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30 May 2013

Peter Goth
Regional Director
Sydney West Region
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Peter,

Request for Pre-Gateway Review regarding proposed rezoning of land at Lot 1, DP1097685, Vardys Road (corner Sunnyholt Road), Kings Langley

I refer to your letter dated 3 May 2013, advising that the Minister for Planning and Infrastructure has received a request for a pre-Gateway review of a proposal to rezone a property at the corner of Vardys Road and Sunnyholt Road, Kings Langley (Lot 1, DP1097685). Thank you for giving Council the opportunity to provide its views on the proposal and/or provide a response detailing why the original request to Council was not progressed.

Council wishes to advise that the subject rezoning proposal was not considered as a formal Planning Proposal and a Gateway Determination was not sought. Therefore, a "pre-Gateway Determination" was never provided by Council.

Council had reached an agreement with the applicant that the rezoning proposal would be considered as part of the new City-wide Standard Instrument Local Environmental Plan (LEP) for Blacktown. That 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 and part R3 Medium Density Residential.

The applicant was not made aware of Council's decision regarding the proposed zoning of the site until Draft BLEP 2013 was placed on public exhibition, as the LEP had to remain confidential prior to exhibition.

An extract from the applicant's "Planning Proposal" (June 2011), which acknowledges the abovementioned agreement, is provided at **Attachment 1**. This document notes that "this submission is technically not a planning proposal but is designed to inform the preparation of Council's Template LEP".

A copy of the applicant's receipt from Council for payment of a \$1,030 fee for the "Planning Proposal" is provided at **Attachment 2**. The receipt reflects the fee that Council charged applicants who wished to have their rezoning proposals considered as part of the new City-wide LEP. An extract from Blacktown's *Goods and Services Pricing Schedule 2012 – 2013* which makes reference to this fee is provided at **Attachment 3**. With regards to this extract, two matters are worth noting:

- since the applicant paid the fee in June 2011, the fee has increased to \$1,090; and
- the fee that Council charges for an application to amend its current LEP ranges from \$6,840 to \$64,160 (depending on the complexity and scale of the proposed amendment) and factors in the costs associated with exhibiting proposals individually.

At its Ordinary Meeting of 28 March 2012 Council considered a report titled "Planning Proposals received during the preparation of the new City-wide Comprehensive LEP". Section 8 of this report addresses the proposal for the subject site at Kings Langley. A copy of the report is provided at **Attachment 4**.

Given that the subject rezoning proposal was never considered as a formal Planning Proposal amendment to Blacktown LEP 1988, Council believes that the applicant has no ground to make a request for a pre-Gateway review.

Given that the rezoning request was considered as part of the preparation of Draft BLEP 2013, the applicant was able to make a submission to Draft BLEP 2013, outlining their views on the proposed zoning for the subject site.

Council's records show that a submission to Draft BLEP 2013, with regards to the subject site, has infact 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 at least September 2013.

It should be noted that Council has also received 15 submissions and a petition containing over 1000 signatories from members of the public, supporting the proposed zoning of 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.

I hope that the Department will concur with Council's view that the subject rezoning proposal was not progressed as a formal "Planning Proposal", a Gateway Determination was not issued by Council and therefore any request to review the "pre-Gateway Determination" for the proposal is invalid and should not be considered.

Should you require any further information regarding this matter, please contact Council's Team Leader, Planning Policy, Sue Galt on 9839 6216.

Yours sincerely,



Trevor Taylor
ACTING DIRECTOR CITY STRATEGY & DEVELOPMENT