



IRF25/1643

Gateway determination report – PP-2025-1289

Additional Permitted Uses on land zoned SP2
Infrastructure (Drainage) and RE1 Public Recreation

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning Proposal	1
1.1	Overview and objectives of planning proposal	1
1.2	Explanation of provisions	2
1.3	Site description and surrounding area.....	3
1.4	Mapping.....	3
2	Need for the planning proposal	4
3	Strategic assessment	4
3.1	Regional Plan	4
3.2	District Plan [If relevant]	5
3.3	Local.....	6
3.4	Local planning panel (LPP) recommendation.....	6
3.5	Section 9.1 Ministerial Directions	7
3.6	State environmental planning policies (SEPPs)	8
4	Site-specific assessment	9
4.1	Environmental.....	9
4.2	Social and economic.....	9
4.3	Infrastructure	9
5	Consultation.....	9
5.1	Community	9
5.2	Agencies.....	9
6	Timeframe	9
7	Local plan-making authority	10
8	Assessment Summary.....	10
9	Recommendation.....	10

Table 1 Reports and plans supporting the proposal

Relevant reports and plans

Draft Planning Proposal, Additional permitted uses in SP2 Infrastructure (Drainage) and RE1 Public Recreation zones (Blacktown City Council, June 2025)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Blacktown City Council
PPA	Blacktown City Council
NAME	Additional Permitted Uses on land zoned SP2 Infrastructure (Drainage) and RE1 Public Recreation
NUMBER	PP-2025-1289
LEP TO BE AMENDED	Blacktown Local Environmental Plan 2015 State Environmental Planning Policy (Precincts – Central River City) 2021, Appendix 6, Appendix 7, Appendix 8, Appendix 8, Appendix 11
ADDRESS	Various sites
DESCRIPTION	Various Lots zoned: <ul style="list-style-type: none"> • RE1 Public Recreation; and • SP2 Infrastructure (Drainage).
RECEIVED	9/07/2025
FILE NO.	IRF25/1643
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Include ‘recreation areas’ as a use that is permitted with consent on land zoned for drainage uses; and
- Include ‘drainage’ and ‘flood mitigation works’ as uses that are permitted with consent in recreations areas (where these are not already permitted).

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

Administrative Amendment Required – Power to Directly Amend a SEPP

The planning proposal submitted for Gateway Determination proposes to amend:

- Blacktown LEP 2015; and
- SEPP (Precincts – Central River City) 2021.

It is important to note that although a Council can initiate an amendment to their local LEP, Councils have no power to directly amend a SEPP (as implied by the current wording of this planning proposal).

To achieve the intended objectives, the planning proposal must seek to prepare an amending LEP that amends:

- Blacktown LEP 2015; and
- SEPP (Precincts – Central River City) 2021.

It is recommended that a condition of the Gateway Determination require an update to the planning proposal to be clear that it involves the preparation of an amending local environmental plan to amend both instruments.

Explanation of Provisions

The planning proposal as submitted seeks to permit the following additional uses, through the following amendments (updated to reflect required administrative amendment above):

Table 3 Explanation of Provisions

Objective	Proposed Amendment
Amendment to the Blacktown LEP 2015	<ul style="list-style-type: none"> • Amend the Land Use Table to make 'recreation area' permissible with consent in the SP2 Infrastructure (Drainage) zone. • Amend the Land Use Table to make 'drainage' and 'flood mitigation works' permissible with consent in the RE1 Public Recreation zone.
Amending LEP to amend SEPP (Precincts – Central River City) 2021	<ul style="list-style-type: none"> • Amend the land use table in the following appendices to make 'recreation area' permissible with consent in the SP2 Infrastructure (Drainage) zone: <ul style="list-style-type: none"> ○ Appendix 6 Riverstone West Precinct Plan ○ Appendix 7 Alex Avenue and Riverstone Precinct Plan 2010 ○ Appendix 8 Area 20 Precinct Plan ○ Appendix 9 Schofields Precinct Plan ○ Appendix 11 Blacktown Growth Centre Precinct Plan <p><i>Note: Appendix 13 Marsden Park Industrial Precinct Plan does not require this amendment as 'recreation area' is already permitted with consent in the SP2 Infrastructure zone in this precinct.</i></p> • Amend Appendix 13 Marsden Park Industrial Precinct to make 'drainage' permissible with consent in the RE1 Public Recreation zone. <p><i>Note: Other appendices relating to land in the Blacktown City LGA do not require amendment as 'drainage' is already permissible with consent in the RE1 zone in these precincts.</i></p>

The explanation of provisions relating to the RE1 Public Recreation zone are considered satisfactory. Further discussion is provided below on the explanation of provisions relating to permitting a 'recreation area' on land zoned SP2 Infrastructure (Drainage).

Amendment Required – Delete references to amending the Land Use Table relating to the SP2 Infrastructure (Drainage) zone

To enable recreation areas on land zoned SP2 Infrastructure (Drainage), the planning proposal intends to Amend the Land Use Table.

Importantly, the SP2 Infrastructure zone in both the Blacktown LEP 2015 and SEPP (Precincts – Central River City) 2021 includes infrastructure uses that may not be suitable for recreation areas, e.g. roads, rail corridors and sewer treatment. Should the Land Use Table of the SP2 Infrastructure zone in both instruments be amended to include 'recreation area' as permitted with consent, then this change would apply across the entirety of the zone and uses, not just land with a nominated purpose of Drainage.

A meeting with Blacktown City Council on 17 July 2025 confirmed the objective of the planning proposal is to permit recreation areas only on drainage land and not across the entirety of the SP2 Infrastructure zone.

Rather than amend the Land Use Tables of the relevant instruments, it is considered that the intended objective could be achieved through a different mechanism such as a new Clause or Additional Permitted use Schedule. However, the final form of the legislation is best resolved as part of the drafting with Parliamentary Counsel and is not required to be included within the planning proposal.

Therefore, it is recommended that a condition of the Gateway Determination require the planning proposal to be updated prior to community consultation and agency consultation to remove the references to amending the Land Use Table of the SP2 Infrastructure (Drainage) zone and reflect a suitable mechanism to facilitate recreation areas as a permitted use of certain drainage land zoned SP2 Infrastructure.

1.4 Site description and surrounding area

The planning proposal applies across the Blacktown City LGA to land zoned:

- RE1 Public Recreation under the Blacktown LEP 2015 or Appendix 13 Marsden Park Industrial Precinct of SEPP (Precincts – Central River City) 2021:
- SP2 Infrastructure (Drainage) under the Blacktown LEP 2015 or Appendices 6, 7, 8, 9 and 10 of SEPP (Precincts – Central River City) 2021.

1.5 Mapping

The planning proposal does not include any mapping. The land subject to the planning proposal is identified by zoning and nominated purposes; RE1 Public Recreation and SP2 Infrastructure (Drainage).

1.6 Background

Blacktown City Council previously lodged a Planning Proposal (PP-2023-2699 - North West Growth Area (NWGA) Stormwater Management – Reduced Basin Strategy Planning Proposal) and obtained a Gateway Determination (issued 10 April 2024) that sought to:

- Amend SEPP (Precincts - Central River City) 2021 to:
 - Rezone land no longer identified as required for drainage purposes & surplus to those needs;
 - Make “recreation areas” permissible in the SP2 Infrastructure (Drainage) zone;
 - Make “drainage” permissible in the RE1 Recreation areas zone;
 - Correct minor anomalies related to property boundaries; and
- Amend Blacktown LEP 2015 to permit recreation areas in the SP2 Infrastructure zone and to permit drainage & flood mitigation works in the RE1 Public Recreation zone.

The re-zonings proposed under PP-2023-2699 were dependent on the state-led rezonings of Mardens Park North and West Schofields precincts, which are still under investigation. The rezonings proposed under PP-2023-2699 were unable to proceed and the planning proposal was ultimately withdrawn on 29 January 2025.

The current planning proposal (PP-2025-1289) incorporates only the permissibility amendments, and not rezonings, previously proposed under PP-2023-2699.

2 Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

Permitting ‘recreation areas’ on appropriate drainage land aligns with the North West Growth Area Precincts by providing open space and recreation opportunities for residents.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the best means of amending permissible land uses in the Blacktown LEP 2015 and SEPP (Precincts – Central River City) 2021.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
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Objective 31: Public open space is accessible, protected and enhanced	<p>This objective recognises that access to high quality open space is increasingly important with higher density development and more compact housing, recognising that open space expands upon a person's sense of home to include the wider area and shared communal spaces.</p> <p>The planning proposal will provide opportunities for suitable drainage land to be used as recreation areas, providing residents with additional open space, which is consistent with this Objective.</p>
Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths	The planning proposal will enable suitable drainage land to be used for recreation uses, which will enhance connectivity throughout the Blacktown City LGA consistent with the principle of the 'Green Grid'.
Objective 37: Exposure to natural and urban hazards	Including the land use terms 'drainage' and 'flood mitigation works' as permitted with consent on land zoned RE1 Public Recreation will provide opportunities to reduce exposure to natural and urban hazards.

3.2 District Plan

The site is within the Central City District and the Greater Sydney Commission released the Central City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
Planning Priority C3: Providing services and social infrastructure to meet people's changing needs	Growth increases demand on existing services and infrastructure, including sport and recreation facilities. The use of suitable drainage land for recreation areas responds to this demand, enhances the overall liveability of a neighbourhood and is consistent with Action 9: Optimise the use of available public land for social infrastructure.
Planning Priority C4: Fostering healthy, creative, culturally rich and socially connected communities	<p>The planning proposal is consistent with this Priority in consideration of:</p> <ul style="list-style-type: none"> Connectivity of, and access to, diverse open spaces and opportunities for recreational physical activity are essential to improved mental and physical health outcomes; and Sport and active lifestyles provide many social, cultural and health benefits.

Planning Priority C17: Delivering high quality open space	The Priority recognises that as the Central City District grows, providing for and developing innovative ways to optimise open space areas for recreation becomes increasingly important. The planning proposal will create opportunities for recreation areas on suitable drainage land, which is consistent with this Priority.
Planning Priority C20: Adapting to the impacts of urban and natural hazards and climate change	Including the land use terms 'drainage' and 'flood mitigation works' as permitted with consent in the RE1 Public Recreation zone will assist in strengthening the resilience of the public domain in a flood event.

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Blacktown Local Strategic Planning Statement 2020	<p>The planning proposal is generally consistent with the priorities of the Blacktown LSPS, in particular:</p> <ul style="list-style-type: none"> Local Planning Priority 1: Planning for a City supported by infrastructure; Local Planning Priority 3: Providing services and social infrastructure to meet people's changing needs; Local Planning Priority 4: Respecting heritage and fostering healthy, creative, culturally rich and socially connected communities; and Local Planning Priority 15: Delivering high quality open space

3.4 Local planning panel (LPP) recommendation

As per Section 1.6 Background of this report, this planning proposal (PP-2025-1289) incorporates the permissibility amendments of the previous planning proposal PP-2023-2699 that was withdrawn on 29 January 2025.

The original PP-2023-2699, including the permissibility amendments, were considered by the Blacktown LPP on 10 August 2023. The Blacktown LPP advice confirmed its support for PP-2023-2699 to proceed to Gateway Determination.

The current planning (PP-2025-1289) remains consistent with the Blacktown LPP advice on 10 August 2023.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	This planning proposal is consistent with The Greater Sydney Region Plan: A Metropolis of Three Cities.
1.4 Site Specific Provisions	Consistent	The planning proposal will permit land uses within the RE1 Public Recreation zone and certain land (drainage purposes) zoned SP2 Infrastructure without imposing any development standards.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Consistent	The planning proposal will enable additional recreational space for residents and is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy.
1.16 North West Rail Link Corridor Strategy	Consistent	The planning proposal applies to land with a primary function of recreation or drainage, which is not inconsistent with, or likely to hinder, the North West Rail Link Corridor.
3.3 Sydney Drinking Water Catchments	Not Applicable	The planning proposal is not considered to impact the Sydney Drinking Water catchment around Prospect Reservoir within the Blacktown LGA.
3.7 Public Bushland	Consistent	The planning proposal is not considered to reduce the primary function of the watercourses, with public bushland able to be retained and incorporated into recreation areas.
4.1 Flooding	Consistent	The planning proposal gives effect to the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 by proposing 'flood mitigation works' as permitted with consent on RE1 zoned land.

4.3 Planning for Bushfire Protection	Unresolved	Certain land zoned RE1 Public Recreation and SP2 Infrastructure (Drainage) are mapped as bush fire prone land. Until post-Gateway consultation has been undertaken with the NSW Rural Fire Service, this Direction remains unresolved.
4.4 Remediation of Land	Consistent	Blacktown City Council has considered this Direction and responded that the “proposed additional uses will only be permissible with consent, ensuring that the use is appropriate in the context of the constraints and hazards of each specific site”. In relation to Blacktown City Council’s response, it is noted that Section 4.6 of SEPP (Resilience and Hazards) 2021 will apply to any future development application ensuring potential contamination is appropriately considered.
5.2 Reserving Land for Public Purposes	Consistent	The Planning Proposal does not create, alter or reduce existing zoning or reservation of land for public purposes.

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Precincts – Central River City) 2021	Chapter 3 relates to the North West Growth Area and various Appendices relate to specific precincts	Consistent	The planning proposal supports the delivery of recreational open space within the North West Growth Area as envisioned by this SEPP.
SEPP (Transport and Infrastructure) 2021	Chapter 2 of this SEPP enables public authorities to undertake flood mitigation works, drainage and recreation areas as development permitted without consent in certain circumstances.	Consistent	This planning proposal will allow an additional approval pathway for both public authorities and private developers through the ‘permitted with consent’ pathway.

4 Site-specific assessment

4.1 Environmental

It is unlikely that the planning proposal will have any adverse impact upon threatened species, populations or ecological communities, or their habitats as it primarily involves enabling traditional low impact uses of public land.

Council will also have the opportunity, as the responsible planning authority, to make assessments and determinations regarding the suitability of site for recreation areas, flood mitigation works and/or drainage should they involve vegetation or habitat removal. This assessment would also consider matters relating to flooding, bushfire and potential contamination.

4.2 Social and economic

The planning proposal is considered to have a positive social impact with the creation of recreational areas for residents and additional community resilience afforded by flood mitigation and drainage works. Given the nature of the proposed land uses to be permitted, it is considered to have minimal economic impacts.

4.3 Infrastructure

The planning proposal results in low impact uses of SP2 Infrastructure (Drainage) and RE1 Public Recreation zoned land. There would be minimal additional demand for infrastructure.

5 Consultation

5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Rural Fire Service.

6 Timeframe

Council proposes an 8 month time frame to complete the LEP (December 2025), noting that a Gateway determination was expected in May 2025.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 27 February 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported, the Project Timeline of the planning proposal is updated.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority (LPMA).

As the planning involves an amending LEP to amend SEPP (Precincts – Central River City) 2021, DPHI is the LPMA.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is consistent with and gives effect to the Central City District Plan and Blacktown Local Strategic Planning Statement 2020;
- The use of drainage land for 'recreation areas' provides additional open space for residents in the North West Growth Area, enhances the overall liveability of neighbourhoods and provides associated social, cultural and health benefits; and
- Enabling 'drainage' and 'flood mitigation works' on RE1 Public Recreation will support the resilience of the community in response to natural hazards.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Be clear that it involves the preparation of an amending local environmental plan to amend SEPP (Precincts – Central River City) 2021 & Blacktown LEP 2015;
- Delete the references to amending the Land Use Table of the SP2 Infrastructure (Drainage) zone; and
- Revise the project timeline in accordance with this Gateway Determination.

9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Direction 4.3 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to exhibition, the planning proposal is to be updated, and forwarded to the Minister under s 3.34(6) of the Act, to:
 - Be clear that it involves the preparation of an amending local environmental plan to amend SEPP (Precincts – Central River City) 2021;

- Delete the references to amending the Land Use Table of the SP2 Infrastructure (Drainage) zone and reflect a suitable mechanism to facilitate recreation areas as a permitted use of certain drainage land zoned SP2 Infrastructure; and
 - Revise the project timeline in accordance with this Gateway Determination.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
 3. Consultation is required with NSW Rural Fire Service under section 3.34(2)(d) of the Act. 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 30 working 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).

The timeframe for the LEP to be completed is on or before 27 February 2026.



29/7/2025

(Signature)

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5 August 2025

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