

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**

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 has the potential to improve The Hills Shire's stock of tourist attractions, and is likely to have a positive economic impact on the local area.**

Panel Recommendation

Recommendation Date : **15-Aug-2013** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The LEP Review Panel was not unanimous in its decision that the planning proposal be supported. The recommendation to support the proposal was made, through consideration of the proposal's merits and with reference to precedents set by former Gateway decisions made on similar planning proposals.**

The Chair of the Panel was of the view that the planning proposal should proceed subject to the following conditions:

1. Additional information regarding the below matters is to be placed on public exhibition

with the planning proposal:

- environment, flora and fauna
- heritage
- traffic and transport
- bushfire hazards
- acid sulfate soils
- site infrastructure requirements and access to services
- flooding and stormwater management (including information on evacuation egress)
- justification for use of Schedule 1 – Additional Permitted Uses, as opposed to rezoning the site to an appropriate zone which permits the intended land use.

2. Once the above mentioned additional information has been obtained and consultation with public authorities has been undertaken, and prior to undertaking public exhibition, Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions and other policies:

- 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
- State Environmental Planning Policy (SEPP) 19 – Bushland in Urban Areas
- Sydney Regional Environmental Plan (SREP) 20 – Hawkesbury-Nepean River

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of or demonstrate consistency with relevant S117 Directions:

- Sydney Water
- Telstra
- Endeavour Energy
- Hawkesbury - Nepean catchment Management Authority
- Transport for NSW - Roads and Maritime Services
- Office of Environment and Heritage (S117 Directions 2.1 Environment Protection Zones and 2.3 Heritage Conservation)
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- State Emergency Service (S117 Direction 4.3 Flood Prone Land)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 12 months from the week following the

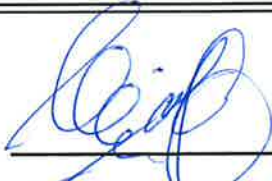
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date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has now accepted this delegation. However, Council should not be issued with plan making delegation in this instance because it still needs to address a number of strategic matters, including matters regarding flooding, flora and fauna.

Signature:



Printed Name:

Neel McCraffin

Date:

21.8.13