

Planning Services

Plan Finalisation Report

Local Government Area: Hawkesbury

PP Number: PP_2016_HAWKE_004_00

1. NAME OF DRAFT PLAN

Hawkesbury Local Environmental Plan 2012 (Amendment No 17) (the draft Plan). The draft written instrument is at Tab LEP.

2. SUBJECT LAND DESCRIPTION

The draft Plan applies to part of the site known as Sydney Polo Club, Richmond Lowlands with frontage to the south-eastern bank of the Hawkesbury River (location Map at Figure 1).

The site comprises stables, animal training yards and ancillary rural buildings, collectively referred to as the 'Sydney Polo Club'. The surrounding area is made up of a mix of agricultural uses, including turf farms and grazing land. The site is surrounded by rural residential properties to the north (across the river), south and west of the site and by eight polo club facilities and fields.

The site is predominantly zoned RU2 Rural Landscape with a strip of wetland zoned E2 Environmental Conservation in the central southern area of the site. A section of the Hawkesbury River in the northern area of the site is zoned W1 Natural Waterways. The draft Plan applies only to 18 land parcels, zoned RU2 identified in Table 1. Refer to Tab I for a map showing lot descriptions.

Parcel	Lot	DP
1	1	70128
2	25	1100252
3	25	663770
4	27	566434
5	2	1168610
6	1	659412
7	1	972649
8	1	120794
9	1	997087

Parcel	Lot	DP
10	2	997087
11	3	997087
12	1	797310
13	1	77207
14	1	997086
15	4	1120860
16	5	1120860
17	A	365391
10	2	997087

Table 1 – Land parcels involved

3. PURPOSE OF PLAN

Planning Proposal (June 2016)

The Planning Proposal sought to add a number of additional permitted uses the site under Schedule 1 Additional Permitted Uses of Hawkesbury LEP 2012 for parts of zoned RU2 Rural Landscape (24 land parcels as shown at Figure 2) for the World Polo Championship 2017. The proposed land uses include:

- advertisements;
- advertising structures;
- car parks;
- eco-tourist facilities;
- food and drink premises;
- recreation facilities (major);
- recreation facilities (outdoor);
- sewage reticulation systems;
- sewage systems;
- sewage treatment plants;

- function centres;
- kiosks;
- industrial retail outlets;
- light industries;
- markets;
- medical centres;
- shops;
- veterinary hospitals; and
- water supply systems.

The proposal also sought to increase the maximum permitted height limit on part of the site from 10m to 13m so that the habitable floors of the proposed 'Hall of Fame' function centre could be built above the 1 in 100 flood level.

A Gateway Determination was issued for the Planning Proposal on 6 July 2016.



Figure 1 – Location Map

Post-exhibition

- Following consideration of issues raised by the community and Roads and Maritime Services (RMS), regarding potential impacts on the existing road infrastructure from the proposed additional uses, the Planning Proposal was revised by Council.
- On 28 February 2017, Council resolved to finalise the Planning Proposal but to only allow additional uses to accommodate development for polo and equine-related activities and events associated with the World Polo Championship 2017. All other proposed additional uses not related the World Polo Championship 2017 were removed from the proposal.
- The proposed additional use is now confined to recreation facilities (major), provided the consent authority is satisfied that the development is for the purposes of the World Polo Championship 2017 and the land will be returned to its existing use after the Championships are held.
- The particular works under the additional use of recreation facility (major) will include:
 - the upgrade of the three (3) existing polo fields;

- four (4) car parking areas for 1910 cars for general and specific users;
- horse training and stabling facilities to accommodate approximately 360 horse stalls, horse exercise areas and temporary accommodation for horse trainers, vets and groomsmen (there will also be an indoor practice area in the existing stables area);
- exhibition and hospitality facilities; as well as, event promotion facilities.
- Further, the boundary of the site was amended to remove land not related to the World Polo Championship 2017 event. The original Planning Proposal (June 2016), subject to the Gateway Determination of 6 July 2016, was for twenty-four (24) land parcels to allow various land uses (Figure 2). The revised proposal reduces this to eighteen (18) land parcels to accommodate those uses necessary for Polo World Championship 2017 as identified in Figure 3.
- No amendments to the LEP maps will be required as there are no changes proposed to the zoning and planning controls applying to the site.



Figure 2 - Planning Proposal June 2016 (dotted black)



Figure 3 - Revised Planning Proposal (hatched)

Revised Planning Proposal (March 2017)

- The revised Planning Proposal was submitted to the Department on 6 March 2017. The Planning Proposal seeks to amend the Hawkesbury Local Environmental Plan (LEP) 2012 to insert clause 6.12 to Schedule 1 Additional Permitted Uses to:
 - allow recreation facilities (major) and car parking as additional uses to allow development for polo and equine-related activities and events, with development consent, associated with World Polo Championship 2017 as temporary land use to be carried out only on the part of the subject land (referred in [Table 1](#)) that is zoned RU2 Rural Landscape; and
 - restrict development for any activities that will increase visitation to the subject land unless the consent authority has considered a Risk Management and Evacuation Plan that has been prepared in consultation with NSW State Emergency Services,
- The development for polo and equine-related development consist of temporary structures and includes but not limited to the following:
 - Polo fields – three existing Polo Fields will be maintained and improved for the event as follows:
 - field 1 (International Field) – where the main polo matches are played including finals;
 - field 2 (Supremo Field); and
 - field 3 (Practice Field).
 - Each polo field will have a number of associated permanent and temporary fixtures including:
 - scoreboards;
 - grandstands;
 - horse and player shelters; and
 - horse ambulance areas.
 - Car parking – there will be four separate car parking areas:
 - general car park – approximately 1050 spaces;
 - VIP car park – approximately 500 spaces;
 - staff car park – approximately 180 spaces; and
 - officials and competitors car park – approximately 180 spaces.
 - Horse training and stabling facilities – a horse training and stabling area to accommodate approximately 360 horse stalls, horse exercise areas and temporary accommodation for horse trainers, vets and groomsmen. There will also be an indoor practice area in the existing stables area.
 - Exhibition and hospitality facilities including:
 - an equine trade exhibition area;
 - hospitality area;
 - exhibition stands;
 - merchandise area;
 - gourmet village;
 - champagne village;
 - children’s village;
 - corporate area;
 - car boot picnic area; and
 - Event promotion facilities.
- The draft Plan will not alter any other planning controls applying to the site.

4. STATE ELECTORATE AND LOCAL MEMBER

The local member for Hawkesbury is Ms Justine Elliot M.P. Ms Elliot has made no direct representations on the draft Plan.

5. CONSISTENCY WITH GATEWAY REQUIREMENTS

A Gateway Determination was issued on 6 July 2016 ([Tab C](#)). Council has met the conditions in the Gateway Determination. Of note:

- **Condition 1**

Condition 1(a)

Prior to community consultation, Council was required to insert a local provision that requires the preparation of a Risk Management and Evacuation Plan in consultation with NSW State Emergency Services (SES) prior to the granting of development consent for any use that increases visitation to the site.

Council complied with this condition. An appropriate clause was prepared for inclusion in Schedule 1 Additional Permitted Uses (clause 6.12) of the draft LEP 2012 and was subsequently exhibited with the Planning Proposal. In a letter dated 18 November 2016 the Department agreed that Council has complied with the condition 1(a) and (b) is at Tab G.

Condition 1(b)

Prior to community consultation, Council was required to clarify tourist accommodation/temporary accommodation uses and that this advice be added in the Planning Proposal prior to consultation.

Council complied with this condition, however, this condition is no longer relevant to the draft Plan because the proposed tourist accommodation/temporary accommodation uses have been removed from the final Planning Proposal submitted by Council, post exhibition.

- **Condition 2**

To satisfy Section 117 Directions, condition 2 of the determination required Council to consult with: the Department of Industry – Resources and Energy; NSW State Emergency Services; and the Hawkesbury Valley Flood Management Review Taskforce; and the NSW Rural Fire Services, prior to exhibition.

Section 117 Direction 1.3 Mining, Petroleum and Extractive Industries

Part of the site has previously been used as a quarry. Council consulted with the Department of Industry. While that department did not object to the proposal it provided clarification over the availability of resources and the need for Council to carefully assess planning and development proposals against the benefits of future extraction.

Council:

Any mining in the Richmond lowlands resources area are unlikely in the short or medium term due to its significant environmental and land-use constraints (cultural, scenic and environmental values), and the fact that construction and mining companies no longer owns land in the area.

Department:

It is considered the Planning Proposal and the temporary nature of the subsequent developments on the site are unlikely to have an impact on the viability of long-term future extractive industries on the land. The proposal is consistent with the Direction.

Section 117 Direction 4.3 Flood Prone Land

The Planning Proposal is inconsistent with this Direction as the site is subject to a 1 in 100 year flood event. The majority of the site is classified as being 'extreme' flood risk. This category applies to highly flood-prone areas inundated by a 20 year ARI event (5% or greater chance of flooding each year).

Council consulted NSW State Emergency Services (SES) and Infrastructure NSW (Hawkesbury-Nepean Valley Flood Management Review Taskforce). The agencies highlighted the area's potential for being inundated at lower level and more frequent floods, and the complexity of evacuation measures to cater for flood events but concluded that the proposal (i.e. polo activities) is a better use than residential or tourist accommodation. NSW State Emergency Services also sought the opportunity to work further with Council, and the proponent, to find a way forward on the relevant issues.

Council:

The advice from the agencies indicated that recreational activities (as proposed) is an appropriate use of the land, provided an appropriate flood evacuation plan can be developed and endorsed by the SES. A proposed clause was inserted, and publicly exhibited with the Planning Proposal, requiring a flood management and evacuation plan as follows:

“Development consent must not be granted for any purposes that will increase visitation to the land to which this clause applies, unless the consent authority has, in addition to any other requirement specified by this plan, considered a Risk Management and Evacuation Plan that has been prepared in consultation with the NSW State Emergency Services”.

Council considered this clause will achieve the intention to minimise risk of life and property as a result of flooding and ensure that the SES is consulted of the proposed evacuation procedures for any development that increases visitation to the land.

Department:

The insertion of this clause has been agreed to previously by the Department prior to public exhibition in a letter dated 18 November 2016 at [Tab G](#).

The inconsistency of the proposal with the Direction is considered to be of a minor significance because the new clause requires for a Risk Management and Evacuation Plan in consultation with the NSW State Emergency Services prior to the granting of development consent for any use that increases visitation to the site. This clause addresses flooding risk and evacuation measures that would be related to an event such as the World Polo Championship. It is considered that this clause satisfactorily addresses the concerns raised by the agencies and the Planning Proposal is considered to be justifiably inconsistent with the Direction.

Section 117 Direction 4.4 Planning for Bushfire Protection

A relatively small part of the site along the frontage to the Hawkesbury River is mapped as being Bushfire Prone Land – Vegetation Buffer – 100m – 30m.

Council:

Council has confirmed the NSW Rural Fire Services was consulted but no response was received. The Department has previously advised Council it has complied with the Gateway condition to consult with the NSW RFS in the letter dated 18 November 2016 ([Tab J](#)).

Council considered that the bushfire affectation on the site is a minor constraint and that future developments on the site will be able to comply with the provisions of Planning for Bushfire Protection 2006 and will be able to incorporate appropriate bushfire protection measures.

Department:

The proposal will facilitate a temporary land use that will be subject to a range of safety and evacuation management measures and plans. A clause has been included in the Draft LEP to ensure these plans are prepared in consultation with emergency service providers.

Any new buildings, access routes and water supply services will be required to achieve an appropriate bushfire protection performance standard, which will be confirmed through the development application process.

The proposal in this regard has addressed the terms of the Direction. No further agreement is required.

- **Condition 3**

Condition 3 required Council to publicly exhibit the Planning Proposal for at least 28 days. Council has complied with this condition. The Planning Proposal was exhibited for a period of 52 days from 9 December 2016 to 30 January 2017.

- **Condition 4**

Condition 4 required Council to consult with the identified public authorities. This was done and discussed in this report.

6. CONSULTATION

6.1 Agency Consultation

Council consulted all 15 public authorities in accordance with the Gateway Determination conditions. Council received comments from Endeavour Energy; Sydney Water; Heritage Council of NSW, Office of Environment and Heritage, Department of Industry – Resources and Energy Division, Roads and Maritime Services and NSW State Emergency Services and Infrastructure NSW (Hawkesbury-Nepean Valley Flood Management Review Taskforce).

Sydney Water and Endeavour Energy made no objections to the Planning Proposal but have requested specific issues for the proponent to consider at development application and construction stages.

Comments from NSW State Emergency Services, Infrastructure NSW (Hawkesbury-Nepean Valley Flood Management Review Taskforce) and the Department of Industry – Resources and Energy Division have been discussed under S117 Directions.

The detailed comments made by the authorities and Council's assessment of the submissions are in the Council report at Tab H. A summary of comments made by some of these authorities are as follows:

Roads and Maritime Services

In terms of special events such as the annual polo cup and the World Polo Championship, RMS requires a special event Traffic Management Plan prepared to address operational matters, event traffic and access arrangements, for approval in accordance with the *Guide to Traffic and Transport Management for Special Events*. RMS recommended a special event Traffic Management Plans to be a condition of consent for any future development application for the works and structures to facilitate special functions and events on-site or for any special event development.

Council:

Council advises that further discussions with the RMS has indicated that traffic impacts related to the World Polo Championship 2017 land uses could be dealt with (subject to approval) via a temporary arrangement to be outlined and approved by Council in a special event Traffic Management Plan.

Department:

It is considered Council has satisfactorily addressed the concerns raised by the RMS.

Heritage Council of NSW

NSW Heritage Council advised Council of the presence of a farm building and fence identified as items of non-Aboriginal heritage in Schedule 1 of the Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (No.2 -1997), and listed as a local heritage item of the Hawkesbury LEP 2012 to the north-east of the subject site and no State heritage listed items are situated on the subject site.

NSW Heritage Council recommends that Council give consideration to the appropriateness of future development in the vicinity, adverse impacts on the heritage significance of the items and should ensure that the proposed development does not adversely impact the scenic quality and existing rural character of the locality.

Council:

The potential impacts, if any, on the nearby heritage items by the proposed uses on the subject site can be considered at development application stage.

Department:

Agrees with Council that this is a matter which can be addressed at development approval stage.

Office of Environment and Heritage

The Office of Environment and Heritage (OEH) expressed concerns regarding the adequacy of the Ecological Constraints and Opportunities Analysis (EA) that accompanied the Planning Proposal. The OEH advised that the EA was not sufficiently comprehensive to appreciate the potential impacts of the Planning Proposal in the absence of an understanding of the significance of the wetlands and vegetation on the subject site as habitat for flora and fauna.

The OEH was concerned that vegetation around the Hawkesbury River may constitute River Flat Eucalypt Forest Endangered Ecological Community (EEC) and Freshwater Wetlands EEC which are zoned E2 Environmental Conservation, and identified on the Wetlands and Terrestrial Biodiversity Maps in the LEP may provide habitat for waterbirds and other aquatic species such as turtles, amphibians, fish and insects. While the Planning Proposal applies only to the RU2 land, the OEH is concerned that the proposal may adversely impact on the freshwater wetlands (E2 zone) and riparian land (W1 zone) as a result of changes to the drainage regime of the subject site (surface and sub-surface); changes to stormwater quality and quantity; on-site sewage management; acid sulfate soil disturbance; and filling and flood management works.

The OEH recommended for a detailed flora and fauna assessment be undertaken which includes all of the RU2, E2 and W1 zoned land and the consistency of the proposal with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) (SREP No. 20), in particular Section 6 Specific planning policies and recommended strategies.

Council:

The Applicant's ecological consultant considered that the Ecological Assessment report is not intended to comprise comprehensive information, however, sufficient detail is provided to identify the key ecological constraints relevant to the Planning Proposal. Further assessment is not needed given that the Planning Proposal only applies to the portion of the subject site zoned RU2 Rural Landscape and excludes land currently zoned W1 Natural Waterways and E2 Environmental Conservation, and the land is highly cleared and a modified rural site. Detailed assessments would be required during any development application process where ecological matters are considered of relevance.

Council officers undertook a site inspection during January 2017 and confirmed that the riparian zone along the Hawkesbury River (W1 zone) and the wetland and its surrounds (E2 zone) need to be protected. Council considered that a detailed flora and fauna report is not required at this stage but a detailed flora and fauna report will be required at development application stage and will need to address the concerns raised by OEH. The report will also need to identify appropriate buffer zones for the riparian and wetland areas to ensure their ongoing protection, and address the treatment of stormwater run-off and wastewater and its disposal.

Any future development on the site will also be subject to Clause 6.4 *Terrestrial biodiversity* and Clause 6.5 *Wetlands* in the Hawkesbury LEP 2012. The objectives of these clauses are to maintain terrestrial biodiversity and to ensure that wetlands are preserved and protected from the impacts of development. Council considers that these clauses, in conjunction with the provisions of the *Threatened Species Conservation Act 1995* (TSC Act 1995), provide adequate protection to any significant flora and/or fauna and the wetlands on the subject site.

Details of the Planning Proposal's consistency with the Sydney Regional Environmental Plan (SREP) No. 20 Hawkesbury – Nepean River is in the Planning Proposal at Tab B. It is considered that the proposed polo activities on the site are not expected to impact on agricultural sustainability and can be designed and mitigated with appropriate measures to minimise the water quality impacts

on the catchment, scenic quality of the riverine corridor and the area's dominant agricultural landscape and the significant flora and fauna within the adjoining W1 and E2 zones.

Department:

The Department considers that the biodiversity issues can be appropriately considered by Council at development approval stage. It is considered that Council has satisfactorily addressed OEH's concerns.

It is considered Council has satisfactorily addressed the agency comments.

6.2 Community Consultation

Due to the Christmas and New Year period, the Planning Proposal was publically exhibited for a period of 52 days from 9 December 2016 to 30 January 2017.

Council received 618 submissions in support of the Planning Proposal and 51 submissions objecting to the Planning Proposal. The submissions in support consisted of a number of unique letters and emails and 451 pro-forma letters (three different types). Council also received a petition with 109 signatures in support and a petition with 20 signatures objecting to the Planning Proposal.

Details of the submissions and petitions received, and Council's detailed assessment are provided in the Council's report at Tab H.

Submissions supporting the proposal

The main issues in the submissions supporting the World Polo Championship 2017 on the site are:

- the area is the historical home of polo and an equine hub and the proposal will allow and continue equine-related activities and events beyond the World Polo Championship 2017;
- the development will highlight and enhance the area's heritage through media and provide international exposure, and increase tourism; and
- the economic benefits for local businesses and to attract others, increase jobs and secure the future of the local economy.

Submissions against the proposal

Issues raised in the submissions against the proposal are related to:

- inconsistency of the exhibited proposal with the Gateway Determination and Section 117 Directions for Mining, Flood Prone Land, Rural Lands and Site Specific Provisions;
- the precedent set by the proposal to develop surrounding high value agricultural land for similar purposes and more (e.g. light industry, shops, commercial ventures and advertising structures) throughout the floodplain;
- inappropriate land use and inconsistency with the zone objectives and not in the public interest;
- concerns about the impact on the sensitive nature of the surrounding locality in terms of visual, scenic and residential amenity and the loss of these amenities; and
- concerns about the increase in traffic volumes, adequacy of surrounding road network to cater for the increased traffic and type of vehicles, and the traffic assessments supporting the proposal being outdated, inaccurate and insufficient.

Inconsistency of the exhibited proposal with the Gateway Determination and Section 117 Directions for Mining, Flood Prone Land, Rural Lands and Site Specific Provisions.

The objection related to condition 1 of the Gateway Determination which required Council to insert a local provision in the Planning Proposal that requires the preparation of a Risk Management and Evacuation Plan prior to public exhibition of the Planning Proposal. Council has satisfactorily inserted this provision and the Department's letter to Council dated 18 November 2016 (Tab G) confirmed that Council has satisfactorily addressed this condition. Council has advised that this specific provision was added in the Planning Proposal prior to public exhibition.

As required in the condition 2 of the Gateway Determination, Council consulted with the Department of Industry – Resources and Energy; NSW State Emergency Services; the Hawkesbury Valley Flood Management Review Taskforce; and the Rural Fire Services, prior to exhibition.

The Planning Proposal is consistent with the Gateway Determination conditions and has satisfactorily addressed the consistency with Section 117 Directions.

The precedent set by the proposal to develop surrounding high value agricultural land for similar purposes and more (e.g. light industry, shops, commercial ventures and advertising structures) throughout the floodplain

It is considered that this proposal will not set a precedent. The draft LEP (Tab LEP) is only for those uses associated with the World Polo Championship 2017 event until December 2017. Any other development will need to be assessed separately on its own merits.

Inappropriate land use and inconsistencies with the zone objectives and not in the public interest.

The main objectives of the RU2 Rural Landscape zone is to:

- encourage sustainable primary industry;
- protect the agricultural land;
- maintain the rural landscape character; and
- minimise fragmentation and land use conflicts.

The subject site (Sydney Polo Club) and some of the surrounding sites are already used as polo facilities. There are eight (8) polo facilities in the immediate adjoining area. Land-use conflict is not likely to be significant. The proposed land uses on the site in the original Planning Proposal (June 2016) which was publicly exhibited, such as medical centres, shops, function centres, tourist facilities, kiosks, light industries and veterinary hospitals are now removed from the Planning Proposal.

The proposed uses are temporary and will only apply to the RU2 Rural Landscape zoned part of the site and are unlikely to have a long term significant impacts on the rural landscape character of the area. It will not reduce the availability of agricultural land or impact on agricultural sustainability.

The objectives of the zone are also to ensure development occurs in a way that does not have significant adverse effect on the environmental qualities of the area such as water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.

It is considered these issues can be addressed at development stage. Hawkesbury LEP 2012 contains provisions which ensure adequate protection to any significant flora and/or fauna and the wetland areas on the subject site. Council's report and the Planning Proposal advises that the proposed polo activities on the site can be appropriately designed and mitigated with appropriate measures to minimise the water quality impacts on the catchment, scenic quality of the riverine corridor and the area's dominant agricultural landscape and the significant flora and fauna within the adjoining W1 and E2 zones.

The proposal does not involve subdivision and will not cause fragmentation and alienation of resource lands.

The World Polo Championship event will provide economic and social benefits. As discussed in the Council report, the event will be televised to 151 million homes in 56 countries and provide international exposure for the Hawkesbury. The development will increase tourism and create jobs. The economic impact of the event is forecast to be upwards of \$5 million based on estimated 35,000 spectators to the event with at least 2,000 from interstate and overseas.

Concerns about the impact on the sensitive nature of the surrounding locality in terms of visual, scenic and residential amenity and the loss of these amenities.

The proposed land uses are temporary and will only apply to the RU2 Rural Landscape zoned part of the site. No changes to development controls are proposed.

There are provisions in the Hawkesbury LEP 2012 which will ensure development occurs in a way that does not have a significant adverse effect on the environmental qualities of the area. It is considered the site can be appropriately designed and mitigated with appropriate measures to minimise the water quality impacts on the catchment, scenic quality of the riverine corridor and the area's dominant agricultural landscape and the significant flora and fauna on the site, at development stage.

The proposal is unlikely to have long-term significant impacts on the sensitive nature of the surrounding locality in terms of visual, scenic and residential amenity and the loss of these amenities.

Concerns about the increase in traffic volumes, adequacy of the surrounding road network to cater for the increased traffic and type of vehicles, and the traffic assessments supporting the proposal being outdated, inaccurate and insufficient.

The proposed World Polo Championship event will potentially attract 35,000 spectators and create associated traffic in the area and onsite parking. Gateway conditions required Council to consult with RMS prior to community consultation for this reason. RMS raised concerns over the traffic generated from the multiple land uses proposed in the original Planning Proposal and the ability of the existing local road network to cope with the increased traffic generated by the proposed uses. As a result, the Planning Proposal was amended by Council to proceed with permitting only those additional land uses associated with the World Polo Championship on the RU2 zoned part of the site. The proposed Championship event on the site will be subject to approval by RMS of a Special Event Traffic Management Plan prepared in accordance with the Guide to Traffic and Transport Management for Special Events, prior to the event occurring. The Special Event Traffic Management Plan is to address operational matters, event traffic and access arrangements.

7. POST-EXHIBITION CHANGES

On 28 February 2017, after the public exhibition and in response to agencies (i.e. RMS) and community concerns, Council resolved to allow Recreation facilities (major) and car parking as additional uses to allow land uses that are only associated with the World Polo Championship 2017. The other land uses included in the original Planning Proposal (June 2016) and 4 land parcels were removed.

Department comment:

Re-exhibition of the Planning Proposal is not considered necessary for the following reasons:

- the extent of the 18 land parcels involved are within the footprint of the site at Gateway Determination, exhibition, post-exhibition report and request for plan making – stages;
- the changes made to the Planning Proposal are in response to agency and public submissions;
- Council has satisfactorily addressed the concerns raised by the agencies and public submissions and there are no unresolved objections in relation to the current proposal; and
- the post-exhibition changes to the site and the land uses do not alter the intent of the proposal.

Under section 58 of the *Environmental Planning and Assessment Act 1979*, Council may vary Planning Proposals. Accordingly, under section 58(3) Council has forwarded a revised Planning Proposal to the delegate of the Greater Sydney Commission.

8. SECTION 117 DIRECTIONS

The Planning Proposal is justifiably inconsistent with Section 117 Direction 4.3 Flood Prone Land as it applies to land subject to 1 in 100-year flood event with the majority of the site subject to extreme flood events.

It is also considered that the Planning Proposal is consistent with Directions 1.3 Mining, Petroleum and Extractive Industries and 4.4 Planning for Bushfire Protection.

Approval was given at the Gateway Determination stage for the proposal's inconsistency with Section 117 Direction 4.1 Acid Sulfate Soils and 6.3 Site Specific Provisions, on the basis of minor significance.

9. MAPPING

The draft LEP does not require amendments to the Hawkesbury Local Environmental Plan maps.

10. GATEWAY EXTENSIONS

There have been no Gateway extensions requested or issued with regard to the draft Plan. The proposal was due for finalisation by 2 August 2018.

11. CONSULTATION WITH COUNCIL

Parliamentary Counsel's Opinion was issued on 27 April 2017 (Tab PCO).

Under s59(1) of the Act, Council was consulted on the draft Plan (Tab LEP). Council's response was received on 28 April 2017, agreeing that the amendment could be made (Tab K).

12. CONCLUSION

The Planning Proposal is supported, as it will enable Council to provide necessary facilities associated with World Polo Championship 2017 as a temporary use to be held during October 2017. A sunset clause 6.12(6) of the instrument ensures this land use ceases to apply after 31 December 2017. Given the above, the Planning Proposal should proceed to finalisation.

Endorsed:



1/5/17

Catherine Van Laeren
Director
Sydney Region West
Planning Services