



File no: F21/2152

19 May 2021

Ms Metcalfe
Acting Director, Central (Western)
NSW Department of Planning, Industry and Environment
GPO Box 39
Sydney NSW 2001

Dear Ms Metcalfe

Request for Gateway Determination - Housekeeping Amendment No.2 to Blacktown Local Environmental Plan 2015

We are seeking a Gateway Determination for a Planning Proposal to amend Blacktown Local Environmental Plan (LEP) 2015 under Section 3.34 of the Environmental Planning and Assessment Act 1979.

The Planning Proposal seeks to make minor housekeeping amendments to Blacktown LEP 2015 to clarify the minimum lot size clause and the subdivision of dual occupancy clause.

The Planning Proposal was prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning, Industry and Environment guidelines.

We request authority to utilise our delegated plan-making functions for this Planning Proposal. If granted Authorisation, the CEO will be exercising the delegated function.

The following documents are provided in support of the submission:

- Council report and resolution dated 28 April 2021
- Planning Proposal for Housekeeping Amendment No.2 to Blacktown LEP 2015
- Advice of Blacktown Local Planning Panel dated 12 March 2021

If you would like to discuss this matter further, please contact our Assistant Team Leader, Anita Riazifar on 9839 6387 or by email at anita.riazifar@blacktown.nsw.gov.au.

Yours faithfully

Trevor Taylor
Manager Development Policy and Regulation

Connect - Create - Celebrate

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Short Minutes: Ordinary Meeting**Meeting Date:** 28 April 2021**PD3.2****PD410014 - Housekeeping Amendment No. 2 to Blacktown Local Environmental Plan 2015**
F20/2152**MOTION** (Cr Collins/Cr Israel)

1. Endorse the draft Planning Proposal at attachment 1 and forward it to the NSW Department of Planning, Industry and Environment requesting a Gateway Determination.

AN ADDENDUM suggested by Cr Camilleri, seconded by Cr JG Diaz -

2. That in Clause 4.1C, the definition of a 'corner lot' be changed to 135 degrees.

COUNCIL DIVISION:

Supported: Cr JG Diaz, Cr JM Diaz, Cr Brillo and Cr Camilleri.

Against: Cr Bleasdale, Cr Quilkey, Cr Singh, Cr Griffiths, Cr Benjamin, Cr Collins,
Cr Israel and Cr Bunting.

Absent: Cr Gillies and Cr Santos.

THE ADDENDUM was, on being put to the meeting, declared **LOST**.**COUNCIL DIVISION:**Supported: Cr Bleasdale, Cr Quilkey, Cr Singh, Cr Griffiths, Cr Benjamin, Cr Collins,
Cr Israel and Cr Bunting.

Against: Cr JG Diaz, Cr JM Diaz, Cr Brillo and Cr Camilleri.

Absent: Cr Gillies and Cr Santos.

THE MOTION and was, on being put to the meeting, declared **CARRIED**.

Referred to : DPD**For:** Attention**Date:** 6.5.2021

Committee: Planning, Development, Historical & Assets

Meeting Date: 28.04.2021

PD3.2

PD410014 - Housekeeping Amendment No. 2 to Blacktown Local Environmental Plan 2015
F20/2152

RECOMMENDATION

Endorse the draft Planning Proposal at attachment 1 and forward it to the NSW Department of Planning, Industry and Environment requesting a Gateway Determination.

COMMITTEE DIVISION:

Supported: Cr Camilleri, Cr Israel and Cr Griffiths.

Absent: Cr Collins

EXCEPTION
WITHOUT CHANGE

COMMITTEE RECOMMENDATION
ADOPTED
ORDINARY MEETING

28 APR 2021

Referred to : DPD

For: Attention

Date: 29.04.2021

PD3.2 PD410014 - Housekeeping Amendment No. 2 to Blacktown Local Environmental Plan 2015

Director: Glennys James, Director Planning & Development
Responsible Manager: Trevor Taylor, Manager Development Policy & Regulation
File: F20/2152

Division is required

Previous item	Not applicable
Topic	Planning Proposal to make minor housekeeping amendments to Blacktown Local Environmental Plan 2015 (BLEP 2015) to clarify the minimum lot size clause and the subdivision of dual occupancy clause.
Analysis	<p>The Planning Proposal proposes the following amendments:</p> <ul style="list-style-type: none">• Amend Clause 4.1AA – Minimum subdivision lot size for community title schemes, and Clause 4.1A – Minimum subdivision lot size for strata plan schemes, to remove inconsistency with Clause 4.1(4) - Minimum subdivision lot size.• Amend Clause 4.1C relating to the subdivision of a lawfully erected dual occupancy development on a corner lot, by including an objective and clarifying what is defined as a corner lot.• Amend Schedule 1 – Additional permitted uses, to update the legal description of a property.
Attachment/s	<ol style="list-style-type: none">1. Draft Planning Proposal [PD410014.1 - 23 pages]2. Advice of the Blacktown Local Planning Panel' [PD410014.2 - 2 pages]
Report Recommendation	Endorse the draft Planning Proposal at attachment 1 and forward it to the NSW Department of Planning, Industry and Environment requesting a Gateway Determination.

Key reasons

-
1. **Ensure that Blacktown LEP 2015 is accurate and provides clarity in the application of its provisions**
 - a. We seek Council support to make minor changes to BLEP 2015 to resolve, clarify and update certain clauses.
 - b. The Planning Proposal seeks to amend Clauses 4.1AA and 4.1A to resolve inconsistencies in the application of these clauses with Clause 4.1(4) (which relates to minimum subdivision lot size).
 - c. We are also seeking to amend Clause 4.1C which relates to the subdivision of a lawfully erected dual occupancy development on a corner lot, by including an
-

objective and clarifying the definition of a corner lot. A recent Land and Environment Court case has identified that there is ambiguity with respect to the current provisions and how a corner lot is defined. The proposed amendment to Clause 4.1C includes a definition for 'corner lot' so as to remove any ambiguity and it will clarify the circumstances where Council will consider the subdivision of a lawfully erected dual occupancy development on a corner lot.

- d. It is also proposed to update Schedule 1, Clause 9 – Additional permitted use, for Lots 1 and 2 DP 1193931 (22 John Hines Avenue, Minchinbury) to update the legal description of the property which has recently been amalgamated.
- e. The proposed amendments will ensure that BLEP 2015 is accurate and is consistent in the application of its provisions.
- f. A copy of the Planning Proposal is included at attachment 1, which includes a detailed description of the proposed changes at pages 4 of 11 to 8 of 11 inclusive of that attachment.

2. Blacktown Local Planning Panel advice

- a. The Planning Proposal was reported to the Blacktown Local Planning Panel on 12 March 2021.
- b. The Panel advised that the proposal has strategic merit and will resolve and clarify the intent of the minimum lot size and subdivision of dual occupancy clauses within BLEP 2015.
- c. The Panel supports the recommendation to progress the Planning Proposal for Gateway Determination. A copy of the Panel's advice is at attachment 2.

Context

- 1. The land subject to this Planning Proposal is within the area to which Blacktown LEP 2015 applies. The LEP largely applies to the non-Growth Area parts of the City of Blacktown, being generally the land between the M7 Corridor and the City's southern boundary but excluding areas that are subject to separate State Planning Instruments such as Ropes Crossing, the Western Sydney Employment Area and the Western Sydney Parklands.
- 2. This housekeeping amendment is a result of Council's continuous review and monitoring of its primary planning document.
- 3. A housekeeping amendment is the most efficient means of undertaking a number of minor amendments to Blacktown LEP 2015 and will ensure that the LEP is current and up-to-date.
- 4. The housekeeping amendments will correct anomalies and update the plan and is not inconsistent with the Central City District Plan or the Blacktown Local Strategic Planning Statement (LSPS) 2020.
- 5. The draft Planning Proposal demonstrates strategic merit and is consistent with the objectives and priorities of the Greater Sydney Region Plan.

End of report



Planning Proposal

Housekeeping Amendment No 2 to Blacktown Local Environmental Plan 2015

Date: February 2021

Prepared by: Planning Policy, Blacktown City Council

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Attachment 1	Consistency with Greater Sydney Region Plan, Central City District Plan, Blacktown Community Strategic Plan and Blacktown Local Strategic Planning Statement 2020
Attachment 2	Consistency with applicable SEPPs and REPs
Attachment 3	Consistency with relevant section 9.1 Directions by the Minister

1. Introduction

1.1 Introduction

This Planning Proposal seeks to make minor amendments to Blacktown Local Environmental Plan 2015.

The Planning Proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Environment guidelines including '*A Guide to Preparing Local Environmental Plans*' and '*A Guide to Preparing Planning Proposals*'.

1.2 Site location

This Planning Proposal relates generically to land to which Blacktown LEP 2015 applies.

2. Objectives or intended outcomes

The intended outcome of this Planning Proposal is to make minor housekeeping amendments to Blacktown Local Environmental Plan 2015.

By consolidating several amendments into a single set of proposed changes to BLEP 2015, known as a 'housekeeping amendment', a more efficient process is established rather than each issue being dealt with as a single Planning Proposal.

The purpose of the amendments is to update elements of the plan and ensure that it is consistent with Council's strategic position on planning and development issues.

Amendments are proposed to the BLEP 2015 Written Instrument.

3. Explanation of provisions

3.1 Proposed amendments to Blacktown LEP 2015

To achieve the proposed objectives, this Planning Proposal seeks to amend Blacktown LEP 2015 as summarised in Table 1 below.

Table 1: Miscellaneous administrative amendments to instrument clauses

Clause	Details
Amendment to Clause 4.1AA Minimum subdivision lot size for community title schemes	<p>Proposed change: Add new Clause 4.1AA (3B) to clarify that Clause 4.1AA overrides the provisions of Clause 4.1(4) for community title subdivision:</p> <p>4.1AA Minimum subdivision lot size for community title schemes</p> <p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (a) to ensure that community title schemes maintain minimum lot sizes in low density residential areas, (b) to ensure that development is compatible with the dwelling density and character of the surrounding area, (c) to ensure that lots in community title schemes are appropriate for the capacity of infrastructure and services. <p>(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in Zone R2 Low Density Residential.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 1989) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.</p> <p>(3B) This clause applies despite Clause 4.1(4).</p> <p>Explanation: This item seeks to update Clause 4.1AA to provide clarity that the minimum subdivision lot sizes also apply to community title schemes. The intention of Clause 4.1AA was to introduce a minimum lot size for community title lot subdivisions in the R2 Low Density Residential zone under BLEP 2015. However, there is a conflict between Clause 4.1AA and Clause 4.1 in that Clause 4.1(4) states that the minimum lot size requirements do not apply to subdivision under the <i>Community Land Development Act 1989</i>, which is inconsistent with Clause 4.1AA which states that the minimum lot size does apply to this form of subdivision. The proposed amendment will ensure that the objectives of Clause 4.1AA(1)(a) are achieved and subdivision lot sizes for community title schemes are consistent with the minimum subdivision lot size in the R2 Low Density Residential zone. Inserting proposed Clause 4.1AA(3B), instead of deleting Clause 4.1(4), is necessary to ensure that Clause 4.1(B) continues to apply to other forms of community title subdivision outside of the R2 Low Density Residential zone.</p>

Clause	Details
<p>Amendment to Clause 4.1A</p> <p>Minimum subdivision lot size for strata plan schemes</p>	<p>Proposed change:</p> <p>Add new Clause 4.1A (3A) to clarify that Clause 4.1A overrides the provisions of Clause 4.1(4) for strata subdivision:</p> <p>4.1A Minimum subdivision lot size for strata plan schemes</p> <ol style="list-style-type: none"> (1) The objective of this clause is to ensure that the land to which this clause applies is not fragmented by subdivision that would be inconsistent with the prevailing character of large floor plate development. (2) This clause only applies to land in Zone IN2 Light Industrial in the Huntingwood Estate, as identified as "Area A" on the Lot Size Map. (3) The size of any lot resulting from a subdivision of land to which this clause applies under the Strata Schemes (Freehold Development) Act 1973 is not to be less than the minimum size shown on the Lot Size Map in relation to that land. <p>(3A) This clause applies despite Clause 4.1(4).</p> <p>Explanation:</p> <p>This item seeks to update Clause 4.1A to provide clarity that the minimum subdivision lot sizes apply to strata plan schemes in the Huntingwood Estate. However, there is a conflict between Clause 4.1A and Clause 4.1(4) in that Clause 4.1(4) states that the minimum lot size requirements do not apply to subdivision under the <i>Strata Schemes Development Act 2015</i>, which is inconsistent with Clause 4.1A which states that the minimum lot size does apply for this form of subdivision. The proposed amendment will ensure that the objectives of Clause 4.1A(1) are achieved by ensuring that strata subdivision in the Huntingwood Estate is consistent with the minimum subdivision lot size. Inserting proposed Clause 4.1A (3A), instead of deleting Clause 4.1(4), is necessary to ensure that Clause 4.1(4) continues to apply to other forms of strata title development that are not located in the IN2 Light Industrial zone in the Huntingwood Estate.</p>

Clause	Details
<p>Amendment to Clause 4.1C</p> <p>Subdivision of dual occupancies prohibited</p>	<p>Proposed change:</p> <p>Delete existing Clause 4.1C and replace it with a new clause that provides clarification relating to the subdivision of dual occupancy developments that are situated on corner sites. The new clause also proposes to include an objective for the provision:</p> <p>4.1C Subdivision of dual occupancies</p> <ol style="list-style-type: none"> (1) The objective of this clause is to encourage housing diversity by allowing the subdivision of a lawfully constructed dual occupancy development in certain circumstances. (2) Development consent must not be granted for a subdivision that would create separate titles for each of the 2 dwellings comprising a dual occupancy unless – <ol style="list-style-type: none"> (a) a subdivision creates separate titles for each of the 2 dwellings comprising a dual occupancy of a detached dual occupancy development if the 2 resulting lots would meet the minimum lot size shown on the Lot Size Map in relation to that land, or (b) the land is on a corner lot, but only if: <ol style="list-style-type: none"> (i) there is a dual occupancy on the land that was lawfully erected, and (ii) each of the dwellings has frontage to a road, and (iii) the lot size for each resulting lot will be at least 300 square metres. (3) For the purposes of this clause, a corner lot means a lot that has 2 connected boundaries with a road or roads (other than a lane) that intersect at an angle of 110 degrees or less (whether or not the lot has any other boundaries with a road). <p>Explanation:</p> <p>The proposed amendment seeks to provide greater clarity in the application of the clause which allows the subdivision of dual occupancy development in specified circumstances only.</p> <p>Clause 4.1C was amended in 2018 and proposed to give effect to Council's policy position that subdivision of a lawfully constructed dual occupancy development on a corner lot is permitted.</p> <p>The clause was amended at that time to stipulate that the subdivision of a lawfully constructed dual occupancy development is only permitted where the frontage of each dwelling faces a different road, as follows:</p> <p>4.1C Subdivision of dual occupancies prohibited</p> <ol style="list-style-type: none"> (1) Development consent must not be granted for a subdivision that would create separate titles for each of the 2 dwellings comprising a dual occupancy unless— <ol style="list-style-type: none"> (a) each of the 2 dwellings has a frontage to a different road, and (b) the size of each lot resulting from the subdivision is not less than 300 square metres. (2) Nothing in this clause or any other provision of this Plan prevents a subdivision that would create separate titles for each of the 2 dwellings comprising a dual occupancy of a detached dual occupancy development if the 2 resulting lots would meet the minimum size shown on the <u>Lot Size Map</u> in relation to that land. <p>The current wording of Clause 4.1C does not clearly specify the intent of the provision, which is resulting in applications for subdivision of lawfully erected dual occupancy developments on sweeping bends, rather than on true corner sites. Such applications are not considered to be in the public interest for safety reasons and do not comply with the policy intention of the clause.</p> <p>A recent Land and Environment Court judgement [<i>Universal Property Group Pty Ltd v Blacktown City Council NSWLEC 1432</i>] has highlighted that the current wording is not achieving Council's desired outcome with respect to the subdivision of dual</p>

Clause	Details
	<p>occupancy development on corner lots, having frontage to 2 different streets. Council contended in its submission to the Court that a sweeping bend in a road was not considered to be a corner.</p> <p>The recent Court case has identified that there is ambiguity with respect to what is considered to be a corner lot. The proposed amendment seeks to include a definition of "corner lot" so as to clarify this.</p>

Clause	Details
Amendment to Schedule 1, Item 9	<p>Proposed change: Amend Schedule 1, Item 9 as follows:</p> <ul style="list-style-type: none">• delete "Lots 1 and 2 of DP 1193931" and• replace with "Lot 12 DP 1232060". <p>Explanation: This item seeks to amend Schedule 1 to update a superseded Lot and DP to the current registered Lot and DP. Lots 1 and 2 DP 1193931 have been amalgamated. The new registered lot is Lot 12 DP 1232060. This amendment is necessary to ensure that our LEP contains the most recent and up-to-date information.</p>

4. Justification

4.1 Need for the Planning Proposal

4.1.1 Is the Planning Proposal the result of any strategic study or report?

No. There are no specific studies or reports relating to the preparation of this Planning Proposal. The Planning Proposal does not generate major policy or strategic issues that require strategic planning studies to justify the amendments.

The Planning Proposal is a result of the continuous review and monitoring of Blacktown LEP 2015.

4.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal is the best way to achieve the intended outcomes and objectives. The expedited amendments of environmental planning instruments pathway outlined in section 3.22 of the NSW Environmental Planning and Assessment Act 1979 was considered inappropriate for this Planning Proposal because it seeks to remove the ambiguity of controls and update details.

4.2 Relationship to strategic planning framework

4.2.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or district plan or strategy (including the Greater Sydney Region Plan)?

Yes. The objectives and directions of the Greater Sydney Region Plan – Our Greater Sydney 2056 and the Central City District Plan applicable to the Planning Proposal have been addressed:

a) Greater Sydney Region Plan

In March 2018 the NSW Government released the Greater Sydney Region Plan: A Metropolis of Three Cities. The Plan proposes a Metropolis of 3 unique but connected cities – Western Parkland City, Central River City (that contains the Blacktown LGA) and Eastern Harbour City.

The Greater Sydney Region Plan:

- sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters
- informs the district and local plans and the assessment of Planning Proposals
- assists infrastructure agencies to plan and deliver for growth and change and to align their infrastructure plans to place-based outcomes
- informs the private sector and the wider community on the growth management and infrastructure investment intentions of government.

The Greater Sydney Region Plan is structured under 4 themes:

- Infrastructure and Collaboration
- Liveability
- Productivity

- Sustainability.

Within these themes are 10 directions that contain a potential indicator followed by a suite of objectives, with each objective supported by a strategy or strategies.

The amendments proposed are minor and/or administrative and will not have an adverse impact on the objectives and actions contained in the Greater Sydney Region Plan.

Attachment 1 details consistency with the Greater Sydney Region Plan, Central City District Plan, Blacktown Community Strategic Plan and the Blacktown Local Strategic Planning Statement 2020.

b) Central City District Plan

The Greater Sydney Commission's 'Central City District Plan' (released in March 2018) provides a 20-year vision for the district. The Central City District encompasses the Cumberland, Parramatta, The Hills and Blacktown council areas. The District Plan provides details as to how the objectives for Greater Sydney can be achieved.

The District Plan contains themes, planning priorities, objectives and actions.

The amendments proposed are minor and/or administrative and will therefore not have an adverse impact on the objectives and actions contained in the Central City District Plan.

4.2.2 Is the Planning Proposal consistent with Council's local strategy or other local strategic plan?

a) Our Blacktown 2036 - Community Strategic Plan (CSP)

Yes. The Planning Proposal is consistent with Council's Community Strategic Plan.

b) Blacktown Local Strategic Planning Statement 2020

Yes. The Planning Proposal is consistent with the following Planning Priorities of the Blacktown Local Strategic Planning Statement:

- Local Planning Priority 5 (LPP5) – Providing housing supply, choice and affordability with access to jobs, services and public transport

Further comment on the consistency of the proposed provisions within the LSPS is provided in **Attachment 1**.

4.2.3 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes. The Planning Proposal is consistent with applicable SEPPs and deemed SEPPs. Refer to **Attachment 2**.

4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 Directions by the Minister)?

Yes. The section 9.1 Directions applicable to the Planning Proposal are assessed in **Attachment 3**. The Planning Proposal is consistent with the applicable Ministerial Directions.

4.3 Environmental, social and economic impacts

4.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The Planning Proposal is not proposing amendments to Blacktown LEP 2015 that will have adverse impacts on ecological communities, threatened species or critical habitat.

4.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No. The Planning Proposal will not result in any other environmental impacts that cannot be addressed through development assessment processes.

4.3.3 How has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal is not supported by a social or economic assessment. The Planning Proposal will not have any negative social and/or economic impacts.

4.4 State and Commonwealth interests

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

The proposed amendments are primarily administrative in nature and will not impact on the provision or demand for public infrastructure.

4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with public authorities has not occurred at this pre-Gateway stage.
Consultation with public authorities will occur post-gateway as identified in the Gateway Determination.

5. Community consultation

The Planning Proposal will be publicly exhibited in accordance with the Gateway Determination. A notice advising of the public exhibition period and copy of the exhibition material will be placed on Council's website.

6. Timeline

Stage	Estimated Date
Gateway Determination	July 2021
Public exhibition	August 2021
Consideration of submissions	September 2021
Post exhibition report to Council	November 2021
Forward Planning Proposal to Department of Planning, Industry and Environment for the Minister to make the plan	December 2021



Consistency with Greater Sydney Region Plan, Central City District Plan, Blacktown Community Strategic Plan and Blacktown Local Strategic Planning Statement 2020

1 Greater Sydney Region Plan – A Metropolis of 3 Cities

Directions	Objective	Does this objective apply to the Planning Proposal	How does this Planning Proposal implement the Direction and Objective?
Infrastructure and Collaboration			
A city supported by infrastructure	Objective 1: Infrastructure supports the 3 cities	N/A	N/A
	Objective 2: Infrastructure aligns with forecast growth – growth infrastructure compact	N/A	N/A
	Objective 3: Infrastructure adapts to meet future needs	N/A	N/A
	Objective 4: Infrastructure use is optimised	N/A	N/A
A collaborative city	Objective 5: Benefits of growth realised by collaboration of governments, community and business	N/A	N/A
Liveability			
A city for people A city of great places	Objective 6: Services and infrastructure meet communities' changing needs	N/A	N/A
	Objective 7: Communities are healthy, resilient and socially connected	N/A	N/A
	Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods	N/A	N/A
	Objective 9: Greater Sydney	N/A	N/A

Directions	Objective	Does this objective apply to the Planning Proposal	How does this Planning Proposal implement the Direction and Objective?
	celebrates the arts and supports creative industries and innovation		
	Objective 10: Greater housing supply	Yes	<u>Amendments to Clause 4.1AA and Clause 4.1C</u> Amendments to LEP clauses will facilitate the supply of housing options in the Blacktown LGA that is consistent with the vision of development outcomes for the area.
	Objective 11: Housing is more diverse and affordable	Yes	<u>Amendments to Clause 4.1AA and Clause 4.1C</u> Amendments to LEP clauses will facilitate the supply of housing options in the Blacktown LGA that is consistent with the vision of development outcomes for the area.
	Objective 12: Great places that bring people together	N/A	N/A
	Objective 13: Environmental heritage is identified, conserved and enhanced	N/A	N/A
Productivity			
A well-connected city	Objective 14: A Metropolis of 3 Cities – integrated land use and transport creates walkable and 30-minute cities	N/A	N/A
	Objective 15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive	N/A	N/A
	Objective 16: Freight and logistics network is competitive and efficient	N/A	N/A
	Objective 17: Regional connectivity is enhanced	N/A	N/A

Directions	Objective	Does this objective apply to the Planning Proposal	How does this Planning Proposal implement the Direction and Objective?
Jobs and skills for the city	Objective 18: Harbour CBD is stronger and more competitive	N/A	N/A
	Objective 19: Greater Parramatta is stronger and better connected	N/A	N/A
	Objective 20: Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City	N/A	N/A
	Objective 21: Internationally competitive health, education, research and innovation precincts	N/A	N/A
	Objective 22: Investment and business activity in centres	N/A	N/A
	Objective 23: Industrial and urban services land is planned, retained and managed	N/A	N/A
	Objective 24: Economic sectors are targeted for success	N/A	N/A
Sustainability			
A city in its landscape	Objective 25: The coast and waterways are protected and healthier	N/A	N/A
	Objective 26: A cool and green parkland city in the South Creek corridor	N/A	N/A
	Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	N/A	N/A
	Objective 28: Scenic and cultural landscapes are protected	N/A	N/A
	Objective 29: Environmental, social	N/A	N/A

Directions	Objective	Does this objective apply to the Planning Proposal	How does this Planning Proposal implement the Direction and Objective?
	and economic values in rural areas are protected and enhanced		
	Objective 30: Urban tree canopy cover is increased	N/A	N/A
	Objective 31: Public open space is accessible, protected and enhanced	N/A	N/A
	Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths	N/A	N/A
An efficient city	Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	N/A	N/A
	Objective 34: Energy and water flows are captured, used and re-used	N/A	N/A
	Objective 35: More waste is re-used and recycled to support the development of a circular economy	N/A	N/A
A resilient city	Objective 36: People and places adapt to climate change and future shocks and stresses	N/A	N/A
	Objective 37: Exposure to natural and urban hazards is reduced	N/A	N/A
	Objective 38: Heatwaves and extreme heat are managed	N/A	N/A
Implementation			
Implementation	Objective 39: A collaborative approach to city planning	N/A	N/A
	Objective 40: Plans refined by monitoring and reporting	Yes	The Planning Proposal is a result of Council's ongoing review of its LEP.

2 Central City District Plan

Planning Priorities	Does this priority apply to the Planning Proposal	How does this Planning Proposal implement the Planning Priority and Action
Infrastructure and Collaboration		
C 1: Planning for a city supported by Infrastructure	N/A	N/A
C 2: Working through collaboration	N/A	N/A
Liveability		
C 3: Providing services and social infrastructure to meet people's changing needs	N/A	N/A
C 4: Fostering healthy, creative, culturally rich and socially connected communities	N/A	N/A
C 5: Providing housing supply, choice and affordability, with access to jobs, services and public transport	Yes	<u>Amendments to Clause 4.1AA and Clause 4.1C</u> Amendments to these LEP clauses will facilitate the supply of more housing in the Blacktown LGA that is consistent with the vision for development outcomes for the area.
C 6: Creating and renewing great places and local centres, and respecting the District's heritage	N/A	N/A
Productivity		
C 7: Growing a stronger and more competitive Greater Parramatta	N/A	N/A
C 8: Delivering a more connected and competitive GPOP Economic Corridor	N/A	N/A
C 9: Delivering integrated land use and transport planning for a 30-minute city	N/A	N/A
C 10: Growing investment, business opportunities and jobs in strategic centres	N/A	N/A
C 11: Maximising opportunities to attract advanced manufacturing	N/A	N/A

Planning Priorities	Does this priority apply to the Planning Proposal	How does this Planning Proposal implement the Planning Priority and Action
and innovation in industrial and urban services land		
C 12: Supporting growth of targeted industry sectors	N/A	N/A
Sustainability		
C 13: Protecting and improving the health and enjoyment of the District's waterways	N/A	N/A
C 14: Creating a Parkland City urban structure and identity, with South Creek as a defining spatial element	N/A	N/A
C 15: Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes	N/A	N/A
C 16: Increasing urban tree canopy cover and delivering Green Grid connections	N/A	N/A
C 17: Delivering high quality open space	N/A	N/A
C 18: Better managing rural areas	N/A	N/A
C 19: Reducing carbon emissions and managing energy, water and waste efficiently	N/A	N/A
C 20: Adapting to the impacts of urban and natural hazards and climate change	N/A	N/A
Implementation		
C 21: Preparing local strategic planning statements informed by local strategic planning	N/A	N/A
C 22: Monitoring and reporting on the delivery of the plan	Yes	The Planning Proposal intends to refine BLEP 2015 as a result of Council's ongoing monitoring and reporting of issues identified.

3 Blacktown Community Strategic Plan

Strategic Direction	Compliance
A vibrant and inclusive City	The Planning Proposal is consistent with the Strategic Direction.
A clean, sustainable and healthy environment	The Planning Proposal is consistent with the Strategic Direction.
A smart and prosperous economy	The Planning Proposal is consistent with the Strategic Direction.
A growing city supported by accessible infrastructure	The Planning Proposal is consistent with the Strategic Direction.
A sporting and active city	The Planning Proposal is consistent with the Strategic Direction.
A leading city	The Planning Proposal is consistent with the Strategic Direction.

4 Draft Blacktown Local Strategic Planning Statement 2020

The draft Blacktown Local Strategic Planning Statement (LSPS) sets out a 20 year land use vision and structure plan for Blacktown City.

The following Local Planning Priorities and Actions are relevant to this Planning Proposal:

Local Planning Priority	Action	How does this Planning Proposal implement the Planning Priority and Action?
Local Planning Priority 5 (LPP5) Providing housing supply, choice and affordability with access to jobs, services and public transport	<i>Action 17</i> Maintain an updated Blacktown Local Housing Strategy	<i>Action 17</i> The proposed amendments to the LEP clauses will continue to facilitate the supply of housing options in the Blacktown LGA that is consistent with the vision and development options of the Blacktown Housing Strategy
	<i>Action 18</i> Collaborate on housing affordability across Greater Sydney	<i>Action 18</i> The proposed amendments to the LEP clauses will continue to encourage housing diversity, which in turn provides additional housing options across the LGA

Consistency with applicable SEPPs and REPs

State Environmental Planning Policy	Consistency	Comment
SEPP No 19 - Bushland in Urban Areas	N/A	The Planning Proposal does not affect areas of urban bushland
SEPP No 21 Caravan Parks	N/A	Not relevant
SEPP No 33 - Hazardous and Offensive Development	N/A	Not relevant
SEPP No 36 - Manufactured Home Estates	N/A	Not relevant
SEPP No 47 – Moore Park	N/A	Not relevant
SEPP No 50 - Canal Estate Development	N/A	Not relevant
SEPP No 55 - Remediation of Land	Yes	SEPP 55 will be considered at the time when a Development Application is lodged on land that is subject to this PP
SEPP No 64 - Advertising and Signage	N/A	Not relevant
SEPP No 65 - Design Quality of Residential Apartment Development	N/A	Not relevant
SEPP No 70 - Affordable Housing (Revised Schemes)	N/A	Not relevant
SEPP (Aboriginal Land) 2019	N/A	Not relevant
SEPP (Affordable Rental Housing) 2009	N/A	Not relevant
SEPP (Building Sustainability Index: BASIX) 2004	N/A	Not relevant
SEPP (Coastal Management) 2018	N/A	Not relevant
SEPP (Concurrences and Consents) 2018	N/A	Not relevant
SEPP (Educational Establishments and Child Care Facilities) 2017	N/A	Not relevant
SEPP (Gosford City Centre) 2018	N/A	Not relevant
SEPP (Exempt and Complying Development Codes) 2008	N/A	Not relevant
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	Not relevant
SEPP (Infrastructure) 2007	N/A	Not relevant
SEPP (Koala Habitat Protection) 2019	N/A	Not relevant
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	Not relevant
SEPP (Miscellaneous Consent Provisions) 2007	N/A	Not relevant
SEPP (Primary Production and Rural Development) 2019	N/A	Not relevant
SEPP (State and Regional Development) 2011	N/A	Not relevant
SEPP (State Significant Precincts) 2005	N/A	Not relevant

State Environmental Planning Policy	Consistency	Comment
SEPP (Sydney Drinking Water Catchment) 2011	N/A	Not relevant
SEPP (Sydney Region Growth Centres) 2006	N/A	Not relevant
SEPP (Urban Renewal) 2010	N/A	Not relevant
SEPP (Vegetation in Non-Rural Areas) 2017	N/A	Not relevant
SEPP (Western Sydney Aerotropolis) 2020	N/A	Not relevant
SEPP (Western Sydney Employment Area) 2009	N/A	Not relevant
SEPP (Western Sydney Parklands) 2009	N/A	Not relevant
SEPP (Activation Precincts) 2020	N/A	Not relevant
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	N/A	Not relevant
SEPP (Kurnell Peninsula) 1989	N/A	Not relevant
SEPP (Major Infrastructure Corridors) 2020	N/A	Not relevant
SEPP (Penrith Lakes Scheme) 1989	N/A	Not relevant
SEPP (Three Ports) 2013	N/A	Not relevant
Sydney Regional Environmental Plans		
Sydney REP No 9 - Extractive Industry (No 2 - 1995)	N/A	Not relevant
Sydney REP No 20 - Hawkesbury-Nepean River (No 2 - 1997)	N/A	Not relevant
Sydney REP No 30 - St Marys	N/A	Not relevant
Sydney REP (Sydney Harbour Catchment) 2005	N/A	Not relevant
Sydney Regional Environmental Plan No 16—Walsh Bay	N/A	Not relevant
Sydney Regional Environmental Plan No 24—Homebush Bay Area	N/A	Not relevant
Sydney Regional Environmental Plan No 26—City West	N/A	Not relevant
Sydney Regional Environmental Plan No 33—Cooks Cove	N/A	Not relevant
Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	N/A	Not relevant
Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	N/A	Not relevant

Consistency with relevant Section 9.1 Directions by the Minister

Direction	Consistency of Planning Proposal
1 Employment and Resources	
1.1 Business and Industrial Zones	N/A
1.2 Rural Zones	N/A
1.3 Mining, Petroleum Production and Extractive Industries	N/A
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	N/A
2 Environment and Heritage	
2.1 Environment Protection Zones	N/A
2.2 Coastal Management	N/A
2.3 Heritage Conservation	N/A
2.4 Recreation Vehicle Areas	N/A
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A
2.6 Remediation of Contaminated Land	N/A – no specific sites impacted under the Planning Proposal by contaminated land provisions.
3 Housing, Infrastructure and Urban development	
3.1 Residential Zones	The Planning Proposal will continue to provide existing opportunities for diverse housing types.
3.2 Caravan Parks and Manufactured Home Estates	N/A
3.3 Home Occupations	N/A
3.4 Integrating Land Use and Transport	N/A
3.5 Development Near Regulated Airports and Defence Airfields	N/A
3.6 Shooting Ranges	N/A
3.7 Reduction in Non-hosted Short Term Rental Accommodation Period	N/A
4 Hazard and Risk	
4.1 Acid Sulphate Soils	N/A
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	N/A
4.4 Planning for Bushfire Protection	N/A
5 Regional Planning	
5.1 Implementation of Regional Strategies	N/A

Direction	Consistency of Planning Proposal
5.2 Sydney Drinking Water Catchments	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.5 [Revoked]	-
5.6 [Revoked]	-
5.7 [Revoked]	-
5.8 [Revoked]	-
5.9 North West Rail Link Corridor Strategy	N/A
5.10 Implementation of Regional Plans	N/A
5.11 Development of Aboriginal Land Council land	N/A
6 Local Plan Making	
6.1 Approval and Referral Requirements	N/A
6.2 Reserving Land for Public Purposes	N/A
6.3 Site Specific Provisions	N/A
7 Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	The NSW Government's "A Plan for Growing Sydney" published in December 2014 has since been superseded by the Greater Sydney Region Plan released in March 2018. Refer to Attachment 1 to see how the PP implements and is consistent with the Greater Sydney Region Plan.
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A
7.3 Parramatta Road Corridor Urban Transformation Strategy	N/A
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N/A
7.9 Implementation of Bayside West Precincts 2036 Plan	N/A

Direction	Consistency of Planning Proposal
7.10 Implementation of Planning Proposals for the Cooks Cove Precinct	N/A



Blacktown Local Planning Panel

PLANNING PROPOSAL ADVICE

DATE OF DETERMINATION	12 March 2021
PANEL MEMBERS	Lindsay Fletcher, Chair Milan Marecic, Expert Mary-Lynne Taylor, Expert
APOLOGIES	Nalika Padmasena, Community representative
DECLARATIONS OF INTEREST	Nil
APPLICANT	Applicant – Blacktown City Council
MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report

Confidential electronic meeting held between 8 March 2021 and 12 March 2021.

PLANNING PROPOSAL

F20/2152: Planning Proposal for Housekeeping Amendment No. 2 to Blacktown Local Environmental Plan 2015.

PANEL ADVICE

The Panel considered the assessment report on the matter and the material presented at the Panel meeting and supports the recommendation to progress the Planning Proposal for Gateway Determination.

The Panel provided the following advice for the Planning Proposal described above:

- The Proposal has strategic merit and will resolve and clarify the intent of the minimum lot size and subdivision of dual occupancy clauses within the Blacktown Local Environmental Plan 2015 to ensure it has regard to the natural environment, existing uses and likely future uses on and surrounding the site, and existing and required services and infrastructure.
- The proposal is responding to changing circumstance not recognised by current controls such as new infrastructure and changing demography.

PANEL MEMBERS	REFERENCE NUMBER
Lindsay Fletcher, Chair	D21/126606
Milan Marecic, Expert	D21/126599
Mary-Lynne Taylor, Expert	D21/129713