

Report to Sydney West Joint Regional Planning Panel

JRPP No.	PGR_2013_BLACK_002_00(formerly PGR_2013_BLACK_001_00)
RZ No:	RZ-11-1348/2
Proposed Development:	Request for pre-gateway review in relation to potential rezoning of land to allow residential flat development
Development Type:	High density residential
Lodgement Date:	11 April 2013
Land/Address:	Lot 1, DP 1097685 Vardys Road, Blacktown
Current Land Zoning:	2(a) Residential pursuant to Blacktown Local Environmental Plan (BLEP) 1988; Part R2 Low Density Residential and part R3 Medium Density Residential under the exhibited Draft BLEP2013
Proposed Zoning:	2(c) Residential under Blacktown Local Environmental Plan 1988; R4 under Draft Blacktown Local Environmental Plan 2013
Applicant:	
Recommendation:	The proposal to rezone the land to allow high density development does not have merit and should not proceed

- Current owners (Sassen Constructions Pty Ltd /Sam Sassen and Sons Development and Sons Pty Ltd) purchased the site in May 2011. At this time the land was zoned 2(a) Residential under Blacktown Local Environmental Plan 1988. Medium density development is permissible under this zoning.
- A pre-lodgement meeting was held with Robert Dell Pisto and Robert Sassen, on behalf of the owners, and consultant planner Warwick Gosling from Don Fox Planning, on 23 March 2011. At this meeting they were advised by Council officers the following:
 - that upzoning of this site was generally not supported by Council officers due to traffic and drainage issues;
 - A Housing Strategy and master planning of certain areas was being undertaken as part of Council's work on the Standard Instrument LEP.
 - A rezoning request could be considered as a Planning Proposal with a fee of around \$7000 or submission to the Draft LEP with a fee of \$1030. The latter was encouraged.
- On 29 June 2011 Council received an application to rezone the land to allow multi residential units and a fee of \$1030 was paid. Copies of the application form which acknowledges payment of the \$1030 fee and an extract from the Don Fox Planning Consultants' submission which states that "this submission is technically not a planning proposal but is designed to inform the preparation of Council's Template LEP" are held at **Attachments 1 and 2 respectively**.
- As such the subject rezoning proposal was not considered a formal Planning Proposal and a Gateway Determination was not sought. Rather, the future zoning of this site was considered as part of the new City-wide Standard Instrument LEP which is being processed under the previous legislative plan-making provisions as Council had notified the Director-General prior to 1 July 2009 that it had resolved to prepare the LEP and therefore transitional legislative provisions apply. A Section 65 Certificate was issued on 25 October 2012 to allow public exhibition of the Draft LEP. Council is of the view that technically a Pre-Gateway review cannot be sought as the proposal before Council has been assessed under the transitional provisions that apply to rezoning of land.

- At its Ordinary Meeting of 28 March 2012 Council considered a report for the future zoning of this site and the Don Fox submission. A copy of the report is provided at **Attachment 3**. Section 8 of the Council report addresses the proposal for the subject site. Page 9 of this report notes that the site has a number of significant development constraints, including limited road access and drainage issues. The report also notes that Council's Housing Strategy recommends that the majority of the higher density zones be situated in the Urban Renewal Precincts, in close proximity to train stations and higher order commercial centres.
- In summary, the limitations of the site include the following:
 - 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. The map on the back of Fact Sheet 10 (**Attachment 4**) shows the limited road access to the site.
 - Considerable noise impacts from Vardys and Sunnyholt Roads.
 - It is a highly visible site.
 - There is a watercourse on the site and the site is flood affected. A map showing the extent of potential flooding is at **Attachment 5**. Photos supplied by a local resident showing the extent of flooding during periods of heavy rain are included at **Attachment 6**.
 - Substantial residential opposition to high residential density development. This area has a predominantly low density character. An aerial photo showing the surrounding development is at **Attachment 7**.
- The Draft City-wide LEP, which is now known as Draft Blacktown LEP 2013, was exhibited from 23 January to 19 April 2013. Under Draft BLEP 2013, the subject site is proposed to be zoned part R2 Low Density Residential for the northern section of the site and part R3 Medium Density Residential for the southern portion. Various Fact Sheets in relation to Draft BLEP 2013 are held at **Attachment 4**, the last of which (Fact Sheet 10) clearly shows Vardys Road as the northern border to the Blacktown City Centre Urban Renewal Precinct and the subject site outside of this area. The 2km radius is based on the State Government's criteria for a Regional City Centre. It also shows that the land on the southern side of Vardys Road is proposed to be zoned R2 Low Density Residential under Draft BLEP2013.
- A submission to Draft BLEP 2013, with regards to the subject site, has been made by John Fisher Business Lawyers on behalf of the owners of the site. Council will consider this submission as part of the post-exhibition review of Draft BLEP 2013, before reporting the Draft LEP back to Council. Given that Council has received in the order of 600 submissions in relation to Draft BLEP 2013, this is not expected to occur until later this year.
- Council has also received 15 submissions and a petition containing over 1000 signatories from members of the public, supporting the proposed dual R2 Low Density and R3 Medium Density zonings for the subject site under Draft BLEP 2013 and one submission raising concerns about the flooding and traffic implications of any future development of the site for residential purposes.