

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**

Proposal Details

Date Planning	30-Apr-2012	LGA covered :	Blacktown
Proposal Received :		RPA :	Blacktown City Council
Region :	Sydney Region West	Section of the Act :	55 - Planning Proposal
State Electorate :	RIVERSTONE		
LEP Type :	Spot Rezoning		

Location Details

Street : **773, 783 and 799**

Suburb : **Richmond Road** City : **Colebee** Postcode : **2761**

Land Parcel : **Part of Lot 26 in DP 661196, part of Lot 86 in DP 752030 and part of Lot 9 in DP976148**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre :	Sydney North West	Release Area Name :	Colebee
Regional / Sub	Metro North West subregion	Consistent with Strategy :	Yes
Regional Strategy :			

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MDP Number :	Date of Release :	
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots : 0	No. of Dwellings (where relevant) :	0
Gross Floor Area : 4,230.00	No of Jobs Created :	150

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : The Department's register of lobbyist contacts was examined on 2 May 2012, and there is no record of any contacts relating to this Planning Proposal.

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : To the best of the regional team's knowledge, there have been no meetings or communications with registered lobbyists.

Supporting notes

Internal Supporting Notes :

The proposal seeks to rezone land within the Colebee Release Area (North West Growth Centre) for retail and commercial development and to realign and rezone a riparian corridor / drainage reserve to better facilitate its management. The proposed retail and commercial development will form a local centre (4230sqm) and consist of:

- 2,990sqm of retail space (1,500sqm supermarket and 1,490sqm of specialty stores)
- 1,240sqm of commercial space

The Proposal was originally lodged with the Department on 8 December 2011, however, the format of the Proposal was not considered to be consistent with the Director General's requirements for the preparation of Planning Proposals. Accordingly, Council was requested to amend the Proposal and resubmit it to the Department. Council submitted the amended Proposal on 1 March 2012.

Following preliminary consultation with the Heritage Branch of the Office of Environment and Heritage on 23 April 2012, the Heritage Branch requested further information in order to allow it to comment on the Proposal. Council provided the requested information on 30 April 2012.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The Proposal seeks to rezone land within the Colebee Release Area for retail and commercial development and to realign and rezone a riparian corridor/drainage reserve to better facilitate its management. The Colebee Release Area is located within the North West Growth Centre and has already been rezoned for residential development.

The proposed retail and commercial development will form a local centre (neighbourhood scale) and will include 4,230sqm of gross leasable area, consisting of:

- 2,990sqm of retail space (a 1,500sqm supermarket and 1,490sqm of specialty stores), and

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- 1,240sqm of commercial space.

The proposed zoning changes to the drainage reserve/riparian corridor will ensure a consistent approach towards the zoning of such land within the Growth Centre and will also reduce the area required to be acquired by Council under the principal LEP.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The proposed retail and commercial development will be facilitated by rezoning the land from Zone 2(a) Residential 'A' to Zone 3(a) General Business.

The proposed changes to the riparian corridor/drainage reserve will be facilitated by rezoning the land from:

- Zone No. 5(a) Special Uses (Drainage) to Zone No. 6(d) Recreation - Environmental Protection,
- Zone No. 5(a) Special Uses (Drainage) to Zone No. 2(a) Residential 'A',
- Zone No. 2(a) Residential 'A' to Zone No. 5(a) Special Uses (Drainage), and
- Zone No. 2(a) Residential 'A' to Zone No. 6(d) Recreation - Environmental Protection.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 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

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified? **SEPP (Sydney Region Growth Centres) 2006**

e) List any other matters that need to be considered : The site was recently used for light industrial purposes. A preliminary contamination assessment was undertaken and did not find evidence of any contamination.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **SECTION 117 DIRECTIONS**

DIRECTION 1.1 BUSINESS AND INDUSTRIAL ZONES

The Direction applies to the Proposal as it seeks to create a business zoning. The Proposal aims to create a centre to serve the needs of future local residents within the Colebee Release Area and the immediate surrounding area. The centre will occupy 12,417sqm of land.

The Proposal is supported by an Economic Impact Assessment, which includes a retail demand analysis. The Assessment concludes that the proposed development is justified by the anticipated needs of future residential development in the locality and will not have an adverse economic impact on the planned major centre of Marsden Park (which will be located 4km away).

The Department's Land Release (Planning) Branch was consulted on the Proposal and

considered that, based on the information provided in the Economic Impact Assessment, nearby centres will not be adversely impacted. However, the Land Release (Planning) Branch sought to ensure that the development does not expand and impact on nearby centres, by recommending a development standard or DCP control restricting the commercial and retail floor space to 4,500sqm.

Other comments provided by the Land Release (Planning) Branch include:

- The proposed denial of direct access from the development to Richmond Road is supported. Nonetheless, the introduction of a DCP control would reinforce this.
- The urban design should encourage both street activation and the provision of public spaces. Therefore, it is recommended that a site specific DCP be drafted to guide the design of public spaces as well as the interface between the development and public spaces.

The above comments are supported and it is considered that the Proposal is consistent with this Direction. However, in view of the current transition of Council's principal LEP to a Standard Instrument LEP, it is considered that Council should be mindful of the need to ensure that any proposed amendments can be readily transferred into the Standard Instrument LEP.

DIRECTION 2.1 ENVIRONMENT PROTECTION ZONES

This Direction requires the protection and conservation of environmentally sensitive areas. The Direction applies to the Proposal as it includes environmentally sensitive land, i.e. a riparian corridor (Bells Creek) and endangered and vulnerable vegetation.

The Proposal is consistent with the Direction in so far that it seeks to rezone the riparian corridor to a zone that will facilitate its protection and conservation, i.e. Zone 6(d) Recreation - Environmental Protection. The riparian corridor will be 60 metres wide and will be adjoined by proposed drainage reserves.

An ecological assessment has been prepared in support of the Proposal and notes that the site contains limited vegetation, which is largely degraded. The vegetation is located within the riparian corridor, mainly in a narrow strip lining the Creek.

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 under Commonwealth legislation, i.e. the Environment Protection and Biodiversity Conservation Act 1999. However, the riparian corridor is proposed to be revegetated and it is not clear whether it would meet the definition once revegetated.

The subject land is not identified as 'priority land' in the Cumberland Plain Recovery Plan.

In relation to the Threatened Species Conservation Act 1995 ('the TSC Act'), the ecological assessment notes that the bulk of the site is exempt from further assessment of vegetation significance as it is subject to the Growth Centres Biodiversity Certification Order (2007).

The ecological assessment states that an area of non-certified land extends along Bells Creek and that a proposed bridge across the Creek in this area will result in some vegetation loss. The affected vegetation includes Shale Gravel Transition Forest, which is listed as an endangered ecological community under the TSC Act, and *Grevillea juniperina*, which is listed as a vulnerable species under the TSC Act. However, the ecological assessment considers that the impact is unlikely to be significant and that, consequently, a Species Impact Statement is not required.

The Proposal indicates that upgrade works are proposed for land within the riparian corridor and that key features of the works include, among other things, design solutions to meet the requirements for the establishment of Asset Protection Zones (APZs). However, it is considered that APZs should not be located within the riparian corridor.

The Proposal also indicates that the riparian corridor will contain water quality treatment and water detention devices. Notwithstanding this, in view of the above environmental matters, it is considered that Council should be required to consult with the Office of Environment and Heritage (Environment Branch). This requirement should apply regardless of Council's obligations in relation to the consideration of such consultation under section 34A of the Environmental Planning and Assessment Act 1979. Following the results of the above proposed consultation, Council should be required to demonstrate the consistency of the Proposal with this Direction prior to undertaking community consultation.

The proponent has undertaken preliminary consultation with the Office of the Hawkesbury-Nepean as the site is located within the catchment of the Hawkesbury River. No in principle objections have been raised by that Office. It is considered that Council should also consult with the Hawkesbury-Nepean Catchment Management Authority.

In view of the above, it is considered that the Director General should nominate the Regional Director, Sydney West, as having the authority to exercise the Director General's function pursuant to clause 6 of the Direction, to approve, where appropriate, any inconsistency of the Proposal with the Direction.

DIRECTION 2.3 HERITAGE CONSERVATION

This Direction applies to the Proposal as it includes a portion of land which is listed on the State Heritage Register, i.e. the Colebee Nurragingy Land Grant. This land has State heritage significance because it was the first land grant given to Aboriginal people in Australia.

The Proposal notes that an Aboriginal Heritage Impact Permit has been lodged with the Office of Environment and Heritage and that a Heritage Interpretation Strategy is also being separately prepared. In view of this, the Sydney West Regional Branch referred the Proposal to the Heritage Branch of the Office of Environment and Heritage.

The Heritage Branch replied that a heritage study is required for all three of the allotments (in their entirety) containing the land being rezoned. The study should be comprehensive, i.e. include consideration of the heritage value of the natural landscape. The Heritage Branch also provided additional comments, however, these do not relate to the Gateway process and are considered to be more relevant for consideration by Council at the development stage. A copy of the Heritage Branch's advice is provided in the documents section of this report.

It is considered that, in view of the above, Council should be required to undertake a comprehensive heritage study and consult with both the Office of Environment and Heritage (Heritage Branch) and the relevant Local Aboriginal Land Council(s).

Council should demonstrate compliance with the s.117 Direction 2.3 Heritage Conservation following the completion of the consultation.

DIRECTION 3.1 RESIDENTIAL ZONES

This Direction applies to the Proposal as it seeks to change the boundary of an existing residential zone. The boundary change is considered to be of minor significance and

aims to better facilitate an adjoining riparian corridor (and manage flooding). In view of this, it is considered that the Proposal is consistent with the overall intent of the Direction.

DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT

This Direction applies to the Proposal as it seeks to create a zone relating to urban land, i.e. Zone 3(a) General Business.

The Direction requires the Proposal to implement, and be consistent with:

- (a) Improving Transport Choice - Guidelines for Planning and Development (DUAP 2001), and
- (b) The Right Place for Business and Services - Planning Policy (DUAP 2001);

It is noted that the draft Centres Policy - Planning for Retail and Commercial Development (April 2009) is proposed to replace the above documents.

The Proposal is considered to be consistent with the above policies in so far that it seeks to address expected demand for commercial and retail development in an existing urban release area. It is understood that the Colebee Release Area is serviced by bus transport and that additional services are planned to be provided with the growth of the area.

DIRECTION 4.3 FLOOD PRONE LAND

This Direction applies to the Proposal as it contains flood prone land.

The Direction requires that land in certain zones, such as Special Uses, not be rezoned to certain other zones, such as Residential. The Proposal is inconsistent with the Direction as it rezones land from a Special Uses zone to a Residential Zone.

The Direction also requires that planning proposals must not contain provisions which apply to flood planning areas and which:

- (a) permit development in floodway areas,
- (b) permit development that will result in significant flood impacts to other properties,
- (c) permit a significant increase in the development of that land,
- (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or
- (e) permit development to be carried out without development consent, except for the purposes of agriculture..., roads or exempt development.

The Proposal states that the riparian corridor is proposed to be reshaped so as to confine flooding within the corridor and to ensure that there is no increase in the 1 in 100 year flood levels upstream and downstream of the site. From the maps provided with the Proposal, it appears that a small area of land to be rezoned to 2(a) Residential 'A' may be flood prone. However, it appears that no residential development is proposed for this land and that it will contain a proposed future bridge across the creek.

In view of the above, it is recommended that the Director General approves the inconsistency pursuant to clause 9(b) of the Direction, on the basis that it is of minor significance.

DIRECTION 4.4 PLANNING FOR BUSHFIRE PROTECTION

This Direction applies to planning proposals that affect, or are located in proximity to, land mapped as bushfire prone land.

A bushfire assessment has been prepared in support of the Proposal and has found that the nearest bush fire prone vegetation consists of Cumberland Plain Woodland adjacent to the subject land to the north and the south.

The bushfire assessment has also found that the main drainage line through the site, Bells Creek, currently does not have sufficient vegetation to be classified as bushfire prone. However, the bushfire assessment notes that (proposed) future revegetation of this area will establish a woodland structure adjacent to the creek and that (proposed) bioretention and water detention areas will be located on the road side of the riparian corridor and will also be revegetated with native species.

In view of the above matters, the Direction applies to the Proposal. The Direction requires Council to, among other things, consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination and prior to undertaking community consultation.

The Direction also prescribes other matters requiring compliance, such as the provision of Asset Protection Zones. It is considered that, once Council addresses the concerns regarding the provision of Asset Protection Zones and also consults with the Commissioner of the NSW Rural Fire Service, Council should be required to demonstrate the consistency of the Proposal with this Direction prior to undertaking community consultation.

It is considered that the Director General should nominate the Regional Director, Sydney West, as having the authority to exercise the Director General's function pursuant to clause 7 of the Direction, to approve, where appropriate, any inconsistency of the Proposal with the Direction.

DIRECTION 6.2 RESERVING LAND FOR PUBLIC PURPOSES

This Direction requires the approval of Council and the Director General (or a nominated officer of the Department) for the creation, alteration or reduction of existing zonings or reservations of land for public purposes.

The Proposal rezones land which is currently zoned 5(a) Special Uses (Drainage) to a range of different zones, mostly 6(d) Recreation - Environmental Protection, and will create a new, reduced area zoned 5(a) Special Uses (Drainage). The land to be rezoned to 5(a) Special Uses (Drainage) is proposed to be used as a stormwater detention/water quality treatment area and will form two narrow strips along both sides of the riparian corridor.

Currently, Council has an acquisition responsibility for land zoned Zone No. 5(a) Special Uses (Drainage) under Blacktown LEP 1998. It is understood that the land proposed to be rezoned from 5(a) Special Uses (Drainage) to 6(d) Recreation - Environmental Protection will be retained by the land owner. It is also understood that the land to be rezoned from 2(a) Residential 'A' to 5(a) Special Uses (Drainage) will be required to be acquired by Council under the LEP.

It is unclear why separate private and public ownership is proposed for the riparian corridor and drainage reserves respectively. It is considered that Council should be required to clarify this matter and demonstrate the Proposal's consistency with the Direction to the Sydney West Regional Branch prior to undertaking community consultation. Accordingly, it is considered that the Director General should nominate the Regional Director, Sydney West, as having the authority to exercise the Director General's function pursuant to clause 8 of the Direction, to approve, where appropriate, any inconsistency of the Proposal with the Direction.

DIRECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

This Direction applies to the Proposal and requires it to be consistent with the Metropolitan Plan for Sydney 2036.

It is considered that the Proposal is consistent with the Direction as it will enable development that will serve the needs of future local residents within the Colebee Release Area and surrounding lands and will allow better management of a drainage and riparian area.

SEPPs

DRAFT COMPETITION SEPP

The Proposal is generally consistent with draft State Environmental Planning Policy (Competition) 2010, which aims to promote economic growth and competition and remove anti-competitive barriers in environmental planning and assessment.

SEPP (SYDNEY REGION GROWTH CENTRES) 2006

Although the site is included within the North West Growth Centre Structure Plan, it is not subject to the development control framework which applies to the North West Growth Centre under SEPP Growth Centres 2007. The site was rezoned prior to the introduction of the SEPP and is subject to the development control framework under Blacktown LEP 1998.

SREP No.20 - Hawkesbury -Nepean River (No.2 - 1997)

It is unclear whether this deemed SEPP applies to the land subject to this Proposal. Council should be requested to clarify whether this plan applies, and amend the Proposal accordingly.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment : The Proposal contains a composite zoning map, showing the proposed rezoning in relation to the zoning of the surrounding land (Figure 5 refers (see page 10 in the Proposal)). However, the zoning shown for the surrounding land is not the current zoning and appears to be the intended future zoning instead. It is considered that the map should be amended to show the current zoning of the surrounding land.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Council considers that the Proposal will have a low impact and that it accordingly should only be exhibited for a period of 14 days.

However, it is not considered that the Proposal meets the definition of 'low impact' as described in the Department's publication 'A guide to preparing local environmental plans'. It is considered that the proposed 3(a) General Business zone is not consistent with the pattern of surrounding land use zones, which include residential land and an arterial road.

Accordingly, it is considered that the Proposal should be exhibited for a period of 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **While the Proposal meets the adequacy criteria overall, it includes inappropriate references to preliminary consultation with Council (sections 3.4.4 and 5 refer - of Proposal). It is considered that Council should be required to amend these references appropriately and submit the amended Proposal to the Sydney West Regional Branch for endorsement prior to undertaking community consultation.**

Proposal Assessment

Principal LEP:

Due Date : **June 2013**

Comments in relation to Principal LEP : **The Blacktown Principal LEP has not yet been exhibited. The LEP is expected to be exhibited during the course of 2012 and made during the course of 2013.**

Assessment Criteria

Need for planning proposal :	The proposed local centre is required in order to address the anticipated demands of future residents in the Colebee Release Area and immediate surrounding land. The rezoning of the riparian corridor is required in order to better facilitate its dual role as a riparian corridor and drainage reserve. A Planning Proposal is required in order to facilitate both components of the proposal, which require zoning changes. The proposed development is supported by various site assessments. The net community benefit test supporting the Proposal indicates that the Proposal will provide a net community benefit.
Consistency with strategic planning framework :	The Proposal is consistent with the Metropolitan Plan for Sydney 2036, the draft North West Subregional Strategy and the North West Growth Centre Structure Plan, in that it will provide a neighbourhood centre in a release area which is largely not located within a walkable catchment of an existing or planned neighbourhood centre. It is noted that Blacktown LEP 1998 does not provide a strategic planning framework for the Proposal.
Environmental social economic impacts :	The Proposal is accompanied by the following studies: - a flooding and drainage consideration, - an economic impact assessment, which includes a retail demand analysis, - an ecological assessment, - a traffic and parking assessment, - a salinity report, and - a bushfire assessment. In addition, the site has been the subject of a preliminary contamination assessment, which was conducted in 2003. On the basis of the information provided with the Proposal, no significantly adverse environmental, social or economic impacts are anticipated. As discussed above, it

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recommended that:

- Council be required to undertake a heritage study, and
- a floor space cap apply to the proposed centre.

Consultation with public authorities as proposed in this report will identify any other specific matters that need to be addressed.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **DG**

Public Authority Consultation - 56(2)(d) :
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

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Heritage

If Other, provide reasons :

HERITAGE STUDY

As discussed above, it is recommended that Council prepares a heritage study which should be consistent with the State Heritage Register listing and the draft Interpretation Strategy.

Identify any internal consultations, if required :

Residential Land Release (MDP)

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **ROADS**

Access to the development is not proposed directly from Richmond Road. A traffic assessment was prepared for the Proposal and concluded that it will have no significant traffic implications for Richmond Road. The proponent has undertaken preliminary consultation with Roads and Maritime Services and no in principle objections have been raised by that Authority.

While the Proposal makes reference to a voluntary Planning Agreement (VPA), it does not provide any details. In view of the location of the proposed centre at the southern gateway to the North West Growth Centre, there is the potential for higher than anticipated demand on the proposed centre from passing traffic. Therefore, it is considered that, despite the results of the traffic assessment, Council should consult with

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Roads and Maritime Services regarding any potential impact.

The Proposal has also been referred to the Strategies and Land Release division, who have verbally indicated that the existing Special Infrastructure Contribution (SIC) arrangement in place is unlikely to be significantly affected by the proposed rezoning.

OTHER INFRASTRUCTURE AND SERVICES

The proposed local centre will generate demand on water, sewer, electricity and possibly gas.

The proponent has consulted with Integral Energy, which has advised that capacity exists to service the site (though an extension will be required).

In relation to water and sewer, the proponent has provided advice regarding the provision of these services, which appears to relate to the wider release area. Notwithstanding this, it would appear that options are available for the supply of water and sewer services from nearby mains.

The Proposal indicates that a gas main adjoins the site. Notwithstanding this, it is considered that Council should also consult with the relevant gas utility regarding the servicing of the site.

Documents

Document File Name	DocumentType Name	Is Public
Planning_Proposal.pdf	Proposal	Yes
Advice_from_Heritage_Branch_of_OEH.pdf	Proposal	No
Advice_from_Land_Release_(Planning)_Branch_of_DPL.pdf	Proposal	No
2011.12 - Email from DP&I to Council requesting additional information.pdf	Study	No

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

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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.

Signature:



Printed Name:

STEPHEN GARDINER

Date:

4/5/12