

Rezoning of land in Richmond Road, Colebee

Proposal Title : **Rezoning of land in Richmond Road, Colebee**

Proposal Summary : **To rezone land at 773, 783 and 799 Richmond Road, Colebee, for development as a local centre and to realign zoning boundaries for a riparian corridor/drainage reserve.**

PP Number : **PP_2012_BLACK_003_00** Dop File No : **11/21719**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions :

- 1.1 Business and Industrial Zones
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the Proposal proceed subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979 for a period of 28 days;
2. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway Determination;
3. That the Director General approves the inconsistency with Section 117 Direction 4.3 Flood Prone Land, pursuant to clause 9(b) of the Direction, on the basis that it is of minor significance; and
4. Council should consult with Sydney Water, Telstra, Transgrid and the relevant gas utility in relation to the ability to service the proposed development. Council should consult with Roads and Maritime Services regarding the potential impacts on Richmond Road. Separate recommendations for Council to consult with other authorities and bodies are made below.

The following conditions should be met, and compliance endorsed by the Regional Director, Sydney West Regional Branch (on behalf of the Director General, where relevant), prior to undertaking community consultation:

5. The gross leasable floor space for the proposed retail centre should be capped at 4,500sqm. Council should explore means for introducing the cap (i.e. LEP or DCP) and, when doing so, must be mindful of the ability to ultimately incorporate LEP development controls into its Standard Instrument LEP;
6. Council should give consideration to the preparation of a site specific DCP. It is recommended that the DCP reinforce proposed access restrictions to Richmond Road and address urban design matters. The urban design should encourage both street activation and the provision of public spaces (i.e. guide the design of public spaces as well as the interface between the development and public spaces);

7. It is unclear whether asset protection zones ('APZs') are proposed to be included within

the riparian corridor (and/or drainage reserves). Council should ensure that APZs are not be located in these areas and, if necessary, amend the Proposal to address this issue;

8. Council should consult with the Office of Environment and Heritage (Environment Branch) in relation to the riparian corridor and drainage reserves (the consultation should be carried out regardless of the potential requirement for such consultation under section 34A of the Environmental Planning and Assessment Act 1979). Following the results of the consultation, Council should demonstrate whether the Proposal is consistent with Section 117 Direction 2.1 Environment Protection Zones. Council should also consult with the Hawkesbury-Nepean Catchment Management Authority;

9. Council should also consider whether the riparian corridor, once it is revegetated, would meet the definition of Cumberland Plain Woodland under Commonwealth legislation, i.e. the Environment Protection and Biodiversity Conservation Act 1999;

10. Council should prepare a comprehensive heritage study (and include consideration of the natural landscape). Council should consult with the Heritage Branch of the Office of Environment and Heritage and the relevant Local Aboriginal Land Council(s). Council should demonstrate compliance with section 117 Direction 2.3 Heritage Conservation following the completion of the consultation;

11. Under section 117 Direction 4.4 Planning for Bushfire Protection, Council is required to consult with the Commissioner of the NSW Rural Fire Service following the receipt of the Gateway Determination and prior to undertaking community consultation. Following such consultation and the review of APZs, Council should demonstrate the consistency of the Proposal with this Direction;

12. Council should clarify why separate private and public ownership is proposed for the riparian corridor and drainage reserves respectively. Council should confirm that it intends to acquire land proposed to be rezoned to 5(a) Special Uses (Drainage) and, in doing so, demonstrate consistency with section 117 Direction 6.2 Reserving Land for Public Purposes. The Director General (or an officer of the Department who is nominated by the Director General) is also required to approve the rezoning pursuant to the Direction;

13. The map on page 10 of the Proposal document shows the future proposed zoning of surrounding land and should be amended by Council to show the current zoning of that land;

14. Council should amend sections 3.4.4 and 5 of the Proposal document to remove references to preliminary consultation with Council as the Proposal is considered to be the responsibility of Council; and

15. Council should amend Part 3 of the Proposal to include any reference and changes required as a result of the s.117 Direction recommendations made above.

Supporting Reasons :

1. The proposal would facilitate better management and a better environmental outcome for the Bells Creek Corridor;
2. The Land Release (planning) Branch has not raised objection to the proposal, and is satisfied based on the information submitted, that nearby centres will not be impacted as a result of this proposal; and
3. The proposed riparian zones will provide a consistent approach towards the zoning of land within the growth centres.

Panel Recommendation

Recommendation Date : **10-May-2012**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council may wish to consider the inclusion of a floor space cap of 4500sqm to ensure

that retail development does not impact on nearby centres. Council is able to amend the planning proposal to include a maximum floor space cap and a suitable means to achieve it, if it is considered appropriate

2. It is noted that the planning proposal is consistent with the requirements of S117 Direction 2.1 Environmental Protection Zones in so far that it seeks to rezone the riparian corridor to a zone that will facilitate its protection and conservation. In addition to this, the following matters should also be considered and/or addressed by Council for the purposes of public exhibition:

- o The ecological assessment indicates that the site contains potential habitat for threatened fauna species but that the remnants of native vegetation on the site do not meet the definition of Cumberland Plain Woodland (CPW) under Commonwealth legislation. However, the riparian corridor is proposed to be revegetated and therefore Council should consider whether the CPW Recovery Plan would be applicable and whether any referral would be subsequently required under the Environment Protection and Biodiversity Conservation Act 1999 when revegetated.
- o The proposal indicates that upgrade works are proposed for land within the riparian corridor, including design solutions for the establishment of Asset Protection Zones (APZs). Council should consider whether the proposed APZ is necessary within the riparian zone.
- o Council is to consult with the Environment Branch of the Office of Environment and Heritage and the Hawkesbury-Nepean Catchment Management Authority in relation to the water quality treatment and water detention devices proposed for the riparian corridor, in addition to the matters raised above.
- o Following consideration of the above matters and consultation with the required public authorities, Council is to amend the planning proposal, if necessary, to reflect the consistency of the planning proposal with the Local Planning Direction and the outcomes of the consultation.

3. Council is to consult the Heritage Branch of the Office of Environment and Heritage and the relevant Local Aboriginal Land Council in relation to the heritage significance of the site. Council is to undertake any additional work as advised following consultation. Council is to amend the planning proposal to reflect the outcome of the additional assessment and consultation in order to satisfy the requirements of S117 Direction 2.3 Heritage Conservation. Council is to provide a copy of the revised planning proposal to the Department's Regional Office.

4. Council is to clarify why separate private and public ownership is proposed for the riparian corridor and drainage reserve. In doing so, Council should demonstrate consistency with S117 Direction 6.2 Reserving Land for Public Purposes and provide a copy of the revised planning proposal to the Department's Regional Office.

5. It is noted that the map on page 10 of the planning proposal indicates the proposed zoning for the subject land. Council is to amend the planning proposal to include a map of the existing zoning in addition to the proposed zoning in order to clearly indicate the intent of the proposed amendments being made to the LEP.

6. Council is to amend sections 3.4.4 and 5 of the planning proposal, in addition to any other reference in the document by deleting reference to undertaking 'preliminary discussion with Council' prior to public exhibition. The planning proposal is considered to be the responsibility of the relevant planning authority for the local government area, not the proponent.

7. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning 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 section 4.5 of A Guide to

Rezoning of land in Richmond Road, Colebee

Preparing LEPs (Department of Planning 2009).

8. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Aboriginal Land Council
- Hawkesbury - Nepean Catchment Management Authority
- Office of Environment and Heritage
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services
- Sydney Water
- Telstra
- Transgrid

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

9. Further to Condition 7 above, Council is to consult with Sydney Water, Telstra, Transgrid and the relevant gas utility provider in relation to the ability to service the proposed development. In addition, Council should consult Roads and Maritime Services regarding potential traffic and transport implications for Richmond Road.

10. Further to Condition 7 above, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, and forward a copy of the revised planning proposal to the Department's Regional Office.

11. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).

12. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____

Date: _____