

5. Is the planning proposal consistent with applicable state environmental planning policies?

A review of state environmental planning policies reveals that the following may be applicable and relevant:

SEPP No 44 Koala Habitat Protection

The land has been used for animal grazing for many years. The site comprises a number of cleared areas which include horse training tracks, a high voltage electricity line (running east-west), scattered trees and some stands of Cumberland Plain Woodland and River-flat Eucalyptus Forest. A flora and fauna assessment of the site has been undertaken by Travers Bushfire and Ecology, which concluded that the proposal is unlikely to result in a significant impact on any threatened species, populations or EECs or their habitats. (Attachment 1)

Should this Planning Proposal proceed, it would be appropriate for a review under SEPP 44 to be conducted to supplement the flora and fauna assessment.

SEPP 55 – Remediation of Land.

The land has been used for agriculture in the form of animal grazing for many years. However, there is no evidence to suggest that any activities have occurred on the land which would give rise to contamination.

Notwithstanding, it is noted that the Department of Planning Local Plan Making Guidelines states as follows:

In some cases it will be necessary to undertake technical studies or investigations to justify different aspects of a planning proposal. Generally, these studies or investigations should not be carried out in the first instance. Instead, the issues giving rise to the need for these studies or investigations should be identified in the planning proposal. The initial gateway determination will then confirm the studies or investigations required and the process for continuing the assessment of the proposal, including whether it will need to be resubmitted following completion of the studies or investigations.

In terms of this planning proposal, it is considered that no study is warranted in order to progress the draft LEP.

SREP No. 20 – Hawkesbury - Nepean River

The aim of SREP 20 is to protect the environment of the Hawkesbury – Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. Part 2 of SREP 20 provides general planning considerations, specific planning policies and recommended strategies. The following specific policies are relevant to the Planning Proposal:

(1) Total catchment management

Policy: *Total catchment management is to be integrated with environmental planning for the catchment.*

Strategies:

- (a) *Refer the application or other proposal for comment to the councils of each adjacent or downstream local government area which is likely to suffer a significant adverse environmental effect from the proposal.*

- (b) *Consider the impact of the development concerned on the catchment.*
- (c) *Consider the cumulative environmental impact of development proposals on the catchment.*

The land drains to Rickabys Creek, which forms the eastern boundary of the site. A fresh water wetlands system is mapped along Rickabys Creek on Map 27 of SREP 20 as Wetland No. 145. It is considered that the proposal has no impact in terms of total catchment management.

(2) Environmentally sensitive areas

Policy: The environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and (where necessary) remediation of existing uses.

Note. Environmentally sensitive areas in the Hawkesbury-Nepean catchment are: the river, riparian land, escarpments and other scenic areas, conservation area subcatchments, national parks and nature reserves, wetlands, other significant floral and faunal habitats and corridors, and known and potential acid sulphate soils.

Strategies:

- (a) *Rehabilitate parts of the riverine corridor from which sand, gravel or soil are extracted so that attached aquatic plant beds are replaced and water quality and faunal habitats improved.*
- (b) *Minimise adverse impacts on water quality, aquatic habitats, riverine vegetation and bank stability.*
- (c) *Minimise direct and indirect adverse impacts on land reserved or dedicated under the National Parks and Wildlife Act 1974 or the Forestry Act 1916 and conservation area sub-catchments in order to protect water quality and biodiversity.*
- (d) *Protect wetlands (including upland wetlands) from future development and from the impacts of land use within their catchments.*
- (e) *Consider the need to include buffer zones (such as adequate fire radiation zones) for proposals on land adjacent to land reserved or dedicated under the National Parks and Wildlife Act 1974 or the Forestry Act 1916.*
- (f) *Consider the views of the Director-General of National Parks and Wildlife about proposals for land adjacent to land reserved or dedicated under the National Parks and Wildlife Act 1974.*
- (g) *Consideration should be given to the impact of the development concerned on the water table and the formation of acid sulphate soils.*
- (h) *New development in conservation area sub-catchments should be located in areas that are already cleared.*

The land contains a mapped wetland which is located along Rickabys creek. No development or activity will occur within proximity of the wetlands as a consequence of this proposal. The Travers flora and fauna assessment (Attachment 1) confirms that there will no detrimental impact.

(6) Flora and fauna

Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.

The site comprises a number of cleared areas which include horse training tracks, a high voltage electricity line (running east-west), scattered trees and some stands of Cumberland Plain Woodland and River-flat Eucalyptus Forest. A flora and fauna assessment of the site has been undertaken by Travers Bushfire and Ecology, which concluded that the proposal is unlikely to result in a significant impact on any threatened species, populations or EECs or their habitats. (Attachment 1)

Strategies, generally:

- (a) *Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors.*
- (b) *Locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land.*
- (c) *Minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices.*
- (d) *Consider the impact on ecological processes, such as waste assimilation and nutrient cycling.*
- (e) *Consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms.*
- (f) *Consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas.*
- (g) *Consider the need to control access to flora and fauna habitat areas.*
- (h) *Consider the need to maintain corridors for fish passage, and protect spawning grounds and gravel beds.*

Strategies for wetlands:

- (i) *Maintain the ability of wetlands to improve the quality of water entering the river through the filtering of sediments and the absorption of nutrients.*
- (j) *Maintain the ability of wetlands to stabilise soils and reduce bank erosion.*
- (k) *Maintain the ability of wetlands to reduce the impact of flooding downstream through the retention of floodwaters.*
- (l) *Maintain a variety of wetland flora and fauna species in the region and consider the scarcity of particular species on a national basis.*
- (m) *Encourage the appropriate management of wetlands, including monitoring and weed control.*
- (n) *Provide opportunities for recreation, scientific research and education where they are compatible with the conservation of wetlands.*
- (o) *Consider the need to protect and improve the quality and quantity of surface water and groundwater entering wetlands by controlling development in the catchment of wetlands.*
- (p) *Consider the desirability of protecting any wetlands of local significance which are not included on the map.*

- (q) *Consider the desirability of protecting or, if necessary, actively managing, constructed wetlands if they have significant conservation values or make a significant contribution to improvements in water quality.*

No significant vegetation will be removed as a result of this planning proposal. Also no activities will occur within proximity of the mapped wetland system along Rickabys Creek. There is adequate land available to establish future development in accordance with this plan, to accommodate suitable buffers and stormwater management areas and to maintain and enhance the wetland.

7) Riverine scenic quality

Policy: The scenic quality of the riverine corridor must be protected.

Strategies:

- (a) *Maintain areas of extensive, prominent or significant vegetation to protect the character of the river.*
- (b) *Ensure proposed development is consistent with the landscape character as described in the Scenic Quality Study.*
- (c) *Consider the siting, setback, orientation, size, bulk and scale of and the use of unobtrusive, non-reflective material on any proposed building or work, the need to retain existing vegetation, especially along river banks, slopes visible from the river and its banks and along the skyline, and the need to carry out new planting of trees, and shrubs, particularly locally indigenous plants.*
- (d) *Consider the need for a buffer between new development and scenic areas of the riverine corridor shown on the map as being of significance beyond the region (which are also scenic areas of significance for the region) or so shown as being of regional significance only.*
- (e) *Consider the need for controls or conditions to protect those scenic areas.*
- (f) *Consider opportunities to improve riverine scenic quality.*

Any future structures will be sited within existing cleared areas and designed to ensure that the riverine scenic environment is protected and enhanced. Any future development applications will be assessed in accordance with the above strategies.

(8) Agriculture/aquaculture and fishing

Policy: *Agriculture must be planned and managed to minimise adverse environmental impacts and be protected from adverse impacts of other forms of development.*

Note. Refer also to items (1)–(7) and (12) for relevant strategies.

Strategies:

- (a) Give priority to agricultural production in rural zones.
- (b) Ensure zone objectives and minimum lot sizes support the continued agricultural use of Class 1, 2 and 3 Agricultural Land (as defined in the Department of Agriculture's Agricultural Land Classification Atlas) and of any other rural land that is currently sustaining agricultural production.
- (c) Incorporate effective separation between intensive agriculture and adjoining uses to mitigate noise, odour and visual impacts.
- (d) Protect agricultural sustainability from the adverse impacts of other forms of proposed development.
- (e) Consider the ability of the site to sustain over the long term the development concerned.
- (f) Consider the likely effect of the development concerned on fish breeding grounds, nursery areas, commercial and recreational fishing areas and oyster farming.

The Travers report (Attachment 1) concludes in this regard:

"Mitigation measures have been recommended to reduce the identified potential impacts of the proposal on threatened biodiversity. Of primary importance however is the protection of any riparian, wetland and EEC habitat areas.

As a general recommendation a 40m buffer should be applied to Rickabys Creek and any wetlands within the site. Wetlands include the mapped wetlands in the southern portion of the site and any portion of Rickabys Creek which is mapped as A SREP 20 Wetland.

Moderate and high quality areas of EEC within the proposed playing fields should also be protected and allowed to regenerate. Should these areas be impacted to any significant degree then it may cause the imposition of biodiversity offsets in the form of protection or restoration areas which can be mostly provided within the site."

SREP 9 – Extractive Industry (No. 2 1995)

The primary aims of SREP No 9 (No.2 -1995) are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential.

The site is not within the vicinity of land described in Schedule 1, 2 and 5 of the SREP nor will the proposed development restrict the obtaining of deposits of extractive material from such land.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The Minister for Planning and Infrastructure, under section 117(2) of the EP&A Act, issues directions that local councils must follow when preparing planning proposals for new local environmental plans. The directions cover the following broad categories:

- a. employment and resources
- b. environment and heritage
- c. housing, infrastructure and urban development
- d. hazard and risk
- e. regional planning
- f. local plan making.

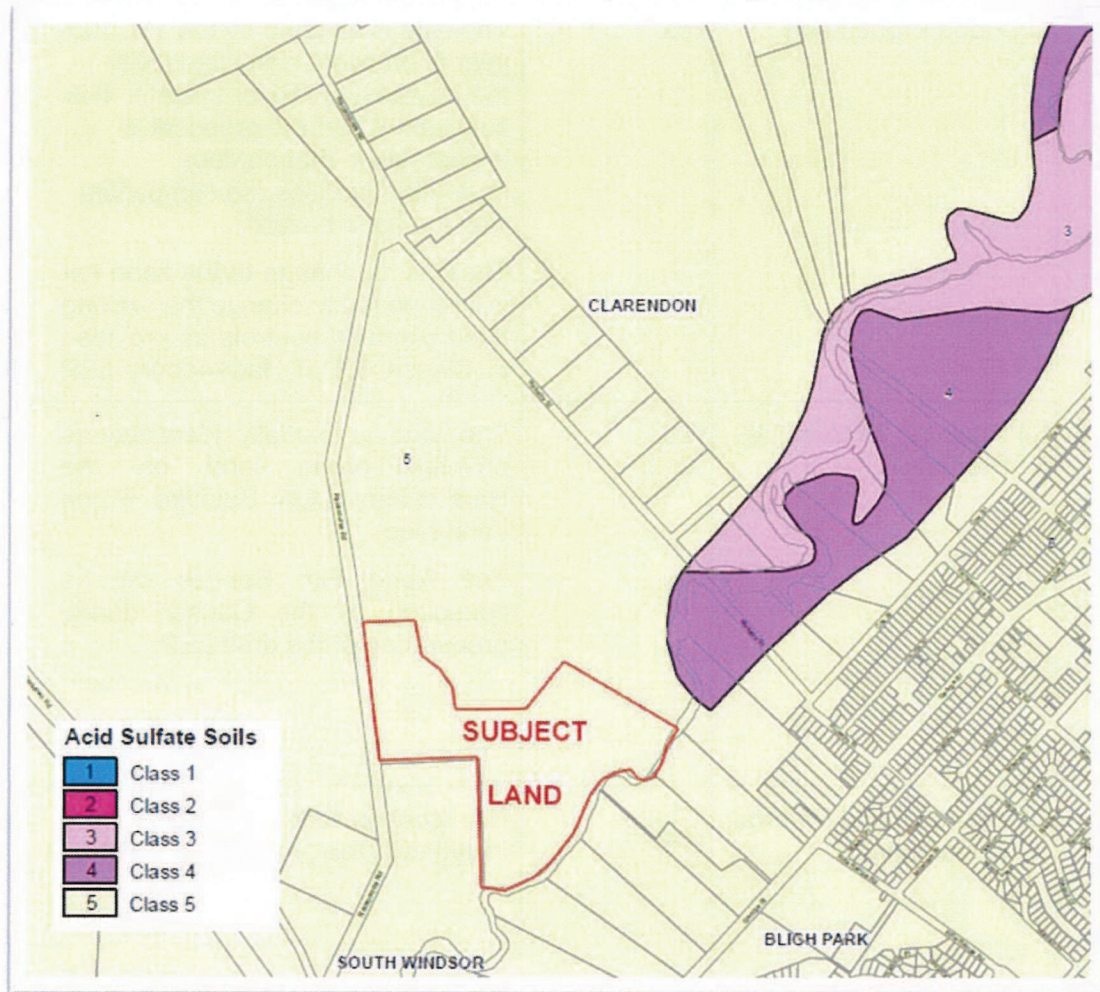
The following section provides an assessment of the planning proposal against applicable Section 117 directions.

Direction	Consistency	Reason
1.3 Mining, Petroleum Production and Extractive Industries	Yes	There are no existing extraction sites within or near this locality. It is understood that no specific resources have been identified in this locality. The NSW Department of Industry – Geological Survey of NSW will be consulted during the preparation of the draft plan.

2.1 Environment Protection Zones	Yes	The wetland contained within the land is zoned <u>E2 Environmental Conservation</u> . The planning proposal does not propose any change to the zoning.
4.1 Acid Sulfate Soils	No	Figure 5 below (Acid Sulfate Soils Map) shows that the property is identified as Class 5. It is considered that the inconsistency with this Direction is justified as the proposal is of minor significance.
4.3 Flood Prone Land	Yes	The land is affected by the 1 in 100 year flood event associated with the Hawkesbury River system. It is considered that the proposal is acceptable in that outdoor recreation facilities are compatible with the flood hazard. There is no change to the zone nor is it proposed to change the existing flood planning controls as provided in Clause 6.3 of Hawkesbury LEP 2012.
4.4 Planning for Bushfire Protection	Yes	The land is partially identified as bushfire prone land on the Hawkesbury LGA Bushfire Prone Land Map. The Rural Fire Service will be consulted by the Council during preparation of the draft LEP.
6.1 Approval and Referral Requirements	Yes	No concurrence provisions are included in the proposal.
6.2 Reserving Land for Public Purposes	Yes	There subject land is zoned mostly SP1 Special Activities. The planning proposal does not propose to alter the zoning or create any new reservations.

6.3 Site Specific Provisions	Yes Yes No	The proposal will permit an additional land use (consistent with the Standard Instrument definitions) on the subject land. No additional development controls are proposed
7.1 Implementation of A Plan for Growing Sydney	Yes	The planning proposal is consistent with A Plan for Growing Sydney. This is discussed in question 4 under Section B of this report.

Figure 5: Extract from HLEP 2012 Acid Sulfate Soils Map - Sheet ASS_008DA

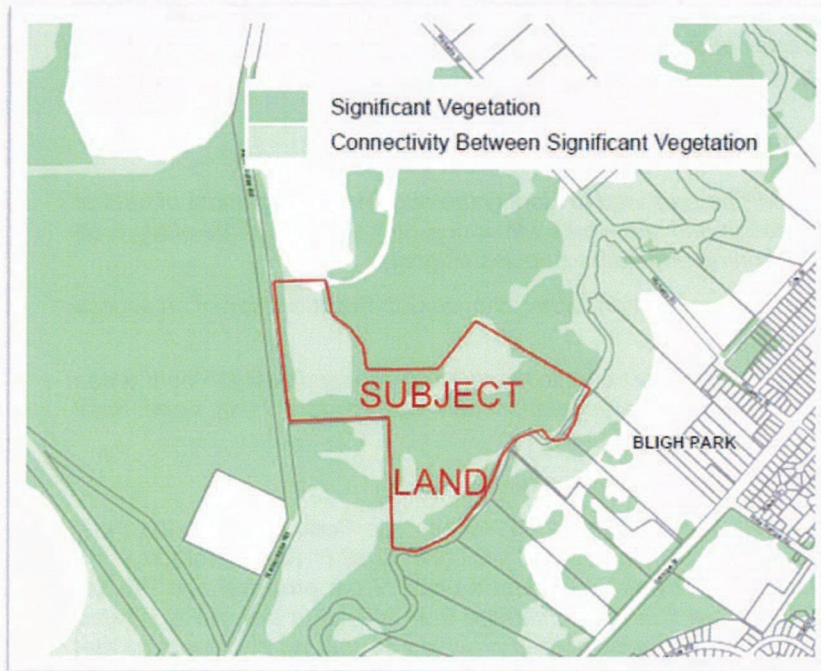


Section C – Environmental, social and economic impact.

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

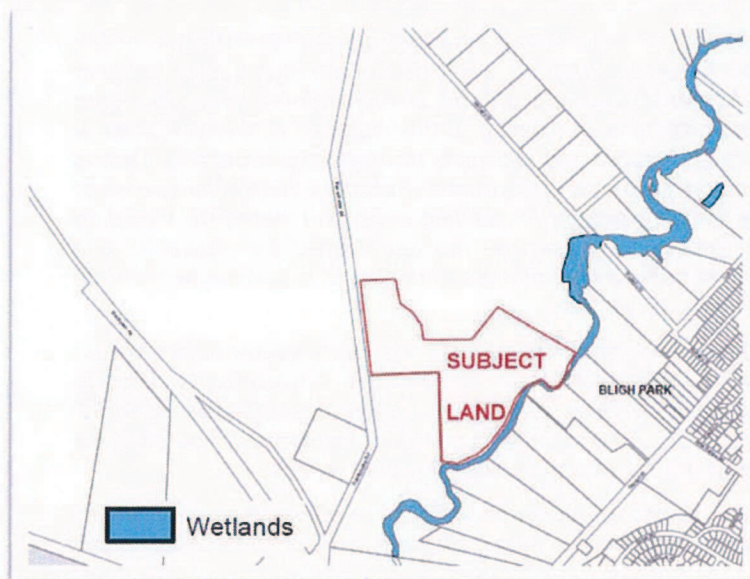
The Council's biodiversity mapping identifies some significant vegetation and areas of connectivity between significant vegetation as shown in Figure 6 below.

Figure 6: Extract form HLEP 2012 Terrestrial Biodiversity Map Sheet BIO_008DA



A fresh water wetlands system is mapped along Rickabys Creek on Map 27 of SREP 20 as Wetland No. 145. The wetland is also identified on the Wetlands Map of Hawkesbury LEP 2012.

Figure 7: Extract from HLEP 2012 Wetlands Map Sheet WET_008DA



Attachment 1 is a flora and fauna assessment prepared by Travers Bushfire and Ecology. This report concludes:

"It is concluded that the proposed Recreational facility within the subject site (within the southern portion of part Lot 3 DP 1105163) off Racecourse Road, Clarendon, is unlikely to result in a significant impact on any threatened species, populations or EECs or their habitats.

As such no further assessments are considered to be required under the Environmental Planning and Assessment Act 1979, the Environment Protection and Biodiversity Conservation Act 1999 or the Fisheries Management Act 1994.

Recommendations have been outlined within Section 5.3 to minimise the identified potential ecological impacts, address threatening processes which will create a more positive ecological outcome for threatened species and their associated habitats".

The recommendations include:

- ☐ *It is recommended that a VMP be prepared to identify the ongoing management of habitat resources, weeds, revegetation and site works within non-utilised parts of the study area to maintain ecological functioning and native species diversity.*
- ☐ *No mature or advance regrowth vegetation to be removed with the exception of an access off Racecourse Road.*
- ☐ *Delineate retained vegetation along Racecourse Road from proposed development areas by fencing or similar to protect native vegetation and Cumberland Plain Land Snail habitat.*
- ☐ *Undertake weed control of noxious and environmental weeds.*
- ☐ *The portion of Cumberland Plain Woodland along Racecourse Road providing the most suitable habitat areas on site for Cumberland Plain Land Snail is to be protected. An access to the site off Racecourse Road is required as part of the proposal and this will bisect this habitat strip. Therefore it is recommended that access to the site is located where the existing access road and entry gate is provided so that no additional habitat fragmentation occurs.*
- ☐ *The paving of this access may make passage by snails less suitable, therefore habitat on either side is to be enriched by the placement of logs for addition shelter opportunities. Due to the age of this woodland strip no mature trees or logs currently exist. The placement of logs is to be undertaken under the direction of a fauna ecologist to ensure their suitability.*
- ☐ *The southern corner of the subject site contains a small permanent dam that provides foraging habitat for water birds. Given its steep edge this dam is not high quality foraging habitat during most periods, however following a flood or high rainfall event this dam would overflow into the adjacent depression running further back off Rickabys Creek. It is likely that this depression is an oxbow and provided the previous creekline. During periods of inundation (such as that observed after rains of February 2013) this portion of the site would provide quality foraging habitat for wading birds and waterfowl including protected migratory species. This can be seen on the aerial used for Figure 2. It is recommended that this area is not utilised during these periods and occupying waterbirds are protected at this time from any disturbance.*
- ☐ *A buffer of 40m is to be provided to Rickabys Creek to the east and another buffer of 40m is provided for wetlands to ensure that there is no disturbance to water birds foraging along adjacent shallows and soaks. These buffers will define a protection zone for sensitive riparian and wetland habitat. A 40 m buffer is based on the NSW Office of Water Controlled Activity Guidelines (2012) for wetlands and 4th order creeks.*
- ☐ *Revegetation and regeneration should be considered to defragment vegetation areas hence increasing connectivity surrounding the site. The placement of nest boxes within*

the surrounding woodland patches is also encouraged to restore surrounding site usage by arboreal mammals and hollow-dependent bird species.

It would be appropriate to include these recommendations as conditions of any development consent which may be issued subsequent to the completion of this Planning Proposal. Accordingly, the Planning Proposal should proceed on this basis.

8. Are there any other likely environmental effects as a result of the planning proposal and how are these to be managed?

The land is affected by the 1 in 100 year flood event associated with the Hawkesbury River system. The nature of flooding in this location is backwater from Rickabys Creek once the Hawkesbury River is in flood. The hazard is considered to be low in this location. The future recreation facility would not be operational during a flood warning situation.

Any subsequent development consent would require a flood evacuation and management plan to be prepared and implemented as a condition of consent.

There is no change to the zone nor is it proposed to change the existing flood planning controls as provided in Clause 6.3 of Hawkesbury LEP 2012.

The New South Wales Floodplain Development Manual published in April 2005 states;

“The primary objective of the New South Wales Flood Prone Land Policy, as outlined below, recognises the following two important facts:

- Flood prone land is a valuable resource that should not be sterilised by unnecessarily precluding its development; and
- If all development applications and proposals for rezoning of flood prone land are assessed according to rigid and prescriptive criteria, some appropriate proposals may be unreasonably disallowed or restricted, and equally quite inappropriate approvals may be approved.”⁴

The Manual also includes the following policy statement at page 1:

“The primary objective of the policy is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible. That is:

- A merit approach shall be adopted for all development decisions in the floodplain to take into account social, economic and ecological factors, as well as flooding considerations.”

⁴ Floodplain Development Manual: the management of flood liable land, NSW Government, April 2005, pg 1.

The Manual clearly advocates that decisions should be made on the merits of each specific proposal. In this case the following matters are raised in support of the planning proposal.

1. The proposal will allow a recreational facility to be established on the land subject to development consent. The proposed additional use is of lesser intensity than uses which could potentially occur under the existing SP1 zone.
2. There is adequate warning time in respect of an impending flood to ensure that activities can be cancelled if necessary and/or patrons and staff can be evacuated safely before there is any danger from floodwaters.
3. Buildings which may be inundated by floodwater will be constructed of flood compatible materials.
4. The proposal does not permit any additional residential development.
5. Any losses or damage to buildings or equipment will be commercial in nature.
6. There will be no increased risk of loss of life.
7. The land use contemplated by this planning proposal is compatible with the flood prone nature of the land. Recreation facilities are not in use at all times and cancellation of events/sessions which may be required in an impending flood situation will have no economic impact beyond the operator of the site.

It is submitted that the proposal satisfies the objectives of the New South Wales Floodplain Development Manual published in April 2005.

On 31 July 2012 Hawkesbury City Council adopted a "Development of Flood Liable Land Policy". The policy would be applied to any development applications submitted as a consequence of this planning proposal. The policy is reproduced below with comments in respect of the proposal as relevant.

1. *A building shall not be erected on any land lying at a level lower than 3 metres below the 1:100 ARI (average recurrent interval) flood event level for the area in which the land is situated, except as provided by subclauses (3) and (5).*

Buildings associated with a future recreation facility are likely to be temporary in nature.

2. *Each habitable room in a building situated on any land to which this Policy applies shall have a floor level no lower than the 1:100 ARI (average recurrent interval) flood event level for the area in which the land is located.*

No habitable rooms are proposed.

3. *Notwithstanding subclauses (1), (2), (7) and (8), a building that was lawfully situated on any land at 30 June 1997 may be extended, altered, added to or replaced if the floor level of the building, after the building work has been carried out, is not more than 3 metres below the floor height standard for the land immediately before the commencement day.*

There are no existing buildings.

4. *The assessment of a development application must consider the flood liability of access to the land and, if the land is within a floodway area, the effect of isolation of the land by flooding, notwithstanding whether other aspects of this Policy have been satisfied. In this regard the access to, and egress from, the land should not result in a travel path through*

areas of higher flood hazard risk and the development should not result in the occupants/users of the development being isolated and requiring rescue.

The land slopes up from Rickabys Creek (the source of floodwaters). There is ample warning time to allow staff and patrons to evacuate via rising access to Racecourse Road and Blacktown Road if required.

5. *Minor (Non-Habitable) structures such as Farm Buildings, Outbuildings, Sheds, Garages and other Ancillary Structures may be erected on land below the 1:100 ARI (average recurrent interval) flood event level. However, the assessment of a development application for such a structure must consider the likely frequency of flooding, the potential flood damage (to both the subject structure and to other surrounding property should the structure be washed away) and measures to be taken for the evacuation of the property. In this regard the access to, and egress from, the land should not result in a travel path through areas of higher flood hazard risk.*

There is opportunity for various structures to be erected under the current provisions of Hawkesbury LEP 2012. No change is proposed in this respect.

6. *Any part of a building below the 1:100 ARI (average recurrent interval) flood event level is to be constructed of flood compatible materials.*

Any future structures, buildings or facilities to be located below the 1:100 ARI will be designed to withstand the flow of floodwater and with materials which are compatible with immersion in water.

7. *Despite subclauses (1) and (2) but subject to subclause (3), a dwelling must not be erected on land lying below the 1:100 ARI (average recurrent interval) flood event level if the allotment of land on which it is to be erected was created by a subdivision approved under clause 11 of Hawkesbury Local Environmental Plan 1989 on or after the commencement day.*

No dwellings are proposed as a consequence of this proposal.

8. *Despite subclauses (1) and (2) but subject to subclause (3), a dwelling must not be erected on land lying below the floor height standard for the land immediately before the commencement day if the allotment of land on which it is to be erected was created by a subdivision approved under clause 11 of Hawkesbury Local Environmental Plan 1989 before the commencement day.*

No dwellings are proposed as a consequence of this proposal.

9. All proposed variations to this Policy, greater than 10% are to be reported to, and determined by, Council.

This policy statement may apply to future development applications,

In conclusion, it is considered that outdoor recreation facilities are compatible with the flood hazard.

9. *Has the planning proposal adequately addressed any social and economic effects?*

There are positive social and economic effects arising from the use proposed. The economic benefits include the creation of additional local jobs and attracting additional visitors to the area. The social benefit is that an additional form of outdoor recreation activity will be available with the Hawkesbury LGA which is accessible to the Windsor and Richmond population centres.

It is noted that the land has not been identified as containing any items of European or aboriginal cultural heritage.

Section D – State and Commonwealth Interests

10. *Is there adequate public infrastructure for the planning proposal?*

The land is able to be serviced by electricity, telephone and communications.

Wastewater from future development will be collected in holding tanks and pumped out regularly as required by commercial contractor.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The following public authorities will be consulted during preparation of the draft plan.

Public Authority	Issue
NSW Office of Environment & Heritage	There are positive social and economic effects arising from the uses proposed. The
NSW Rural Fire Services	Bushfire hazard management
NSW Department of Trade & Investment – Geological Survey of NSW	Potential resources.
Hawkesbury Nepean Catchment Management Authority	SREP 20 – Hawkesbury Nepean River

Part 4 – Mapping

Sufficient mapping has been included in this Planning Proposal to identify the mapping changes which are required. The Council will provide appropriate mapping in accordance with the *Standard technical requirements for LEP Maps*. The Council's mapping will be produced for gazettal.

Part 5 – Community Consultation

It is considered that an exhibition period of 14 days is sufficient community consultation for this planning proposal.

Part 6 – Project Timeline

It is suggested that it would be reasonable for the LEP to be completed within 9 months from the week after the Gateway Determination is issued. The suggested project timeline is as follows:

Project Phase	Indicative Timeline
1. Anticipated commencement date	4 weeks from date of referral to DP&I of planning proposal
2. Completion of technical information prior to government agency consultation	Nil
3. Government agency consultation	4 weeks
4. Preparation of written advice to the adjoining / affected property owners, public notice in a local newspaper, and exhibition material	2 weeks
5. Public consultation period	2 weeks
6. Consideration of submissions, assessment report and decision to proceed to final LEP	6 weeks
7. Request to PC to prepare a draft LEP under Section 59(1) of the Act	2 weeks
8. Finalisation of the content of the draft LEP by PC in consultation with Council and issuing of legal opinion on the draft plan	6 weeks
9. Request for online notification of the LEP	2 weeks

Conclusion

The purpose of this Planning Proposal is to amend Hawkesbury Local Environmental Plan (LEP) 2012 to permit the use of the land for a "recreation facility (outdoor)" as defined in the Dictionary to the LEP. Currently, the only development which is permissible with consent in the SP1 Special activities zone is roads and the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose, in this case being education etc.

This Planning Proposal is prepared in the context of the Council's resolution of 31 March 2015 to, inter alia, review permitted uses in the SP1 zone relating to University of Western Sydney lands.

The Planning Proposal satisfies all relevant State, Regional and local criteria and it is recommended that Council proceed with a draft local environmental plan to amend the Hawkesbury LEP 2012 to permit the use of the land for the purposes of recreation facility (outdoor).

Attachment 1: Flora and Fauna Assessment