

ITEM

CATTAI TOURIST PRECINCT PLANNING (FP25)

THEME:	Balanced Urban Growth
HILLS 2026 OUTCOME/S:	BUG 2 Lifestyle options that reflect our natural beauty.
COUNCIL STRATEGY/S:	BUG 2.1 Facilitate the provision of diverse, connected and sustainable housing options through integrated land use planning.
GROUP:	STRATEGIC PLANNING
AUTHOR:	ACTING FORWARD PLANNING COORDINATOR BRONWYN SMITH
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

It is recommended that Council support the proposal to create a tourist/residential resort around the existing Riverside Golf Course and forward a planning proposal to the Department of Planning for a Gateway Determination.

The proposal for this site will add to the existing tourist facilities, maintain an open rural character and provide rural support functions, improvements to water quality and protection of wildlife habitats.

To achieve the desired outcome it is proposed to utilise standard template zones, which will allow incorporation into Council's Draft Local Environmental Plan 2010 at a later stage if successful. The proposed zones are:

- RE2 Private Recreation;
- W2 Recreational Waterway; and
- E2 Environmental Conservation.

The proposal would also include a minimum allotment size for the subject site of 150m² to allow separate titles to be created for the housing component.

Consultation will be identified as part of the Gateway Determination and would include public authorities such as the Roads and Traffic Authority and the Rural Fire Service.

HISTORY

06/12/1989 Council issued development consent for the development of Riverside Oaks Golf Course/Tourist Resort.

- 24/12/1996 Council issued development consent for a Tourist facility – "The Ridge" Tourist Recreation Resort and Community Title Subdivision.
- 07/09/2010 Councillor Workshop. Briefing provided to Councillors on the planning proposal.
- 16/09/2010 Meeting held with the Minister for Planning to discuss the concept.
- 5/10/2010 Councillor Workshop. Briefing provided to Councillors on the planning proposal.

APPLICANT – Capital Corporation
OWNER – The Lifestyle Investment Co Pty Ltd

ZONE

LEP 2005: Rural 1(b)

Uncertified Draft LEP 2010: RE2 Private Recreation
E2 Environmental Conservation

EXISTING DEVELOPMENT – Riverside Oaks Golf Course

POLITICAL DONATIONS – None Disclosed

REPORT

The purpose of this report is to consider a request lodged by Capital Corporation to rezone land at No.76 Wisemans Ferry Road Cattai, known as Riverside Oaks Golf Club, to permit an upgrade of the existing approved tourist facility. This upgrade will include an expansion of the existing facilities with a concert area, marina and additional accommodation.

EXISTING DEVELOPMENT

The site is currently occupied by Riverside Golf Resort. Council approved the development of Riverside Oaks Golf Club/Tourist Resort in December 1989. The approved development provides for:

- 2 x 18 hole golf course
- Hotel (300 rooms)
- Retail Facilities
- Clubhouse
- Maintenance/Service Facilities
- Holiday Cabins
- Corporate Lodges
- Tennis club
- Golf Academy
- Driving Range

Whilst this development has never been completed, it has been substantially commenced and the consent is currently active. Various additional consents have been issued for detailed plans based on the approved concept plan.

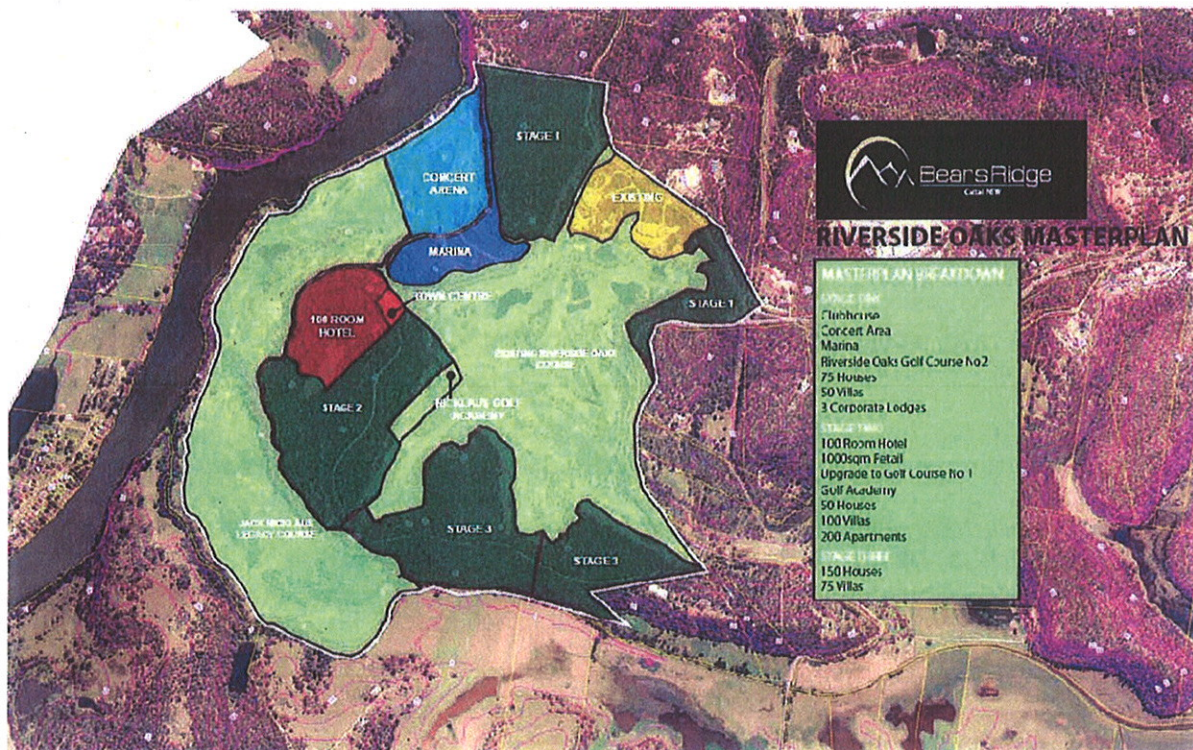
It is bounded by Wisemans Ferry Road to the south and east, Little Cattai Creek to the north and the Cattai National Park and Hawkesbury River to the west. Topography is generally undulating rising to its highest point in the south adjacent to Wisemans Ferry Road and falling to the river flats adjoining the Hawkesbury River and Little Cattai Creek.

CONCEPT DEVELOPMENT

The purpose of the upgrade of the facilities on site is to provide a first class tourist facility, with a residential living component. It is proposed to complete the complex in 3 stages and will include the following:

- New clubhouse
- Marina
- 3 Corporate Lodges
- 1000m² of retail space
- New Golf Academy
- 275 Houses
- Concert Area
- Riverside Golf Course No. 2
- Upgrade to Golf Course No.1
- 100 Room Hotel
- 225 Villas
- 200 Apartments

It is intended by the proponent that the residential component (houses, villas, apartments) be created through community title to permit private ownership.



PLANNING PROPOSAL

The overall objectives of the proposal to develop a first class tourist facility in this location are:

- Control the fragmentation/alienation of agricultural land arising from tourist developments outside the specific town boundaries;
- Maximise utilisation and promotion of existing tourist resources;
- Maintain a high degree of environmental quality and minimise conflict between tourist facilities and the rural amenity;
- Locate tourist oriented activities in areas that are appropriate for that development;
- Provide the opportunity for the development of a high quality residential estate which is integrated with the golf course;
- Promote the living environment the golf course offers;

- Limit conflicts between the residential and recreational uses on the site; and
- Encourage the consolidation of the golf course precinct.

To achieve this, it will be necessary to amend the zone of the subject land from Rural 1(b) to a combination of RE2 – Private Recreation, W2 – Recreational Waterway and E2 – Environmental Conservation. The RE2, W2 and E2 zones utilise the new Standard Template zones and are compatible with Council's Draft Local Environmental Plan 2010, which is awaiting final certification from the Department of Planning.

The proposal also requires the minimum allotment size to be altered for the housing component of the development. A minimum lot size of 150m² has been identified by the proponent. This allows separate titles to be created and sale of the housing component to investors, especially with regards to the accommodation units.

The proponent has requested the reduced lot size for the following reasons:

- a. To facilitate the management of the proposal by defining areas and uses through community-title subdivision and thereby permitting the defining of rights and responsibilities;
- b. To allow separate titles to be created which will permit sale of individual housing lots; and
- c. To make the development financially viable by allowing separate sale of units to investors.

While financial considerations do not form part of the Environmental Planning and Assessment Act 1979 the reduced minimum lot size would assist in securing the financial viability of the proposal. In this regard funds can be accumulated via the sale of units to investors to enable financing of the construction and development costs.

The rezoning and subsequent reduction in minimum lot size is unlikely to have a cumulative impact on the locality for the following reasons:

1. The reduced minimum subdivision standard relates solely to a tourist facility and not to the creation of vacant agricultural lots or lots to be used for rural purposes; and
2. As a tourist facility, the development would only occur should there be a demand for such a facility. Support of this planning proposal is unlikely to lead to numerous similar proposals as this proposal draws on particular features, including access to the Hawkesbury River, the established tourist facilities and location.

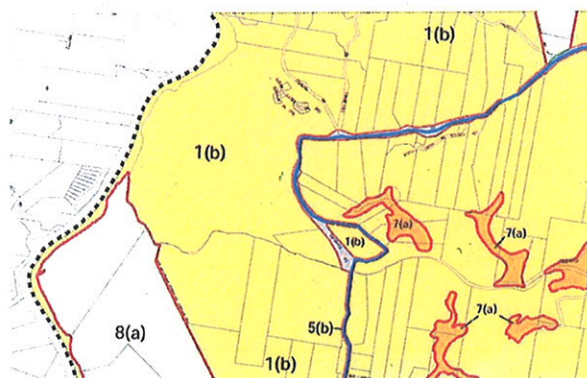
PLANNING FRAMEWORK

Local Environmental Plan 2005

The subject site is currently zoned Rural 1(b) under Baulkham Hills Local Environmental Plan 2005 (BHLEP 2005), within which recreation facilities are permissible with the consent of Council.

'recreation facilities means a building or place used for sporting activities, recreation or leisure activities, whether or not operated for the purpose of gain, but in the Table to clause 13, does not include a building or place elsewhere specifically defined in this clause.'

Clause 18 of BHLEP 2005 prevents land in the Rural 1(b) zone from being subdivided unless each lot created has a minimum area of 10 hectares. The Rural 1(b) zone, with a 10ha minimum allotment size has been in place since March 1991 under the provisions of Baulkham Hills Local Environmental Plan 1991.



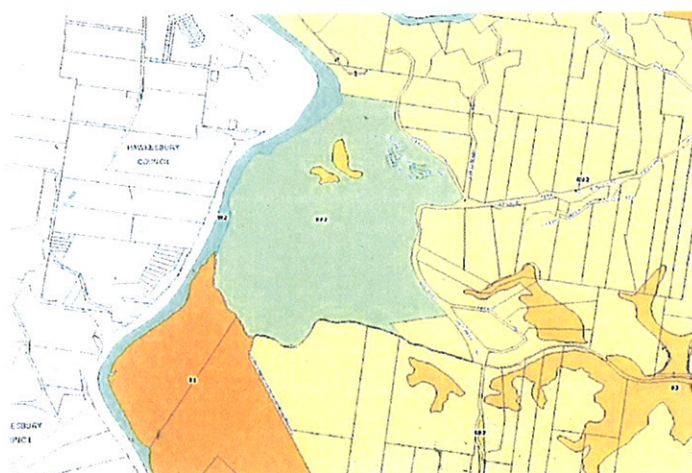
Extract - Local Environmental Plan 2005

Whilst the proposal is permitted within the Rural 1(b) zone, it is not considered suitable as the primary focus is on agricultural activities and subdivision is restricted to a minimum of 10ha for each lot.

Draft Local Environmental Plan 2010

The subject site is identified in Draft Local Environmental Plan 2010 as, RE2 Private Recreation and E2 Environmental Conservation.

The Draft Principal Local Environmental Plan 2010 was endorsed by Council on 13 July, 2010 and exhibition is waiting to commence, once final certification is issued by the Department of Planning.



Extract - Uncertified Draft Local Environmental Plan 2010

To facilitate the tourist facility it is proposed to incorporate residential accommodation within the activities permitted with consent under the RE2 Private Recreation Zone. In addition, the minimum lot size for subdivision will be amended to 150m², allowing subdivision of the housing component.

The amendments to residential accommodation into the RE2 Private Recreation zone will impact on 3 other locations in the Shire, being Muirfield, Castle Hill and Wisemans Ferry Golf Courses. Residential accommodation in these locations is not considered appropriate at this time and may be prevented by applying a 10 ha minimum lot size for subdivision specifically to these sites.

Consideration of each of the components of the proposal is discussed below:

RE2 Private Recreation

Although the site is currently zoned rural, there has been very little agriculture practised in recent times on the site and indeed the surrounding sub catchment. In this regard it

should be noted that Council approved the site for a tourist facility including a golf course, on the basis that it was considered that the site should not be retained for rural purposes only.

Amongst the objectives of the RE2 – Private Recreation zone is to promote tourism and entertainment related activities in appropriate areas.

W2 – Recreational Waterway

The W2 zone is for water based recreation and related uses including water-based recreation, boating and water transport. This zone will cover the proposed marina and associated activities and is designed to protect ecological, scenic and recreational values and provides for water based recreation.

E2 – Environmental Conservation

The E2-Environmental Conservation zoning would ensure the protection of the identified wetlands on the land. The objective of this zone is to prevent development that could destroy, damage or otherwise have an adverse effect on those values.

Sydney Regional Plan No.20

Development which is sited within the Hawkesbury-Nepean River Catchment area is subject to consideration under the provisions of Sydney Regional Plan No.20. The plan requires Council to ensure that any development of land protects the unique environment and character of the river valley.

The subject site falls within area No. 5 – Lower Hawkesbury River which is identified as that part of the river that provides the greatest tourist potential. It further identifies that whilst the plan encourages tourist development close to existing villages it is acknowledged that larger scale tourist development may be appropriate to selected sites. These could provide international standard accommodation and include activities such as golf, tennis and boating.

Sydney Regional Plan No.20 also identifies a number of matters of consideration that must be taken into account in the assessment of tourist based developments to ensure certain broad and specific objectives are met relating to the protection and preservation of environmental, recreational, heritage, archaeological, cultural and scenic qualities of the valley.

In summary Sydney Regional Plan No.20 requires that:

- a. Effluent can be treated and disposed of on-site without adversely affecting the water quality of the river,
- b. The removal of water from the river does not impact upon water quality and necessary licensing is required,
- c. In relation to run-off whether appropriate environmental retention systems are employed to improve the quality of run-off, and
- d. In relation to aquatic habitats the effect of the proposal on colonisation and regrowth of aquatic plants and bank stability and light penetration to the river.

It will be necessary for the relevant authorities to provide comment on the above and or issue any necessary licences as part of the gateway determination.

MATTERS FOR CONSIDERATION

The proponent's submission addresses the following impacts of the proposal.

1. Traffic Management (Additional Vehicles and Access)
2. Bush Fire Protection
3. Provision of Services (Water, Effluent Management, Power, etc)
4. Vegetation Management
5. Heritage Conservation and Management

6. Flooding and Stormwater Management
7. Acid Sulphate Soils Management
8. Residential Accommodation –vs- Tourist Facilities

1. Traffic Management

The proposal relies on the existing access arrangements; however treatments at specific locations to address cumulative impacts may be required.

As part of the gateway determination the Minister will advise of consultation required with public authorities which will enable the access to be reviewed by the Roads and Traffic Authority.

2. Bush Fire Protection

The subject site is identified as Bush Fire Prone and any development that may occur on the subject site would be subject to the requirements of the NSW Rural Fires Act 1997 and the asset protection zones. Final design of asset protection zones would be undertaken as part of the preparation of a development application.

As part of the gateway determination the Minister will advise of consultation required with public authorities which will enable the suitability of bushfire hazard protection to be reviewed by the NSW Rural Fire Service.

3. Provision of Services

It is indicated that the current sewage plant and potable water treatment plant will be upgraded in the near future and detail design would be undertaken as part of the preparation of a development application.

Delivery of services, in particular sewage and potable water, will need to be adequately addressed prior to finalising any zone amendments due to issues such as the water table level and the requirements of Sydney Regional Plan No.20.

4. Vegetation Management

Siting of buildings and golf course design will need to consider any significant vegetation communities and can be undertaken as part of the preparation of a development application.

5. Heritage Conservation and Management

The site is identified as containing heritage items under Local Environmental Plan 2005 and in order to maintain the heritage items cultural significance, define appropriate curtilage, and ensure the future conservation of the site it is considered appropriate that a conservation management plan be prepared for both built structures and to identify any potential archaeological sites.

Consultation with the Daruk Aboriginal Land Council will also be necessary.

6. Flooding and Stormwater Management

The site is affected by flood water and it will necessary for the proponent to provide a flood study to demonstrate the impact of any proposed works or buildings upon the behaviour of floodwaters within the Hawkesbury River Catchment and its floodplain. Evacuation procedures in accordance with the NSW Flood Plain Manual will also be required.

7. Acid Sulphate Soils Management

The site is identified as affected by acid sulphate soils. Details of building design and site works will be provided as part of the preparation of a development application.

8. Residential Accommodation –vs- Tourist Facilities

Residential golf communities are becoming accepted in Australia with nearly 100 golf courses with residential living in a lifestyle location. Living on a golf course, provides benefits (even for non-golfers) of security, club house amenities, and manicured open green spaces. However, it is essential to maintain the primary purpose as a tourist facility and its context within a rural setting. To ensure that the outcomes proposed in the planning proposal are delivered and the development is not just a housing project masquerading as golf estate specific controls will need to be prepared that link the rollout of the residential development to delivery of facilities such as the golf courses and marina. It is anticipated that any amendment to the planning instrument will include specific clauses to address this matter.

In addition, it is envisaged site specific controls will be prepared to ensure that the overall development maintains the rural character of the locality. Controls would be in the form of performance criteria around such matters as Lot size and orientation; Building sitting and design; Open Space; Vehicle Parking; Utilities Provision; Landscaping and Fencing.

CONCLUSION

In summary, the proposed zone change is considered to be an acceptable evolution of this tourist facility. It does not withdraw land used for rural purposes and the tourist facility is unlikely to detract from the environmental and visual amenity of the Hawkesbury River. If Council is supportive of the proposal, the Gateway Process will provide an opportunity for the issues identified in this report to be addressed in full.

It is considered appropriate to permit the planning proposal to proceed to a Gateway Determination.

IMPACTS

Financial

The rezoning of the subject site has no financial impacts on Council's forward budget.

Hills 2026

The proposal for this site will add to the existing tourist facilities, maintain an open rural character and provide rural support functions, improvements to water quality and protection of wildlife habitats.

RECOMMENDATION

Council support the proposal to develop a tourist resort, incorporating residential accommodation at 76 Wisemans Ferry Road Cattai and forward a planning proposal to the Department of Planning for a gateway determination.

ATTACHMENTS

1. Applicants Planning Proposal Submission (27 Pages)