the Council must comply with the Department of Planning and Environment's '*A Guide to Preparing Local Environmental Plans*' and '*A Guide to Preparing Planning Proposals*'.

Dated 28 October 2012


Stephen Murray
Executive Director, Regions
Planning Services

Delegate of the Greater Sydney Commission

Delegated plan making reporting template

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to Table 2 to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2016_BLACK_005_00
Date Sent to DP&E under s56	15 August 2016
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	28 October 2016

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: