

COMMITTEE: Planning & Development MEETING DATE: 30.10.13 ENCL.NO. 78A

DE3417

SD330095 - Pre-Gateway Review of Planning Proposal by Sydney West Joint Regional Planning Panel – Corner Vardys and Sunnyholt Roads, Kings Langley 145-526-7;RZ-11-1348

RECOMMENDATION

1. That this matter be deferred.
2. It be noted that Mr. T. Polvere, on behalf of the applicant, was received by the Planning & Development Committee between 7.15 p.m. and 7.23 p.m.

COMMITTEE DIVISION

Supported: Pendleton; Lowles; Bleasdale; Bali; Benjamin; Kelly; White; Siljeg; Holmes; Smith; Robinson

Absent: Atalla; Dickens; Donaldson; Diaz

EXCEPTION

REFERRED TO:	DCSD	FOR:	Attention	DATE:	31.10.13
--------------	------	------	-----------	-------	----------

Planning & Development.

Minute Number:
23/10/2013

Council Meeting Date:
Report Number: SD330095

Director City Strategy & Development Author: Taylor T.,

ITEM: <#>

SUBJECT:

SD330095 - Pre-Gateway Review of Planning Proposal by Sydney West Joint Regional Planning Panel – Corner Vardys and Sunnyholt Roads, Kings Langley

DIVISION REQUIRED: ☐ Yes

FILE NUMBER: 145-526-7;RZ-11-1348

BLACKTOWN CITY 2030 Vision

Strategy: A growing city supported by infrastructure

SUMMARY OF REPORT:

1. Council has previously considered a report as part of the preparation of Draft Blacktown Local Environmental Plan 2013 that included discussion on the future zoning of vacant land at the corner of Vardys and Sunnyholt Roads in Kings Langley.
2. The report recommended a combination of low and medium density residential development across the site to better reflect local development in the area, whilst still allowing some development potential for the site to help offset costs associated with site constraints.
3. Under recently introduced appeal provisions for rezoning proposals, the Applicant requested that the Department of Planning and Infrastructure (DPI) undertake a review of why Council has not progressed the rezoning in its original form and this request was referred to the Sydney West Joint Regional Planning Panel (JRPP) for its consideration on 27 August 2013.
4. The JRPP, having considered the matter, subsequently forwarded correspondence to the Minister for Planning and Infrastructure, however, which recommends a far higher density for the site than that proposed by Council through Draft BLEP 2013.
5. Instruction from the Department of Planning and Infrastructure is that the Department concurs with the recommendation of the JRPP and that this matter should now proceed to a Gateway Determination.
6. Council has also been requested to advise whether it wishes to be the Relevant Planning Authority (RPA) for the preparation of the Planning Proposal and, if so, to

prepare a Planning Proposal for Gateway Determination by 5 November 2013.

7. It is recommended that Council nominate itself as the RPA and proceed to refer this matter to the Gateway to test the Planning Proposal in the public arena, noting also Council's concerns with the higher densities proposed, as previously raised with the DPI.
8. The attachment for this report is as follows:
 - Attachment 1 - Location Plan.
 - Attachment 2 - DPI letter dated 24 September 2013.

REPORT:

1. At its Ordinary Meeting of 28 March 2012 Council considered a report that included discussion on the future zoning of vacant land at the corner of Vardys and Sunnyholt Roads, Kings Langley and resolved, inter alia:

"For the reasons identified in this report, the proposed zoning for Lot 1 DP 1097685 Vardys Road, Kings Langley under the new City-wide LEP proceed in accordance with the recommendation in Section 8i and 8j of this report."
2. Section 8i and 8j noted that the R4 High Density Residential zoning sought by the Applicant was envisaged to engender significant community opposition and noted that the site has a number of development constraints, including limited road access and drainage issues. The report also noted that Council's Housing Strategy recommends that the majority of the future higher density residential zones in the City of Blacktown be situated in the Urban Renewal Precincts, in close proximity to train stations and higher order commercial centres. It was therefore recommended that the site be rezoned part R2 Low Density Residential (generally maximum 2 storey type development) for the northern section of the site and part R3 Medium Density Residential (generally maximum 3 storey type development) for the southern portion due to its site limitations. The plan at **Attachment 1** shows the location of the site relative to the Blacktown Urban Renewal Precinct. The site lies beyond the boundary of this Precinct.
3. In summary, the limitations of the site include the following:
 - a. Both Sunnyholt Road and Vardys Road are access denied roads. Access to the site is via a network of low density residential streets to the north.
 - b. Considerable noise impacts from Vardys and Sunnyholt Roads.
 - c. It is a highly visible site.
 - d. A watercourse runs through the site and the site is flood affected.
 - e. Substantial residential opposition to high residential density development. The surrounding area has a predominantly low density character.
4. The Draft City-wide LEP (now known as Draft Blacktown LEP 2013) which proposed the dual zonings for the site was exhibited from 23 January to 19 April 2013.
5. Council received 15 submissions and a petition containing over 1,000 signatories from members of the public objecting to the R4 High Density zoning as originally proposed by the Applicant and supporting the proposed dual R2 Low Density and R3 Medium Density zoning proposed in Draft BLEP 2013.
6. Recent Planning Reforms of the NSW Government have introduced for the first time in legislation a right of appeal for Applicants of rezoning proposals if Council has not supported the proposed zoning. This is called a Pre-Gateway Review. Under these new provisions the Applicant requested that the Department of Planning and Infrastructure (DPI) undertake a review of why Council had not progressed the rezoning in its original form and this request was referred to the Sydney West Joint Regional

Planning Panel (JRPP) for its consideration on 27 August 2013.

7. Council was given the opportunity of addressing the Panel, with Council's Director City Strategy and Development and Manager Development Policy and Regulation representing Council. Council's position, vigorously expressed by these officers, was that the matter had been comprehensively considered as part of its strategic planning for the City and the site as part of the Draft BLEP 2013 process, and any increase in density was not appropriate.
8. The JRPP, having considered the matter, subsequently forwarded correspondence to the Minister for Planning and Infrastructure, however, which is at odds with the position formed by Council in respect of the appropriate allowable density on the site. Specifically, the JRPP recommended:
 - *A 2 storey townhouse typology on that section of the site generally on the northern side of the existing watercourse interfacing with Evan Place.*
 - *A 3 storey residential flat unit typology to Vardys Road and the southern element of the Sunnyholt Road frontage, rising to 4 storeys where appropriately recessed on that section of the site generally south of the existing watercourse.*
9. Instruction from the Deputy Director General (Planning Operations and Regional Delivery) of the Department of Planning and Infrastructure (DPI) received by Council in late September 2013 (copy at **Attachment 2**) is that the Department concurs with the recommendation of the JRPP and that, despite Council's strong objections to the proposal, this matter should now proceed to a Gateway Determination. Essentially, a Gateway Determination specifies whether a Planning Proposal is to proceed and, if so, in what circumstances. The purpose of the Gateway Determination is to ensure that there is sufficient justification to proceed with a Planning Proposal and it enables Planning Proposals that lack strategic planning merit to be stopped early in the process before time and resources are committed. The Gateway Determination will confirm the information and consultation required before the LEP can be further progressed and the timeframe in which the required steps are to be carried out.
10. Council has also been requested to advise whether it wishes to be the Relevant Planning Authority (RPA) for the preparation of the Planning Proposal, and if so to prepare a Planning Proposal for Gateway Determination by 5 November 2013. Should Council not wish to be nominated as the RPA, an alternate RPA may be appointed by the Minister, which is likely to be the JRPP.
11. Council officers maintain their objection to the proposed density increases recommended by the JRPP and supported by the DPI. This issue has caused considerable community anxiety, and is considered to have been appropriately addressed as part of Council's development of Draft BLEP 2013. On this basis it is **considered that Council should nominate itself as the RPA** for this project and subsequently proceed with the preparation of a Planning Proposal for submission to the DPI. It is considered that nominating as the RPA gives Council maximum possible input and influence in this matter post the Gateway Determination, bearing in mind though that this decision-making role can ultimately be overridden by the Minister. If Council is not the RPA then the handling of the Planning Proposal will most likely go to the JRPP and Council will only have the role of a submitter.
12. It is noted that the Applicant has not paid the appropriate Council Planning Proposal fee. The Applicant should be required to pay this fee **prior** to Council placing the Planning Proposal on public exhibition and the Applicant should be advised of this.

RECOMMENDATION:

1. Council advise the Joint Regional Planning Panel that it will accept the role as Relevant

Planning Authority for the proposal to amend Blacktown Local Environmental Plan 1988 for land at Lot 1 DP 1097685, Sunnyholt Road, Kings Langley.

2. Council officers prepare a Planning Proposal for submission to the NSW Department of Planning and Infrastructure seeking a Gateway Determination that addresses the strategic vision of Draft BLEP 2013 but notes that Council has been instructed to proceed with submitting the Proposal to the Gateway Determination stage.

3. The Applicant be advised that Council will require its standard Planning Proposal fee of \$10,000 to be paid to Council prior to Council placing the Planning Proposal on public exhibition following the Gateway Determination. Further, that no exhibition will occur if this fee is not paid.

ATTACHMENTS:

Attachment 1 - Location Plan



A1SD330095.pdf

Attachment 2 - DPI letter dated 24 September 2013



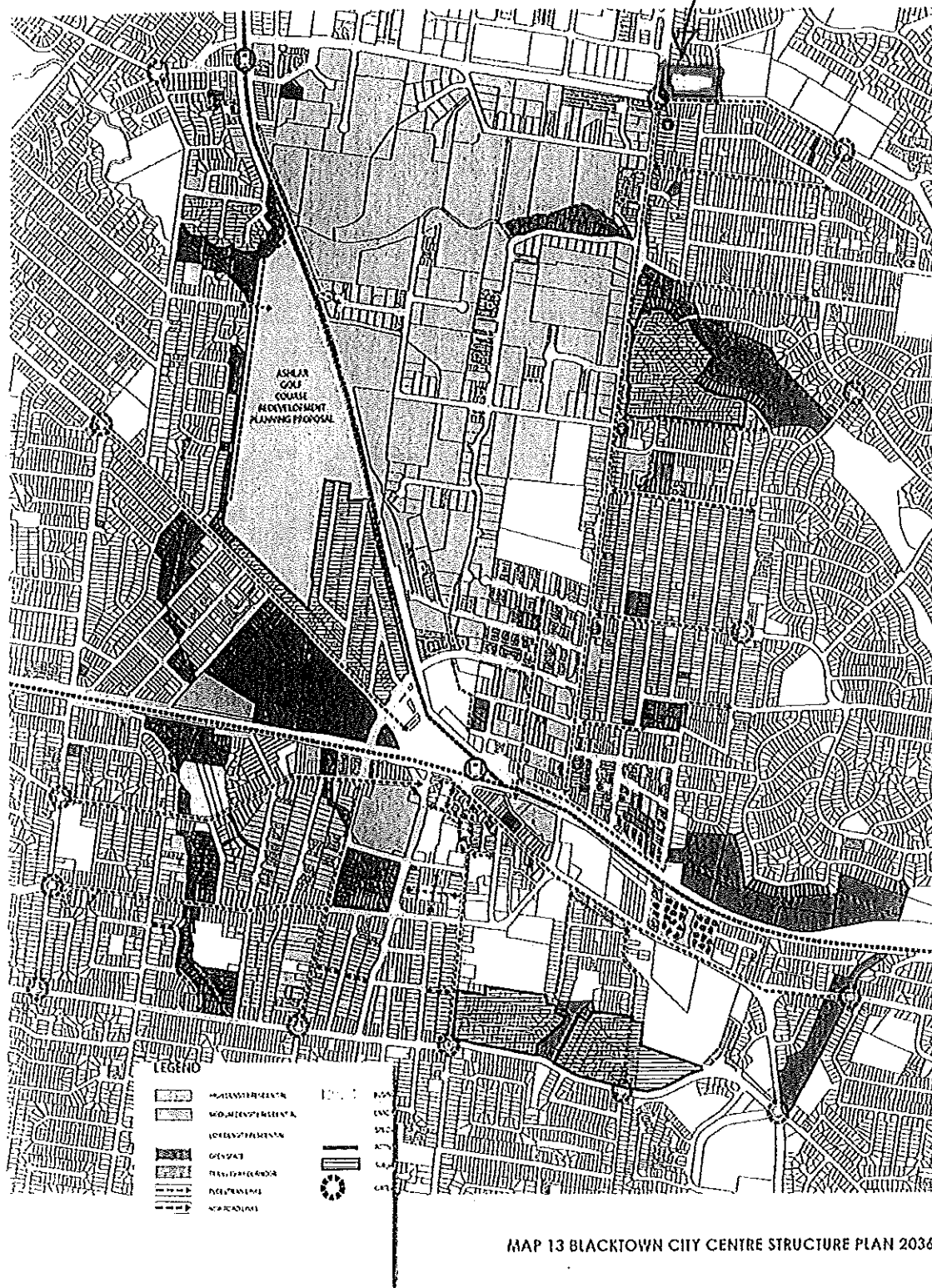
A2SD330095.pdf

COUNCIL RESOLUTION:

Create Action:

Wendy Chung
DLSD

Subject site



NORTH EAST PRECINCT - NORTH STRUCTURE PLAN

Subject site



MAP 27 NORTH EAST PRECINCT (North) STRUCTURE PLAN

