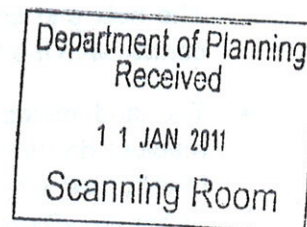




File no: RZ-10-2310

29 December 2010

Peter Goth
Regional Director
Sydney West Region
Department of Planning
Locked Bag 5020
PARRAMATTA NSW 2124



Dear Peter,

Planning Proposal to rezone Lots 601 & 602, DP 1015995, Nos. 1 - 3 Kilbenny Street, Kellyville Ridge, from 2 (a) Residential to 2 (c) Residential

Council is in receipt of a request to amend *Blacktown Local Environmental Plan 1988* (BLEP 1988). The application relates to Lots 601 & 602, DP 1015995, Nos. 1 - 3 Kilbenny Street, Kellyville Ridge. Each lot is currently occupied by a single detached dwelling. The applicant proposes to rezone the subject land from 2 (a) Residential to 2 (c) Residential under BLEP 1988.

Council Officers have considered the Planning Proposal and are satisfied that the document meets the Gateway Determination criteria. On this basis, as the relevant planning authority, Council resolved at its Ordinary Meeting of 15 December 2010, to forward it to the Minister for the next step in the process, being the Gateway Determination pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*.

As noted above, the Planning Proposal seeks to rezone the subject land from 2 (a) Residential to 2 (c) Residential under BLEP 1988. Land within the broader area of Kellyville Ridge, bounded by Clonmore Street in the west, Waterford Street in the north, Windsor Road to the east and Kilmore Street to the south, was zoned as 2 (c) Residential in April 1991, as part of the broader Parklea Release Area. At the time, the Rouse Hill Regional Centre had been planned to be located on the opposite side of Windsor Road from this area. Hence, the 2(c) zone was applied to provide for higher density housing in close proximity to the planned centre. However, the Regional Centre has now since been constructed further to the north.

The proposed LEP amendment is considered appropriate for a number of reasons, being:

- Nos. 1 – 3 Kilbenny Street have been developed with a single dwelling each, whereas the land to their immediate south (No. 5 Kilbenny Street) is occupied by a 4 storey Residential Flat Building consisting of 18 residential units, while No. 9 Kilbenny Street is occupied by a 3 storey building containing 21 residential units. This has resulted in No. 3 Kilbenny Street being significantly affected by a lack of privacy and overlooking from the flats.
- The bulk and scale of the 4 storey development to the south is significantly out of context with the low density development at Nos. 1 – 3 Kilbenny Street.
- The land immediately to the north of No. 1 Kilbenny Street has been developed for medium density housing and comprises of 8 x 2 storey townhouses. Four of these townhouses directly adjoin No. 1 Kilbenny Street. Therefore, Nos. 1 and 3 Kilbenny Street are effectively surrounded by higher density housing.
- By rezoning Nos. 1 – 3 Kilbenny Street from 2 (a) Residential to 2 (c) Residential, the site can be developed to provide for higher density housing, which will make it consistent with surrounding development.
- Although the current zoning of 2 (a) Residential already permits Medium Density Housing with consent, it does not allow Residential Flat Buildings, which currently exist to the south of the site.

Attached for your reference and information are:

- a copy of the report to Council (SD300111, considered on 15 December 2010) regarding the subject Planning Proposal; and
- a copy of the Planning Proposal itself (dated November 2010), which contains a detailed justification and deals with the issues relating to this draft LEP.

Should you require any further information regarding this matter, please contact Council's Team Leader Planning Policy, Sue Galt on 9839 6216 or Strategic Town Planner, Jasmina Skoric on 9839 6387.

Yours faithfully,

J. Skoric

for: Trevor Taylor
Manager, Development Policy and Regulation