



Planning & Infrastructure

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Our ref: PP_2012_BLACK_003_00 (11/21719)
Your ref: RZ-10-2394

Mr Ron Moore
General Manager
Blacktown City Council
PO Box 63
BLACKTOWN NSW 2148

Dear Mr Moore,

Planning proposal 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.

I am writing in response to your Council's letter dated 27 February 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Blacktown Local Environmental Plan 1988 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.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

Council may wish to consider the preparation of a site specific DCP, that in addition to controlling floor space, may also reinforce proposed access restrictions to Richmond Road and address urban design matters.

I have also agreed that the planning proposal's inconsistencies with S117 Direction 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway Determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Stephen Gardiner of the Regional Office of the Department on 02 9860 1560.

Yours sincerely,


Sam Haddad
Director-General

29/6/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_BLACK_003_00): 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.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Blacktown Local Environmental Plan 1988 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 should proceed subject to the following conditions:

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:
 - 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.
 - 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.
 - 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.
 - 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 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.

Dated

29th day of

June

2012.

Sam Haddad

Sam Haddad

Director-General

Delegate of the Minister for Planning and
Infrastructure