

Planning Proposal for 74 O' Briens Road, Cattai – Riverside Oaks Golf Resort (Version 2)

Proposal Title : **Planning Proposal for 74 O' Briens Road, Cattai – Riverside Oaks Golf Resort (Version 2)**

Proposal Summary : **To amend Schedule 1 'Additional Permitted Uses' of the Hills Local Environmental Plan 2012 to permit up to a maximum of 300 dwelling houses on lots with a minimum area of 450m² at 74 O' Briens Road, Cattai (Lot 28 DP 270416).**

PP Number : **PP_2013_THILL_013_00** Dop File No : **12/13387**

Proposal Details

Date Planning Proposal Received : **12-Aug-2013** LGA covered : **The Hills Shire**

Region : **Sydney Region West** RPA : **The Hills Shire Council**

State Electorate : **HAWKESBURY** Section of the Act : **55 - Planning Proposal**

LEP Type : **Precinct**

Location Details

Street : **74 O'Briens Road**

Suburb : **Cattai** City : **Sydney** Postcode : **2756**

Land Parcel : **Lot 28 DP 270416**

DoP Planning Officer Contact Details

Contact Name : **Chris Browne**

Contact Number : **0298601108**

Contact Email : **chris.browne@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Brent Woodhams**

Contact Number : **0298430443**

Contact Email : **bwoodhams@thehills.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Derryn John**

Contact Number : **0298601505**

Contact Email : **derryn.john@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro North West subregion** Consistent with Strategy : **No**

Planning Proposal for 74 O' Briens Road, Cattai – Riverside Oaks Golf Resort (Version 2)

MDP Number :	0	Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	300
Gross Floor Area :	0	No of Jobs Created :	180

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

If No, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney West has not met with any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

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

If Yes, comment : **The Department's Lobbyist Contact Register has been checked on 8 August 2013, and there have been no records of contact with lobbyists in relation to this proposal.**

Supporting notes

Internal Supporting Notes : **This proposal has been received as a result of advice provided to the proponent by the Minister and Department, both in person and in writing.**

Representatives of the proponent met with Department officers on 16 August 2012, and the latter advised that the proponent would need to lodge a planning proposal. They also advised that, while the site is not particularly suitable for residential development of this scale, the Department would consider any proposal put forward. Finally, the Department officers recommended approaching the proposal as a rezoning rather than as an amendment to the additional permitted uses schedule. (See attached business contact form.)

On 29 November 2012, the Minister responded to a letter from the proponent seeking his support for the proposal. The Minister's letter reiterated the points made by the Department officers in the above meeting. (See attached correspondence.)

External Supporting Notes :

BACKGROUND:

The site is known as 'Riverside Oaks Golf Resort' at 74 O'Briens Road Cattai. The site is bounded by O'Briens Road to the north, Wisemans Ferry Road to the east, Little Cattai Creek to the south, and the Hawkesbury River to the west. The site has a total area 221.9 hectares and is currently functioning as a golf course and associated holiday resort. An aerial photograph and a zoning extract are in 'Documents'.

The land is currently zoned part RE2 Private Recreation and part E2 Environmental Conservation under The Hills Local Environmental Plan 2012.

In December 2010, Council supported a planning proposal to allow for 700 residential dwellings around the Golf Course at Riverside Oaks and the adjoining Cattai Ridge Golf Course land. The Gateway did not support the proposal, for the following reasons:

- The information provided in support of the planning proposal did not demonstrate adequate strategic justification for the proposal to proceed;
- The scale and nature of development envisaged in the proposal was more representative of a residential release area than an addition of ancillary residential accommodation;
- The planning proposal was inconsistent with various section 117 Directions;

- The basic premise of permitting residential accommodation in the RE2 zone was not supported; and
- Due consideration had not been given to the impact of the proposed 700 new dwellings at this location on the local/regional road network, infrastructure/servicing or on the river and existing flora/fauna.

Council has advised that the current planning proposal differs from the previous proposal in terms of the number of dwellings (now 300 rather than 700) and the size of the proposed allotments (now 450m² rather than 150m²).

Adequacy Assessment

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

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

Comment : The identified objective of the proposal is to permit, as an additional permitted use, a maximum of 300 permanent dwelling houses on lots with a minimum area of 450m² at the Riverside Oaks Golf Resort to create a golf course living style housing opportunity.

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

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

Comment : The applicant has advised the proposed outcomes will be achieved by amending Schedule 1 'Additional Permitted Uses' of the Hills Local Environmental Plan 2012 to permit up 300 dwelling houses on lots with a minimum area of 450m² on Lot 28 DP 270416, also known as 74 O'Briens Road, Cattai.

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

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.3 Site Specific Provisions

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 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

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

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

2.1 Environmental Protection Zones

This direction applies when a planning proposal proposes to reduce the area of existing environmental protection zoned land or reduces environmental protection standards.

While the site is primarily zoned RE2 Private Recreation, it does contain two small areas of land zoned E2 Environmental Conservation. According to the proposed development concept, the locations of the permanent residential dwellings would be confined to the area of the site zoned RE2 Private Recreation, and the areas of the site zoned E2

Environmental Conservation would not be impacted. However, according to Council's Vegetation Mapping (2005), a number of vegetation communities are present on the site. The planning proposal only identifies an outline of areas subject to the proposed adjustments and does not include an ecological assessment to identify the extent or significance of vegetation communities on the site. It also does not include an assessment of the potential impact of future development on these communities. There is therefore a possibility that the proposal may be inconsistent with this Direction.

In order for such an inconsistency to be waived, the proposal must be justified by a strategy/study or be of minor significance. There are no such studies/strategies, and there is currently not enough information to establish whether the inconsistency is of minor significance. While the proponent suggests that various studies may be undertaken post Gateway determination, at this point in time the proposal remains inconsistent with the Direction. Should the Proposal proceed, Council must consult with the Office of the Environment and Heritage and address any concerns raised.

2.3 HERITAGE CONSERVATION

This Direction applies when a planning proposal contains any item of heritage significance.

The site contains two local heritage items: 'Bungool (Riverside Oaks)' and the 'Ruins of Merry mount'. These items are located in proximity to the Hawkesbury River, at the north western and western side of the Riverside Oaks Golf Course. Both of these heritage items are listed within Schedule 5 of the Hills Local Environmental Plan 2012, with 'Bungool' identified as a heritage item and 'Merry mount' identified as an archaeological site.

While the proponent has advised that the proposed residential development is not expected to impact on the heritage significance of either item, given the lack of documentation provided by Council/proponent, there remains a lack of certainty about what the proposal's impact would be on the heritage items. The proposal is therefore considered to be potentially inconsistent with this Direction, and it remains to be established whether any inconsistency is of a minor significance. The previous planning proposal was referred to the then Heritage Branch of the Department, who did not object to the planning proposal at that time, but supported the need for a Conservation Management Plan (CMP) to be undertaken should the planning proposal proceed.

Should the proposal proceed, Council must consult with the Office of the Environment and Heritage and address any concerns raised.

3.1 RESIDENTIAL ZONES

This Direction applies when a planning proposal affects land within an existing or proposed zone or any other zone in which significant residential development is permitted or proposed to be permitted.

Although the proposal does not zone the subject land to residential zone, however, this direction applies in this instance as the planning proposal seeks to permit up to 300 permanent residential dwellings on the site.

This Direction requires that a planning proposal must contain provisions that will reduce the consumption of land for housing and associated urban development on the urban fringe. Furthermore, this Direction requires that a planning proposal must contain a requirement that residential development is not permitted until land is adequately serviced (or adequate arrangements have been made).

Contrary to this Direction, the purpose of the proposal is to increase the consumption of land for housing on the urban fringe. It also fails to contain provisions requiring that adequate arrangements be made in relation to servicing.

In this light, the proposal is inconsistent with this Direction. This inconsistency may only be waived if there is a strategy/study justifying the proposal, or if the inconsistency is considered to be of minor significance. There is no such study/strategy, and the inconsistency cannot, based on the information currently available, be considered minor.

Should the proposal proceed, Council must demonstrate the consistency of the proposal with this Direction.

3.4 INTEGRATED LAND USE AND TRANSPORT:

The direction applies to a planning proposal that creates, alters or removes a zone or provision relating to 'urban land' including land zoned for residential, business, industrial, village or tourist purposes.

For the purposes of this Direction, it is considered that the subject land would be deemed 'urban land' should this planning proposal proceed, and therefore this Direction applies.

Under this Direction, a planning proposal must include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and
- (b) The right Place for Business and Services – Planning Policy (DUAP 2001).

Central to these two documents is the objective of improving access to housing, jobs and services by walking, cycling and public transport, and reducing travel demand including the number of trips generated by development and the distance travelled, especially by car. Given the scale of development proposed under the planning proposal (300 dwellings plus 414 hotel rooms) and the distance of the site from a centre or frequent public transport, this planning proposal is inconsistent with this Direction. It is noted that the closest Town Centre to the site, Windsor, which is located in Hawkesbury LGA, is 18-20km away by road, and takes around 30 minutes by car (to Windsor railway station).

This inconsistency may only be waived if there is a strategy/study justifying the proposal, or the inconsistency is of minor significance. There is no such study/strategy, nor is the inconsistency considered minor. The proposal therefore remains inconsistent with the Direction.

Should the proposal proceed, Council must demonstrate its consistency with this Direction.

4.1 ACID SULFATE SOILS

This direction applies when a relevant authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils (ASS) Planning Maps. As the land contains both class 4 and 5 ASS, and borders Class 1 land on the Hawkesbury River, this Direction applies.

This Direction requires that the relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing ASS unless the authority has considered a study assessing the appropriateness of the change of land use given the presence of ASS. The relevant planning authority must provide a copy of any such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act. It is noted that this proposal would intensify development on ASS land, and that a study has not yet been undertaken. This proposal is therefore inconsistent with this Direction.

This inconsistency may only be waived if there is a study justifying the proposal, or if the inconsistency is of minor significance. A study has not yet been carried out.

Any development on this site will be subject to The Hills LEP 2012 Clause 7.1 Acid Sulfate Soils, which was prepared in accordance with Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director General, and is thus itself consistent with this Direction.

Should the proposal proceed, an ASS study must be prepared, and Council must demonstrate the consistency of the proposal with this Direction prior to exhibition.

4.3 FLOOD PRONE LAND

This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land. Council has advised that the preliminary analysis of the proposal indicates that the site is significantly disadvantaged with respect to flooding. Council has further advised that Wisemans Ferry Road and part of the existing access road, which services the resort development, will be inundated during the 1 in 100 year flood event. No information has been provided regarding evacuation requirements. Further investigation is required to identify the potential impact of flooding on the residential component of the development, including the identification of appropriate emergency egress routes from the site, and flooding and stormwater assessment of the site.

Among other requirements, this Direction states that a planning proposal must not contain provisions applying to the flood planning areas which:

- (a) permit development in floodway areas,
- (c) permit a significant increase in the development of that land.

The planning proposal would have the effect of allowing intensive residential development for permanent occupation on floodprone land, therefore the proposal is inconsistent with this Direction. Any such inconsistency may only be waived if the planning proposal is consistent with a Floodplain Risk Management Plan (FRMP), or if the inconsistency is of minor significance. There is no evidence in the proposal of consistency with a FRMP, and nor is there sufficient information provided to label the inconsistency minor.

Should the proposal proceed, Council must consult with the State Emergency Service and address any concerns raised.

4.4 PLANNING FOR BUSHFIRE PROTECTION

This Direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

The Direction applies in this instance as Council has advised that the site is identified as bushfire prone, containing Vegetation Category 1 and buffer on the Hills Bush Fire Prone Land Map 2012.

This direction requires consistency with a number of matters, including that a proposal must introduce controls that avoid placing inappropriate developments in hazardous areas, ensure that sufficient Asset Protection Zones are provided and the like.

Council has advised that future Asset Protection Zones (APZs) will be required to provide a buffer between a bush fire hazard and future buildings. Further, the specific APZ requirement will need to be established through the preparation of bushfire assessments prepared as part of future development proposals within the precinct. Appropriate bushfire evacuation routes will also need to be identified in accordance with the Planning for Bushfire Protection Guidelines 2006.

In light of above, the proposal is considered to be inconsistent with this direction.

Should the proposal proceed, Council must consult with the Commissioner of the NSW Rural Fire Service and address any concerns raised prior to exhibition of the proposal.

6.3 SITE SPECIFIC PROVISIONS

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.

The Direction applies in this instance because Council's proposed mechanism for delivering the objectives of the proposal is addition to Schedule 1 Additional Permitted Uses (rather than rezoning the land). The objectives could also be achieved by applying a residential zone to the subject land.

Council has provided some justification for its decision to instead introduce an additional permitted use, arguing that this will assist Council in ensuring that residential development remains ancillary to Riverside Oaks's primary function as a tourist facility. Owing to this justification, the inconsistency is considered to be of minor significance, though it is suggested that Council further explore the option of instead rezoning the land, in keeping with this Direction.

7.1 IMPLEMENTATION OF THE METROPOLITAN STRATEGY:

This Direction requires that planning proposals must be consistent with the Metro Strategy. The Metro Strategy advocates, among other things: containing Sydney's urban footprint, centres-based development, and providing a housing mix near jobs, transport and services. It is considered that the Proposal is inconsistent with these objectives, as it proposes intensive residential development on a site which is not located near a centre or transport, and is located in a rural area on the urban fringe.

The above notwithstanding, the Metro Strategy also promotes housing growth, job creation and increased tourism, all of which will be facilitated by the proposal.

Given this consistency, it is considered that the proposal is partially consistent and partially inconsistent with this Direction, and that any inconsistency is therefore of minor significance.

SEPPs/SREPS and DEEMED SEPPs/SREPs

SEPP 19 - BUSHLAND IN URBAN AREAS

This SEPP effectively requires that Council, when preparing an LEP, give priority to retaining bushland unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.

It is unclear from the Planning Proposal documentation what level of clearing would need to be undertaken to accommodate the scale of proposed development on the site, and whether that bushland contains any threatened flora or fauna. In any case, it is not evident from the planning proposal that any consideration has been given to the SEPP, or the underlying need to retain the extensive remnant bushland which is present on-site around the golf course. Should the proposal proceed, Council should consider the SEPP throughout the preparation and reporting of the Proposal.

SREP 20 – HAWKESBURY –NEPEAN RIVER (No. 2 – 1997)

The aim of this SREP 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. Among other matters, the SREP looks to protect environmentally sensitive areas in the catchment from inappropriate development. Such areas are defined as including the river, riparian land, escarpments and other scenic areas, conservation area sub-catchments, national parks and nature reserves, wetlands, other significant floral and faunal habitats and corridors, and known and potential acid sulfate soils. It is noted that the subject land directly adjoins the river, and comprises riparian land, wetlands, acid sulfate soils and possible flora/fauna habitats and corridors.

Should the proposal proceed, Council should give consideration to the terms of the SREP.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided an aerial photograph of the site, an existing zoning map, proposed residential development concept map, heritage map, Acid Sulfate Soils Map, Bushfire Prone Land map, vegetation community map, and the proposed Additional Permitted Uses map.

Council did not initially provide a Flood Information Plan, but provided this on 12 August 2013 in response to the Department's request.

It is considered that the maps are adequate for consultation purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has advised that the Planning Proposal will be placed on public exhibition for a minimum of 28 days. This is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : Should the proposal be approved, various studies will need to be undertaken. These are outlined in the 'assessment' section of this report.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **No**

If No, comment : The proposal does not provide sufficient information to meet the adequacy criteria.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Hills Local Environmental Plan was made in 2012 and is a Principal LEP. This Planning Proposal seeks to amend The Hills Local Environmental Plan 2012.

Assessment Criteria

Need for planning proposal : Council has advised that the planning proposal is not the result of any strategic study or report. Rather, it is a direct result of an application from the proponent.

The proponent claims that Riverside Oaks is currently operating at a loss, and that a permanent resident population is required in order to make the operation financially viable.

Planning Proposal for 74 O' Briens Road, Cattai – Riverside Oaks Golf Resort (Version 2)

Council has indicated that the residential component is not necessary for meeting Council's and the State Government's housing targets, but that its potential as a tourist operation is of significant value to the Shire.

Consistency with
strategic planning
framework :

DRAFT METROPOLITAN STRATEGY FOR SYDNEY 2031

The site is not identified in the draft Metropolitan Strategy for Sydney 2031.

The Strategy categorises the land within the Sydney Region into the Metropolitan Urban Area and Metropolitan Rural Area. Riverside Oaks falls within the Metropolitan Rural Area. Housing growth in the Metropolitan Rural Area is to be encouraged, particularly where it supports the higher priority of housing growth within the Metropolitan Urban Area. The provision of employment in both the Metropolitan Urban Area and the Metropolitan Rural Area is also considered desirable. However, the subject site, given its location, lack of infrastructure and number of constraints, is not ideal for the proposed extensive development. The proposal is therefore partially consistent and partially inconsistent with the draft Strategy.

DRAFT NORTH WEST SUBREGIONAL STRATEGY

The draft North West SRS identifies the site as a golf course (figure 30, p133). Other than this, the draft NWSRS does not refer to the site specifically. However, the Proposal is considered inconsistent with the draft NWSRS as it is contrary to the principles of concentrating new housing in or near existing centres, and within 30 minutes of a strategic centre. The proposal represents out-of-centre development, which is contrary to the vision and aims of the NWSRS.

THE HILLS SHIRE LOCAL STRATEGY

Council has advised that the Residential, Employment Lands, Environment and Leisure Directions and the Rural Lands Strategy are the relevant components of the Local Strategy to be considered in assessing this Proposal.

Residential Direction

Council has advised that the North West Subregional Strategy has set The Hills Shire a target of 36,000 additional dwellings by 2031 to accommodate a share of Sydney's population growth. Council has further advised that there is sufficient capacity to accommodate these targets based on the existing planning framework and current projects.

This Direction seeks to provide for future growth within areas that are well located for public transport, services, and employment opportunities. Given the location of the site and lack of access to infrastructure and facilities, the proposal is considered to be inconsistent with the Direction.

Employment Lands Direction

According to Council, the proposal is consistent with the Direction as it will create up to 180 additional jobs and create future employment opportunities arising from the tourist and residential population.

Environment and Leisure Direction

The objective of this Direction is to protect and manage environment and leisure spaces. The proposal will reduce the availability of land for environmental and leisure uses within the RE2 Private Recreation zone, but it will assist in facilitating delivery of an improved recreation and leisure complex. It is therefore likely to have an overall positive effect on The Hills Shire's leisure spaces. The proposal's impact on environmental land cannot be adequately assessed based on the information currently available.

Rural Lands Strategy

Council has advised that the Strategy identifies water catchments, topography, native vegetation and bushfire risk as constraints to the development of the site. Council has also advised that further investigations are required to ensure adequate infrastructure and

Environmental social
economic impacts :

appropriate servicing are available. Assessment of the environmental impacts is also needed.

ENVIRONMENTAL

It is noted the land is bushfire prone, flood prone, has acid sulfate soils and may have significant flora/fauna habitats. Development of the scale proposed under the rezoning may have an adverse impact on the environment given these constraints. Its close proximity to the Hawkesbury River is also of concern, as the additional development may have an impact on river health. The proposed marina may also have a detrimental impact on the riparian environment.

ECONOMIC

It is noted that in 1989 Council approved a recreation facility for this site. According to Council the approved development provides for:

- *Two 18 hole golf courses
- *Hotel (300 rooms)
- *Retail facilities
- *Clubhouse
- *Maintenance/service facilities
- *Holiday cabins
- *Corporate lodges
- *Tennis club
- *Golf academy
- *Driving range

This development has never been fully completed. The proponent advises that the current development has struggled to achieve financial viability, primarily due to a restriction on the permanent occupancy of the residential accommodation which deters potential purchasers and limits investment capital. The proponent argues that the proposed sale of residential accommodation will enable the delivery of tourist facilities for the area. Further, the proponent says the ability to sell the dwellings for permanent occupancy would greatly enhance the site's viability and attractiveness to investors, and improve the likelihood of its long term survival. While financial viability of the golf course development may constitute a valid economic consideration, this does not necessarily justify what is essentially a large-scale residential subdivision in an isolated rural area. There has been little strategic justification to support progression of this planning proposal, and the financial motivation behind the proposal does not assuage the concerns raised by the planning considerations.

It is also noted that the proponent has advised that a traffic and accessibility study to assess the cumulative impact of the proposal on the performance of the local road network will be undertaken following the Gateway Determination.

Similarly, given the scale of the proposed development, it is highly likely that amplification/upgrades to existing infrastructure and services would need to be undertaken (including sewerage and water).

SOCIAL IMPACTS

No information has been provided regarding the impact of the proposal on social infrastructure such as schools, health facilities and shops. While the increase in tourist facilities in The Hills Shire may lead to a positive social impact, the above must be addressed in detail in order to assess the potential social impacts.

Assessment Process

Proposal type : Routine Community Consultation Period : 28 Days

Timeframe to make LEP : 12 months Delegation : RPA

Public Authority Consultation - 56(2)(d) : Hawkesbury - Nepean Catchment Management Authority
Office of Environment and Heritage
Integral Energy
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
State Emergency Service
Sydney Water
Telstra

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed ? No

If no, provide reasons : The information currently available is not sufficient to demonstrate consistency with (or the minor nature of any inconsistency with) section 117 Directions 2.1, 2.3, 3.1, 3.4, 4.1, 4.3, 4.4, and 6.3, and SREPs 19 and 20. To quote the Council report, "The information supplied with the proposal is insufficient to determine the capability of the site to sustain the level of development envisaged." There are significant concerns raised by the prospect of such a large residential development so far from an existing centre, and these concerns have not been satisfactorily addressed.

In addition, the proposal argues that the residential component of the development will be ancillary to its tourist function, but this is at odds with the intended ratio of 300 permanent dwellings to 414 tourist rooms.

Resubmission - s56(2)(b) : Yes

If Yes, reasons : While it is likely that the site is capable of supporting some degree of residential development, the proposal as it stands does not provide sufficient information to assess its merits. As the proponent has previously been informed, both in person and in writing, the planning proposal needs to address issues that inevitably arise from having a permanent population in a location distant from existing centres. These issues include, but are not limited to, impact on infrastructure provision (roads, public transport, electricity, water, sewerage, telecommunications) and access to services (health facilities, schools, shops).

Should this proposal be resubmitted, the revised and expanded proposal should include (as a minimum) flora, fauna, heritage, bushfire and flooding studies, as well as extensive discussion of how the problems of infrastructure provision and access to services will be addressed.

It is expected that a more detailed analysis of site constraints would suggest the appropriate dwelling capacity for the site, and would provide a more evidence-based approach than the proposal's current arbitrary figure of 300 dwellings.

Any resubmitted planning proposal should also suggest an appropriate zoning for the residential development rather than rely on Schedule 1 for such an extensive development.

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Traffic and transport.

Planning Proposal for 74 O' Briens Road, Cattai – Riverside Oaks Golf Resort (Version 2)

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Section 56 Notification Letter - Planning Proposal Riverside Oaks Tourist Resort.pdf	Proposal Covering Letter	Yes
Planning Proposal - Riverside Oaks Tourist Resort.pdf	Proposal	Yes
Attachment C - Council Report and Minute, 25 June 2013.pdf	Proposal	Yes
Business Contact_Hamptons Property & Nanshan_PMUR_16-8-12 (vA2709155).doc	Study	No
Minister's response to Nanshan Group 29_11_12.pdf	Study	No
Letter from Nanshan Group 01-08-2012.pdf	Study	No
Flood Information Plan - DP 270416 Cattai.pdf	Map	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Resubmit**

S.117 directions:

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the proposal be resubmitted with the following information:**

(1) The results of (a) a preliminary bushfire assessment, (b) a preliminary environmental assessment, (c) flora and fauna studies, (d) a traffic and transport study, (e) a flooding study (including information on evacuation egress), and (f) a preliminary study of site infrastructure requirements;

(2) Expanded justification of inconsistencies with s117 Directions

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.3 Site Specific Provisions;

(3) Further consideration of the possibility of applying a residential or environmental living zone rather than utilising Schedule 1;

Supporting Reasons : **The proposal lacks adequate site investigation to justify 300 dwellings, however there is merit in its potential to improve The Hills Shire's stock of tourist attractions and the associated economic development, and it would be worthwhile to consider a revised planning proposal that includes a more thorough site assessment than the current proposal.**

Signature:

Derryn John

Printed Name:

DERRYN JOHN

Date:

12 AUGUST 2013