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Council Report and Resolution

31 May 2016

date of meeting: 28 February 2017
location: council chambers
time: 6:30 p.m.

ORDINARY MEETING**Meeting Date:** 31 May 2016

Item: 97	CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - Sydney Polo Club - Various properties Richmond Lowlands and Richmond - (95498, 124414)
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File Number:	LEP006/15
Property Address:	Various properties Richmond Lowlands and Richmond
Applicant:	Basscave Pty Limited
Owner:	Basscave Pty Limited, Mr R and Mrs F Muscat, Mandalup Investments Pty Limited, Ms S G Magnusson
Date Received:	11 September 2015, additional information received 27 April 2016 and 19 May 2016
Current Zone:	Part RU2 Rural Landscape, Part E2 Environmental Conservation, and Part W1 Natural Waterways
Site Area:	Approximately 216 hectares (ha)
Recommendation:	Council support an amended planning proposal and submit to the Department of Planning and Environment

REPORT:**Executive Summary**

This report discusses a planning proposal which seeks to amend the Hawkesbury Local Environmental Plan 2012 (the LEP) in order to allow for a range of additional uses on land known as the Sydney Polo Club, and some immediately adjoining land. The planning proposal also seeks to increase the permissible height on two allotments on the site from 10 metres to 13 metres.

It is recommended that Council support the preparation of a planning proposal to allow the additional uses on the identified properties within this report.

Consultation

The planning proposal has not yet been exhibited. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* (the Act) and associated Regulations, and as specified in the "Gateway" determination administered by the Department of Planning and Environment (DP&E).

The Planning Proposal

Basscave Pty Limited (the applicant) seeks to amend *Schedule 1 Additional permitted uses* and the *Additional Permitted Uses Map* of the LEP to allow for a range of additional uses on the land generally known as the Sydney Polo Club, and some immediately adjoining land. The applicant also seeks to increase the permissible height on two allotments on the subject site from 10 metres to 13 metres. The applicant has engaged JBA Urban Planning Consultants Pty Ltd (JBA) to prepare a planning proposal on their behalf.

The lands subject to the planning proposal are shown in Figure 1 below.

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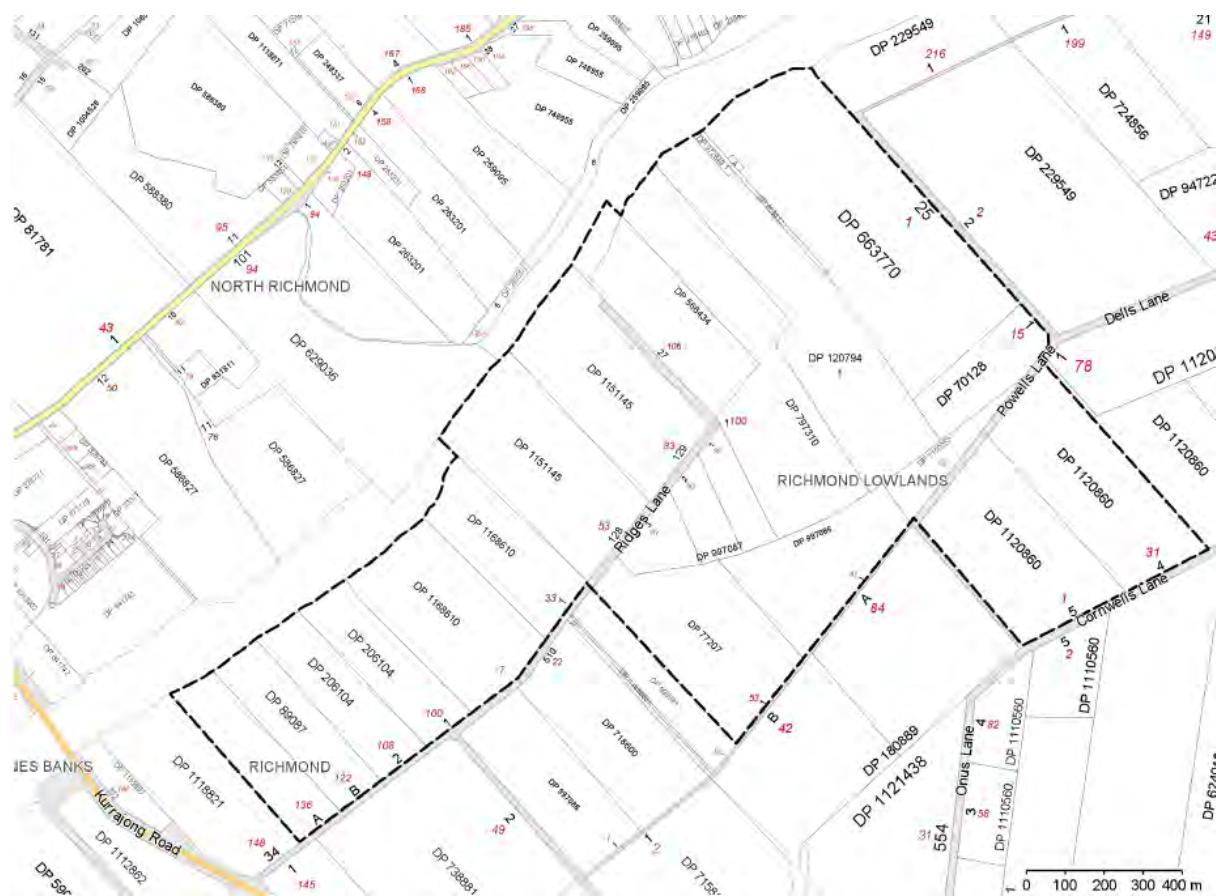


Figure 1: Subject Site

The proposed uses proposed by the applicant to be included in *Schedule 1 Additional permitted uses* as permissible with consent are shown in Table 1 below. Included in this table is a description and justification of the proposed use provided by JBA. Following Table 1 are the uses as defined by the LEP.

Table 1: Proposed uses

Proposed Use	JBA's description and justification of proposed use
Advertisement and Advertising Structure	Signage on the site is likely to be required to promote the use of the site for polo/recreation purposes.
Car Park	At this stage it is envisaged that all car parking provided on site will be ancillary to the polo/recreation use. However, as car parks are separately defined in the Dictionary it has been included in the list of additional permitted uses in the unlikely event that car parking is considered a separate use.
Eco-tourist facilities	This is considered an appropriate use for the site. Notably, Council's Housekeeping LEP seeks to include 'eco-tourist facilities' as a permissible use in the RU2 zone. Therefore, the inclusion of this use as a permissible use on the site is consistent with Council's broader strategic planning policy direction.
Food and Drink Premises, Kiosk, Shop	Introduction of these land uses would allow for a small café, a small shop selling polo goods or the like to be provided on the site as ancillary uses to the polo club.

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Proposed Use	JBA's description and justification of proposed use
Function centres	Function centres are considered an appropriate use for the site having regard to its strategic location along the Hawkesbury River and its existing natural setting. It has also historically been used for function centres although these consents are no longer active. Council's Housekeeping LEP proposes to make function centres a permissible use in the RU2 zone. Therefore, the inclusion of this use as a permissible use on the site is consistent with Council's broader strategic planning policy direction.
Industrial retail outlet	To ensure that a future boutique micro-brewery is able to retail to the public it is proposed to add 'industrial retail outlet' as a permissible use on the site. This is considered an appropriate use on the site as it will support both the rural and tourism industries in the area.
Light Industry	The production of craft beer in a small boutique brewery would be classified as a light industry use.
Market	This is considered an appropriate use on the site. It will support the tourism industry in the area, and allow for the sale of locally grown-produced food products. There are no immediate plans to seek consent for this use. However, it is envisaged that markets on the site could occur approximately once a month, and be predominantly limited to the sale of local produce. No markets would be held on weekends when major polo events are held.
Medical centre	This will facilitate the provision of counselling services by registered health care professionals using horses as part of the therapy session. This is considered an appropriate use having regard to the rural nature of the location.
Recreation facility (major) and Recreation facility (outdoor)	Regular polo events are proposed to be held each week on the site. This will generally consist of a weekday game with practices on weekends. Given the limited nature of these regular events and the limited number of players (four) per polo team, it is considered that these regular events are best described as 'recreation facility (outdoor)'. Approximately once a year it is proposed to hold a major polo tournament on the site over the weekend (i.e. Saturday and Sunday). These events are expected to attract a maximum of 2,500 patrons spread out over the weekend with staggered attendance throughout both days. Given the scale of this irregular event it may fall within the land use definition of "recreation facility (major)". This land use will also facilitate the Polo World Cup event in 2017.
Sewage reticulation system, sewerage system, sewage treatment plant, water supply system	This infrastructure may be required for servicing the site, although it may be possible to undertake such works under <i>State Environmental Planning Policy (Infrastructure) 2007</i> (SEPP Infrastructure), it is proposed to include these works as additional permitted uses on the site to ensure that Basscave have a range of legitimate planning options to deliver infrastructure works on the site.
Veterinary hospital	This is considered an appropriate use in the RU2 zone and will allow for the appropriate care of animals on the site and within the broader LGA. Notably, this use is permissible with consent in all other rural zones in the Hawkesbury LGA including RU1 Primary Production, RU4 Primary Production Small Lots, and RU5 Village. No specific location on the site has been identified for this use and it is not proposed that an application be lodged for this use at this stage. However, it is considered that this is an appropriate and desirable use to support the efficient and ongoing operation of the site for horse-related activities.

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Definitions of land uses within the LEP.

advertisement has the same meaning as in the Act.

Note. The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

eco-tourist facility means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note. Clause 5.4 of LEP 2012 limits the gross floor area of a kiosk to 25 square metres.

industrial retail outlet means a building or place that:

- (a) is used in conjunction with an industry or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located, but does not include a warehouse or distribution centre.

Note. Clause 5.4 of LEP 2012 limits the retail floor area of an industrial retail outlet to 20% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or 400m², whichever is the lesser.

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light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry.

market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

sewerage system means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d).

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veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

To give effect to the planning proposal, JBA have requested the following amendments be made to the LEP:

1. Include the following additional clause in Schedule 1 of the LEP

20 Use of certain land at Ridges Lane, Triangle Lane, Cornwells Lane, Powells Lane and Old Kurrajong Road, Richmond

- (1) This clause applies to land zoned RU2 Rural Landscape at Ridges Lane, Triangle Lane, Cornwells Lane, Powells Lane, Old Kurrajong Road and Edwards Road, Richmond being part of Lot 1 and 2 DP206104, Lot 1 DP70128, Lot 25 DP1100252, Lot 25 DP663770, Lot 27 DP566434, Lot 1 and 2 DP1168610, Lot 1 DP659412, Lot 1 DP972649, Lot 1 DP120794, Lot 1 – 3 DP997087, Lot 1 DP797310, Lot 1 DP77207, Lot 1 DP997086, Lot 4 and 5 DP112860, Lot A DP365391, Lot 128 and 129 DP1151145, Lot A and B DP89087, identified as area '7' on the Additional Permitted Uses Map.
- (2) Development for the purposes of advertisement, advertising structure, car park, food and drink premises, eco-tourist facilities, function centres, industrial retail outlet, light industry, kiosk, market, medical centre, recreation facility (major), recreation facility (outdoor), sewage reticulation system, sewage system, sewage treatment plant, shop, veterinary hospital, water supply system is permitted with consent.

2. Amend the Additional Permitted Uses Map of LEP to include the parts of the site that are zoned RU2 Rural Landscape as shown in the figure below.



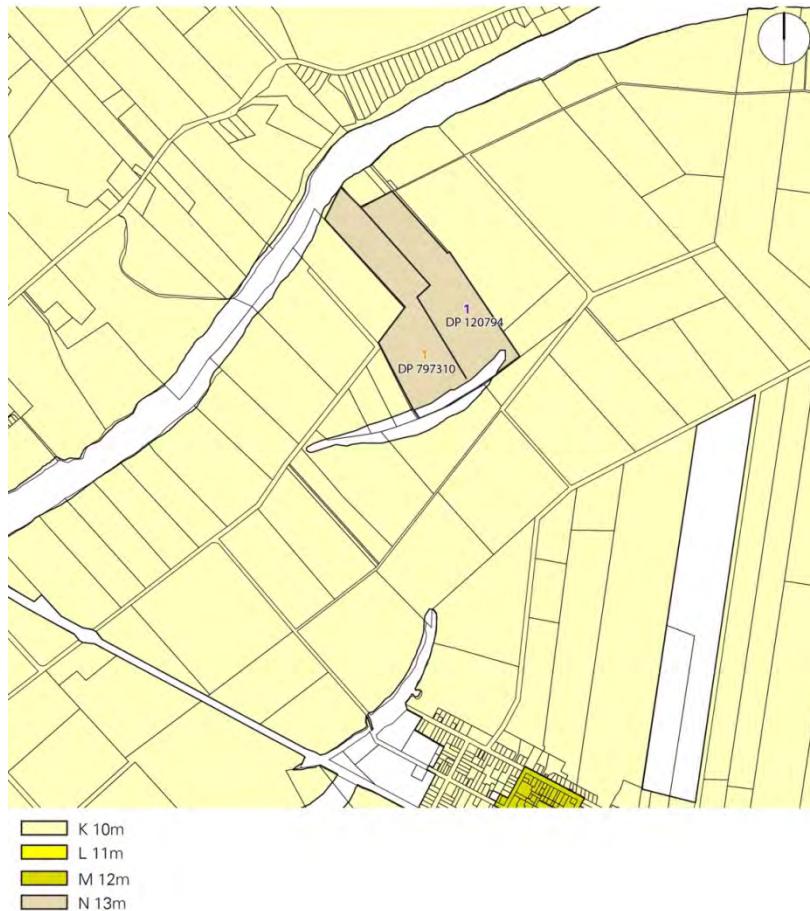
Source: JBA Planning Proposal

Figure 2: Proposed amendment to Additional Permitted Uses Map

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3. Amend the Height of Buildings Map to allow development to a height of 13m on Lot 1 DP 797310 and Lot 1 DP 120794 as shown in the figure below. This amendment is sort to allow for a proposed "Hall of Fame Function Centre".



Source: JBA Planning Proposal

Figure 3: Proposed amendment to Height of Buildings Map

JBA state that the proposed amendment to the LEP *will enable the future development and future use of the site for polo facilities, function centre uses, low-scale eco-tourist facilities, therapy sessions using horses, veterinary services, markets, a micro-brewery and a range of supporting uses consistent with the RU2 zone objectives. It will also strengthen the existing polo industry in the locality, and allow the site to attract increased visitors and investment to the Hawkesbury LGA. Importantly, it will allow for the delivery of infrastructure to support the Polo World Cup event in October 2017 including the Hall of Fame.*

Details of the proposed Polo World Cup, Hall of Fame Function Centre, and future use of the site are provided in Attachment 1 of this report. However, in summary these developments consist of the following:

Polo World Cup 2017

This event is proposed to be held over nine days in October 2017 with 3,000 to 10,000 people expected to attend each day depending on the type of match / teams playing.

For up to three months prior to the event it is proposed that temporary stables will be provided for up to 360 horses on site as well as temporary residential accommodation for up to ten trainers and vets.

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Permanent and temporary structures proposed include polo fields, Hall of Fame (expected to accommodate up to 1,000 guests at any one time), helipad, car parking areas (total capacity approximately 1,910 spaces), horse training and stabling areas, exhibition and hospitality areas, an event promotions area, and toilets.

Hall of Fame Function Centre

This is proposed to be a new function centre on the Sydney Polo Club site. The proposed function centre is to be known as the "Hall of Fame" and is to be the primary function space for the Polo World Cup event in 2017. Following the event, it is proposed that the building will continue to be used for the purposes of a function centre for events, including (but not limited to) weddings, corporate events, exhibitions, and conventions.

The Hall of Fame building is proposed to be located on the western side of the main polo field (Field 1), on the border of Lot 1 in DP 797310 and Lot 1 in DP 120794. This location currently includes an existing spectator mound with a maximum crest level of about 16m AHD.

The building is proposed to be constructed as a two level function space able to accommodate up to 1,000 guests at any one time, with vehicular access being provided off Ridges Lane. The first floor level is proposed to be at 17.4 m AHD and would include members' lounge, bars, kitchen, and meeting room. The ground floor level is proposed to be at 12.4 m AHD and would provide for uses such as parking, waste collection, and corporate boxes. It is also proposed that additional seating be provided on outdoor terraces.

Due to the proposed first floor level being located at or above the 1 in 100 year flood level and the slope of the mound, the Hall of Fame will exceed the current maximum LEP height of 10 metres applicable to the site.

Future use of the site

It is proposed that the site be used for regular polo events, function centre, restaurant and micro-brewery, markets, eco-tourist facility, and equine therapy sessions.

It is important to note that the planning proposal only seeks to make these uses permissible on the site subject to development consent. Should the planning proposal proceed it will not provide the actual development consents to enable the proposed uses, which will be obtained via the submission of subsequent development applications to Council. Through the development application process Council will have the opportunity to consider in greater detail such matters as flood affectation, traffic, noise and visual impacts.

Furthermore, the DP&E *A guide to preparing planning proposal* states:

A planning proposal relates only to an LEP amendment. It is not a development application nor does it consider specific detailed matters that should form part of a development application.

and

An amendment to an LEP is a stand-alone component of the development process. The RPA [Relevant Planning Authority] and the community must be confident that the proposed planning controls suggested by the planning proposal are acceptable as an outcome appropriate in that location, regardless of the subsequent approval or refusal of any future development application.

The Subject Site and Surrounds

The site has an area of approximately 216 ha, comprises 24 allotments at Edwards Road and Ridges, Cornwells, Triangle, and Powells Lanes, Richmond Lowlands and Old Kurrajong Road, Richmond and has a frontage of approximately 2.4km to the Hawkesbury River.

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The majority of the site is currently used for agricultural (grazing) purposes and polo facilities. Two function centres were located on land owned by Basscave Pty Limited although the consents for these function centres are no longer active. Three tourist cabins are located in the south-western section of the site on land owned by Mandalup Investments Pty Limited, and a turf farming operation in the centre of the site on land owned by Mr R and Mrs F Muscat.

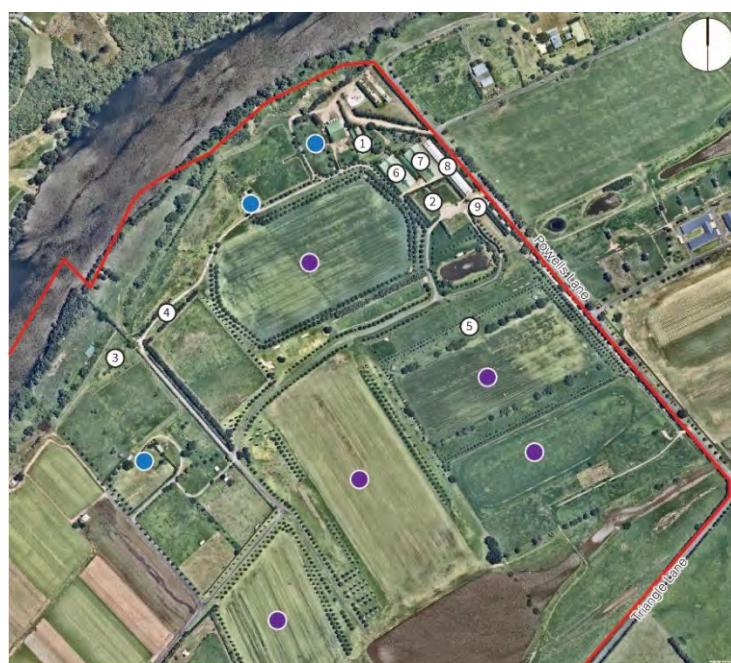
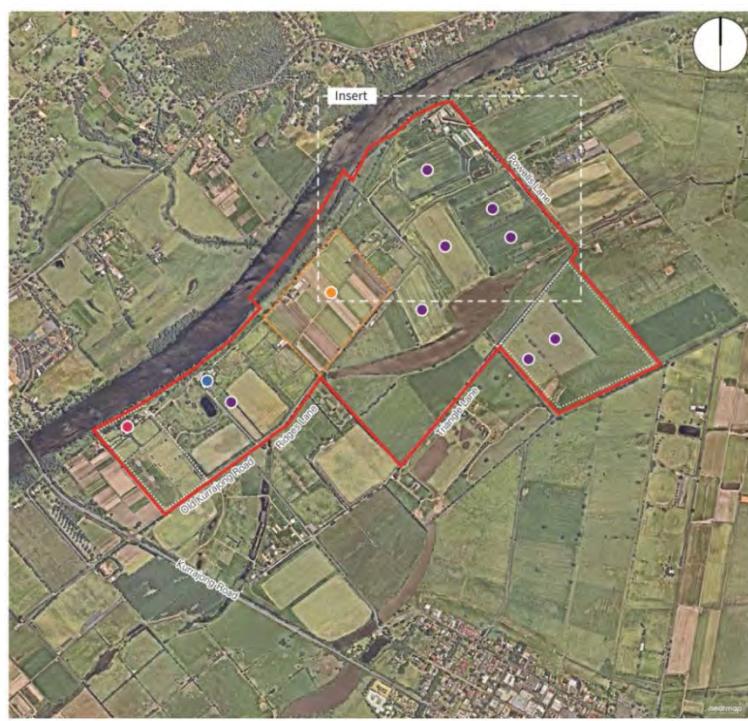
The individual allotments and their current uses are shown in Table 2 and Figure 4 below.

Table 2: Land and current development/ uses

Road Frontage/Access	Lot	DP	Development/Use
Owner: Basscave Pty Limited			
Powells Lane	1	70128	Grazing pasture, wetland, polo field
	25	1100252	Grazing pasture, animal training yards, wetland
	25	663770	Polo fields, grazing pasture, dam, stables, machinery shed, dwelling, farm buildings, former function centre
Ridges Lane	27	566434	Dwelling, former function centre, farm buildings, grazing pasture, animal yards
	2	1168610	Dwelling, farm buildings, equine training facilities, polo fields
	1	659412	Grazing pasture, polo field
	1	972649	Grazing pasture
	1	120794	Polo fields, farm buildings, wetland
	1	997087	Grazing land, farm buildings, wetland
	2	997087	Grazing land, farm buildings, wetland
	3	997087	Grazing land, farm buildings, wetland
	1	797310	Grazing land, polo field, wetland
Triangle Lane	1	77207	Grazing pasture, farm building, wetland
	1	997086	Grazing pasture, wetland, polo field, farm buildings, animal yards
Cornwells Land	4	1120860	Polo field
	5	1120860	Polo field, dam
Edwards Road	A	365391	Dwelling/farm office, shed
Owner: Ms S G Magnusson			
Ridges Lane	1	1168610	Polo field, farm
Owner: Mr R and Mrs F Muscat			
Ridges Lane	128	1151145	Turf farm, dwelling, farm buildings
	129	1151145	Turf Farm, dwelling, farm buildings
Owner: Mandalup Investments Pty Limited			
Old Kurrajong Road	A	89087	Dwelling, polo fields, horse yards, various farm buildings
	B	89087	Dwelling, tourist cabins, polo fields, horse yards, various farm buildings
	1	206104	Dam, polo field, farm buildings
	2	206104	Polo field, horse yards, horse training, farm buildings

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Source: JBA Planning Proposal

Figure 4: Aerial photo of subject site showing various land uses

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The surrounding area is made up of a mix of agricultural uses, including turf farms and grazing land. Rural - Residential properties are located to the south and west of the site. Opposite the site, on the northern side the Hawkesbury River are a number of Rural - Residential and large-lot residential properties. In addition, the following polo clubs/facilities are located nearby:

- Kurri Burri Polo Club, 226 Edwards Road
- Windsor Polo Club, Lot 303 Old Kurrajong Road
- Killarney Polo Club, Old Kurrajong Road
- Riverland Polo Club, Old Kurrajong Road
- Muddy Flats Polo Club, Triangle Lane
- Willo Polo, 2 Edwards Road
- Arunga Polo Club, 42 Triangle Lane
- Town and Country Polo Club, 508 Cornwallis Street.



Figure 5: Surrounding polo clubs/facilities

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The site is predominantly zoned RU2 Rural Landscape with relatively small parts being zoned E2 Environmental Conservation, and W1 Natural Waterway. The zoning of the land is shown in Figure 6 below. The amendments to the LEP sought by the planning proposal only relate to that part of the site that is zoned RU2 Rural Landscape.



Figure 6: Extract from LEP 2012 Land Zone Map

The objectives of the RU2 Rural Landscape are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses in the zone and land uses in adjoining zones.*
- *To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.*
- *To ensure that development retains or enhances existing landscape values including a distinctive agricultural river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive component.*

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- *To preserve the areas and other features of scenic quality.*
- *To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.*

Land uses currently permitted with consent in this zone include:

Agriculture; Animal boarding or training establishments; Boat sheds; Building identification signs; Business identification signs; Cemeteries; Charter and tourism boating facilities; Crematoria; Dual occupancies (attached); Dwelling houses; Educational establishments; Entertainment facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Funeral homes; Helipads; Home-based child care; Home industries; Jetties; Landscaping material supplies; Moorings; Places of public worship; Plant nurseries; Recreation areas; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Water recreation structures; Water storage facilities

Other relevant matters of the LEP include:

- parts of the site are subject to tidal inundation hence, where relevant, *Clause 5.7 Development below mean high water mark* will apply to future development on the site.
- a *heritage listed property* (Lots 1 and 2 DP 229549, 216 Edwards Road, also known as Kurri Burri) is located immediately to the north-east of the site hence, where relevant, *Clause 5.10 Heritage conservation* will apply to future development on the site.
- the site is shown as being predominantly within Acid Sulfate Soil Classifications 4 and 5, with a *relatively small area*, generally corresponding to the W1 zoned land, being within Acid Sulfate Soil Classifications 1 hence *Clause 6.1 Acid Sulfate Soils* will apply to future development on the site.
- the site is entirely inundated by flood waters during a 1 in 100 year flood event hence *Clause 6.3 Flood planning* will apply to future development on the site as well as Council's Development of Flood Liable Land Policy.
- the site is partly affected by the Terrestrial Biodiversity Map, mainly along the site frontage to Hawkesbury River and the wetland and its surrounds hence, where relevant, *Clause 6.4 Terrestrial Biodiversity* will apply to future development on the site.
- a small portion of land in the south-west part of the site falls within the 20 - 25 ANEF 2014 contour area hence, where relevant, *Clause 6.6 Development in areas subject to aircraft noise* will apply to future development on the site.

The site falls within the Middle Nepean & Hawkesbury River Catchment Area of *Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997)* and is within an area of Regional scenic significance under this SREP. The site also contains a wetland identified by this SREP.

The site is within Landscape Unit 3.4.1 Yarramundi Weir to South Creek Junction of the *Hawkesbury - Nepean Scenic Quality Study*, Department of Planning and Urban Affairs, 1996. This study summarises the landscape character of this area as follows:

A broad and nearly flat valley floor extensively altered by agriculture and settlement. An intensively farmed agricultural environment dominated by crop lands and rural industry. The major cultural elements are agricultural rather than ornamental, with a strict division of settled land from rural land.

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The study describes the capacity of the farming lands for increased settlement and usage density as low and states that the visual sensitivity of the general area is high because of the heritage value of the landscape. The study recommends that the open agricultural character of the flats be retained by discouraging subdivisions and rural/industrial operations.

The *Significant Wetlands of the Hawkesbury - Nepean River Valley*, Department of Planning, 1994, describes the wetland on the site as being an open herb swamp with waterbird value.

The site is shown as containing Agriculture Land Classifications 1, 2 and 8 prepared by the former NSW Department of Agriculture. The majority of the site is class 1 (Arable land suitable for intensive cultivation) with land in the vicinity of the wetland, and to the south of the wetland being class 2 (Arable land suitable for regular cultivation). The river-front land is class 8 (water).

Most of the site is within an "identified resource area" (construction sand and gravel) as defined by the NSW Department of Industry.

Land generally consisting of the wetland and immediate surrounds is shown as an area of "extensive salinity hazard", whilst the balance of the site is shown as an area of "localised salinity hazard".

Council's Notice of Motion of 3 February 2015

At Council's Ordinary Meeting on 3 February 2015, Council resolved the following Notice of Motion:

1. *Council reaffirm its continued support of the emerging polo and related support industries in the Richmond Lowlands.*
2. *Council indicate to all stakeholders and the community its unambiguous willingness to work closely and cooperatively with all relevant property owners to resolve quickly and expeditiously current planning provisions and conflict issues, including commencement of a review of the rezoning provisions, relating to permissible land use activities associated with the industry.*

Relationship of this planning proposal to Council's General Amendments planning proposal

On 31 March 2015 Council considered a report regarding a suite of proposed amendments to LEP 2012. Included in these amendments were recommendations to:

- permit *function centres* in the RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, RU5 Village and E4 Environmental Living zones.
- permit *eco-tourist facilities* with consent in the following zones - RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, RU5 Village, R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, E3 Environmental Management, E4 Environmental Living.

Council resolved, inter alia, that a planning proposal (including the above mentioned amendments) be prepared and forwarded to the Department of Planning and Environment (DP&E) for a Gateway determination.

A planning proposal was subsequently prepared and forwarded to the DP&E on 31 July 2015. Included in the planning proposal were the following explanations for the proposed changes to the permissibility of *function centres* and *eco-tourist facilities*:

Function centres are not permitted in the RU1, RU2, RU4, RU5 and E4 zones because at the time of drafting LEP 2012 function centres were a new land use within the standard instrument and they were considered to be outside the scope of the like for like conversion of LEP 1989 land uses to LEP 2012 land uses. LEP 2012 does however permit the similar land use of restaurants in the RU1, RU2, RU4, RU5 and E4 zones.

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Council has become aware of circumstances whereby existing restaurants are being used for hosting functions such as wedding receptions. Due to the above mentioned prohibition Council is not able to consider the use of restaurants for the purposes of hosting functions.

In order to resolve this matter it is proposed that function centres be permitted in the RU1, RU2, RU4, RU5 and E4 zones.

and

During the preparation of LEP 2012 Council did not have opportunity to consider eco-tourist facilities as this land use was added to the standard instrument after Council forwarded the draft of LEP 2012 to the DP&E for finalisation and gazettal.

As a result an anomaly currently exists in the LEP 2012 whereby in the RU1, RU4, RU5, R1, R2, R3, R5, E3 and E4 zones tourist and visitor accommodation is permitted with consent however eco-tourist facilities are prohibited.

It is proposed that eco-tourist facilities be made permissible with consent in the above mentioned zones and, due to their likely lesser environmental impact than tourist and visitor accommodation, they also be made permissible with consent in the RU2 zone.

A Gateway determination was issued by DP&E on 19 February 2016 raising no objection to the proposed *function centre* and *eco-tourist facility* amendments. At the time of preparing this report the General Amendments planning proposal had been referred to various public authorities for comment.

Thus, it is important to note that the two additional permitted uses of *function centres* and *eco-tourist facilities* sought by the applicant is consistent with what Council is seeking to achieve via the General Amendments planning proposal.

A Plan for Growing Sydney and Draft North West Subregional Strategy

A Plan for Growing Sydney was released in December 2014 and is the NSW Government's 20-year plan for the Sydney Metropolitan Area (SMA). It provides direction for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space.

A Plan for Growing Sydney contains the following Vision for Sydney:

- A strong global city, a great place to live.

The Vision is supported by following four goals and three principles:

- Goal 1: A competitive economy with world-class services and transport
 - Goal 2: A city of housing choice with homes that meet our needs and lifestyles
 - Goal 3: A great place to live with communities that are strong, healthy and well connected
 - Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources
- Principle 1: Increasing housing choice around all centres through urban renewal in established areas
 - Principle 2: Stronger economic development in strategic centres and transport gateways
 - Principle 3: Connecting centres with a networked transport system

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A Plan for Growing Sydney divides Sydney into six subregions: Central; West Central; West; North; South West; and South. The Hawkesbury LGA is in the West subregion with the Penrith and Blue Mountains LGAs.

The Draft North West Subregional Planning Strategy (the Strategy) was released by the NSW Government in December 2007. The Strategy covers the LGAs of The Hills, Blacktown, Blue Mountains, Hawkesbury and Penrith and sets broad directions for additional dwelling and employment growth.

The Strategy's Key Directions are:

- plan to meet employment and housing capacity targets
- develop Penrith as a Regional City
- strengthen the role of centres
- improve access to, from and within the subregion
- protect rural and resource lands
- promote the environmental and scenic qualities of the region
- improve access to open space and recreation opportunities

The Strategy was never finalised and is currently under review.

These two documents have a high level metropolitan and regional focus, and for the most part are not readily applicable to this planning proposal. Notwithstanding this JBA have provided an assessment of the planning proposal against these two documents and concludes that the planning proposal is consistent with these documents. JBA's assessment is provided in Attachment 2 of this report.

In summary JBA claim that the planning proposal is consistent with the objectives of the "Metropolitan Rural Area" of the Plan because the proposed uses will provide recreational activities that are compatible with the surrounding environment and are not likely to adversely affect the objectives of any future strategic framework for the region. Furthermore, JBA claim the proposed uses will promote the polo industry and tourism in Sydney's north-western region and make it easier for the growing population in the north-west to access recreational facilities in the Richmond Lowlands.

JBA claim that the planning proposal is consistent with the following directions of the Strategy:

- promote the environmental and scenic qualities of the Region
- improve access to open space and recreation opportunities

because the proposed uses will support the environmental and scenic qualities of the Hawkesbury River and allow for the provision of tourism and recreational facilities.

Hawkesbury Community Strategic Plan and the Hawkesbury Employment Land Strategy

The Hawkesbury Community Strategic Plan (CSP) is a high level plan that outlines the key community aspirations and sets the essential direction for future Council activities and decision making. This Plan is divided into five themes and incorporates the NSW Division of Local Government's (DLG) social, economic, environmental and governance strategic principles. Each of the five themes are supported with a vision statement, directions, strategies, goals and measures, to assist Council and the community to achieve its objectives.

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The Hawkesbury Employment Land Strategy (ELS) reviewed employment and employment lands in the Hawkesbury LGA and considered the then State Policy context, economic trends and drivers, employment profiles, the character of existing employment precincts and the demand and supply issues for employment lands. It also recommended a number of short and long term strategies to address the economic prosperity of the Hawkesbury LGA to the year 2031.

JBA have provided an assessment of the planning proposal against the CSP and ELS. JBA's assessment is provided in Attachment 2 of this report.

In summary JBA's responses to the CSP and ELS are:

- the planning proposal will facilitate the achievement of relevant goals by supporting the ongoing development of a sustainable polo industry in Richmond with supporting eco-tourist accommodation and function centre facilities to promote the tourism industry in the area. This will provide increased employment and economic development in the Hawkesbury LGA. It will also provide a means to balance the recreational, ecological and employment activities of the area through facilitating recreational facilities in a suitable and compatible location.
- whilst the ELS examines employment lands within the Hawkesbury LGA, and not rural lands, it does state that accommodation land uses could be appropriately located on rural and environmental protection lands and recommends future strategic actions. The ELS recognises that the agricultural industry sector plays a significant employment role in the LGA, and that cafes, accommodation and restaurants are important in supporting local jobs in the tourism industry. The planning proposal seeks to include a range of compatible uses on the site that will support the tourism industry.

Section 117 Directions

Section 117 Directions are issued by the Minister for Planning and apply to planning proposals. Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal. The Section 117 Directions do allow for planning proposals to be inconsistent with the Directions. In general terms a planning proposal may be inconsistent with a Direction only if the DP&E is satisfied that the proposal is:

- a) justified by a strategy which:
 - gives consideration to the objectives of the Direction
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites)
 - is approved by the Director-General of the Department of Planning, or
- b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of the Direction, or
- c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of the Direction, or
- d) is of minor significance.

JBA have provided an assessment of the planning proposal against relevant Section 117 Directions, and this assessment is provided in Attachment 2 of this report. In summary JBA conclude that the planning proposal is consistent with relevant Section 117 Directions.

JBA's assessment includes consideration of *Direction 3.5 Development Near Licensed Aerodromes*. This is not necessary as RAAF Base Richmond is not a licensed aerodrome. Notwithstanding this it is envisaged that if the planning proposal proceeds it will be referred to the Department of Defence for comment.

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JBA's assessment does not include consideration of *Direction 5.10 Implementation of Regional Plans*. The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. This direction was added to the S117 Directions on 14 April 2016 and for the purposes of this direction *A Plan for Growing Sydney* is the relevant Regional Plan. JBA have provided an assessment of planning proposal with respect to *A Plan for Growing Sydney*, which is provided in Attachment 2 of this report.

Direction 6.3 Site Specific Provisions states, inter alia:

A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

- (a) *allow that land use to be carried out in the zone the land is situated on, or*
- (b) *rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*
- (c) *allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

JBA state that the planning proposal is consistent with this direction because it seeks to amend the LEP, to allow additional permitted uses to be carried out on the site, by adding an additional provision in Schedule 1 and no additional development standards are proposed in relation to these additional land uses.

The need for additional development standards in relation to some of the proposed land uses is discussed later in this report.

State Environmental Planning Policies and Regional Environmental Plans

The State Environmental Planning Policies and Regional Environmental Plans of most relevance are *State Environmental Planning Policy No. 19 – Bushland in Urban Areas*, *State Environmental Planning Policy No. 44 – Koala Habitat Protection*, *State Environmental Planning Policy No. 55 - Remediation of Land*, and *Sydney Regional Environmental Plan No. 20 - Hawkesbury - Nepean River (No.2 - 1997)*.

JBA have provided an assessment of the planning proposal against the above mentioned SEPPs and SREP No. 20 (No.2 - 1997). This assessment is provided in Attachment 2 of this report.

JBA's assessment is summarised below.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

The planning proposal is consistent with the objectives of the SEPP. The proposed uses are compatible with the natural setting of the site and will integrate within its landscaped setting. No significant building footprints will be facilitated by the planning proposal and the majority of the site will be retained as part of the vegetated landscape. No changes to the E2 Environmental Conservation zone on the site are being sought and the proposed LEP amendments will not have any unacceptable impact on the natural ecological value of the site.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

There is no evidence of a local koala population in the locality and potential feed trees at the site are sparse, and surrounded by pasture.

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State Environmental Planning Policy No. 55 - Remediation of Land

The site has a number of identified contamination risks resulting from the past agricultural and quarry uses of the site, above ground storage of fuels, landfill from unknown sources as well as stockpiling and storage of waste on the site. Notwithstanding this these risks are acceptably low to permit the changes to the site permissible uses as proposed, particularly given that the proposal does not seek to make permissible any sensitive land uses such as residential, schools or a child care facility. Where contamination has been identified it is likely to be of a type and extent that can be readily remediated to allow any of the proposed additional uses to proceed. Subsequent development applications should fully assess localised contamination and address any identified issues. This should involve the preparation of a detailed site investigation including the undertaking of intrusive soil sampling.

Sydney Regional Environmental Plan No. 20 - Hawkesbury - Nepean River (No.2 - 1997)

The planning proposal proposes additional uses on the site that are complementary to the rural/flood prone nature of the site and are of minimal environmental impact. These uses will be subject to future development applications and will need to consider and protect the environment of the Hawkesbury-Nepean River system.

Flood affectation of the site

The majority of the site varies in height from approximately 9.0m AHD and 16.5m AHD.

The higher ground is generally located adjacent and parallel to the Hawkesbury River. From this higher ground the land either generally falls gently to the east (i.e. within the vicinity of the wetland) or steeply to the Hawkesbury River. As mentioned earlier in this report the site is entirely inundated by flood waters during a 1 in 100 year flood event hence *Clause 6.3 Flood planning* of the LEP will apply to future development on the site as well as Council's Development of Flood Prone Land Policy.

Clause 6.3 of the LEP is as follows:

6.3 Flood planning

(1) *The objectives of this clause are as follows:*

- (a) *to minimise the flood risk to life and property associated with the use of land,*
- (b) *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) *to avoid significant adverse impacts on flood behaviour and the environment.*

(2) *This clause applies to land at or below the flood planning level.*

(3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*

- (a) *is compatible with the flood hazard of the land, and*
- (b) *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *incorporates appropriate measures to manage risk to life from flood, and*
- (d) *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

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- (4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0), published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

- (5) In this clause:

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event

The figures below show the estimated extent of the 1 in 5 year, 1 in 20 year, 1 in 50 year, and 1 in 100 year flood events.

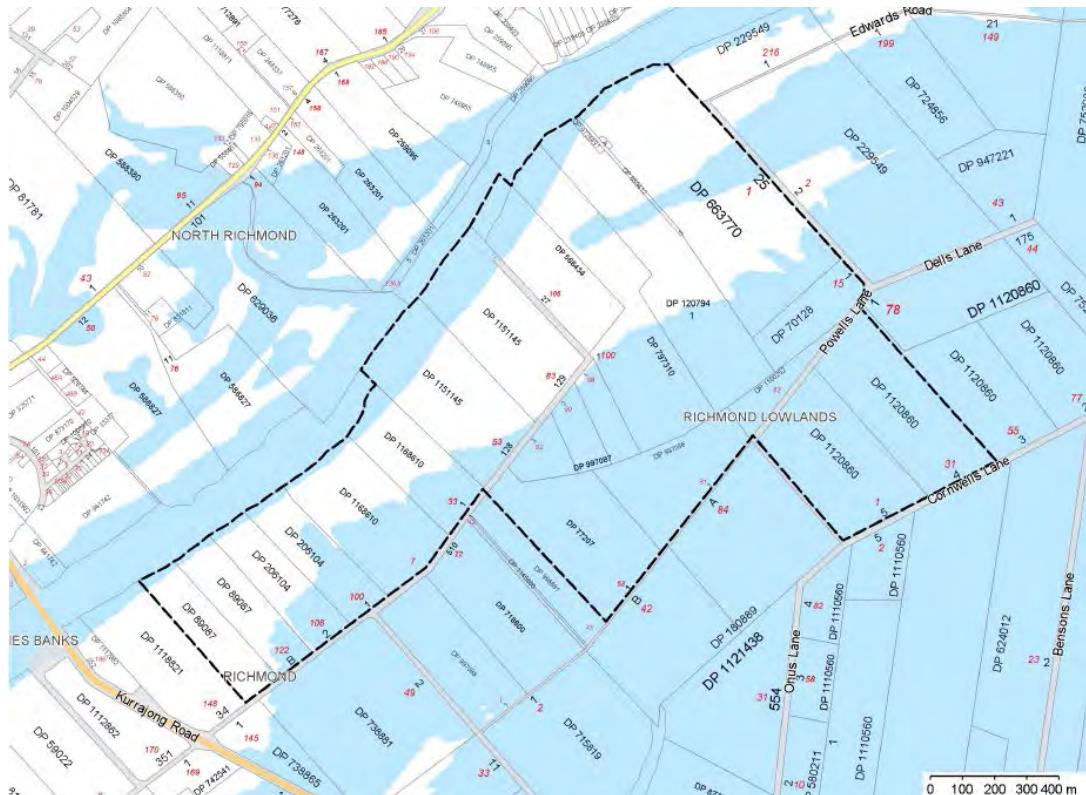


Figure 7: Estimated extent of 1 in 5 year flood

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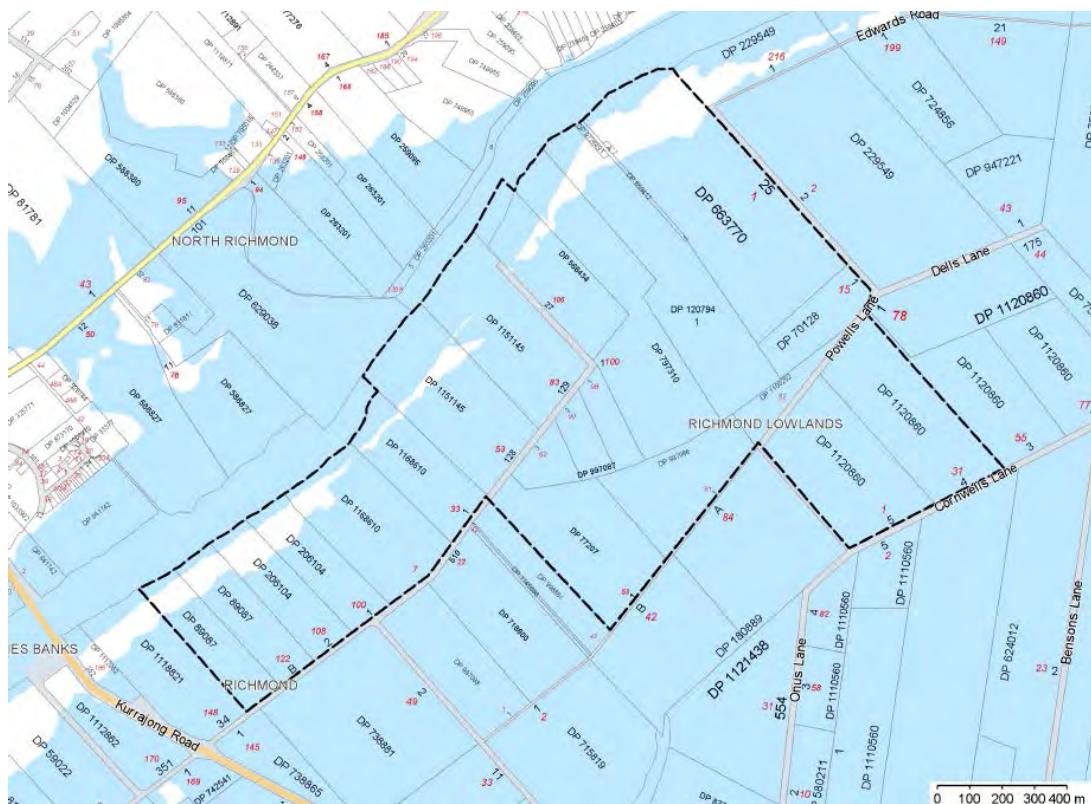


Figure 8: Estimated extent of 1 in 20 year flood

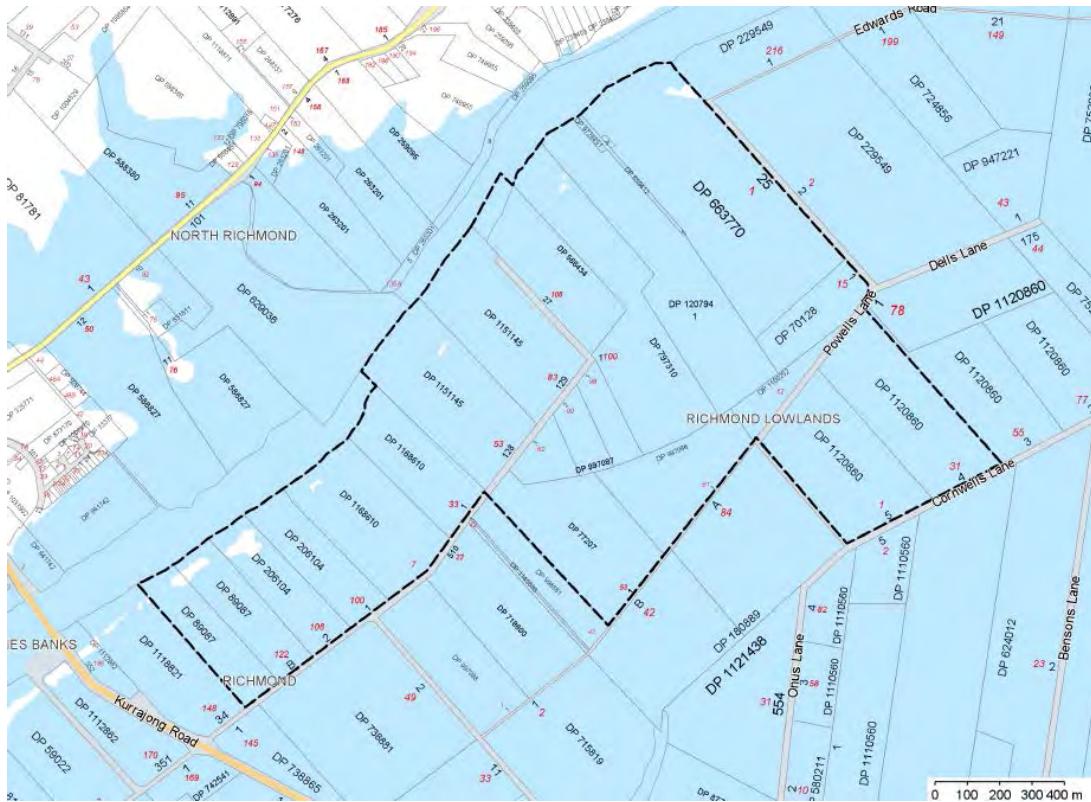


Figure 9: Estimated extent of 1 in 50 year flood

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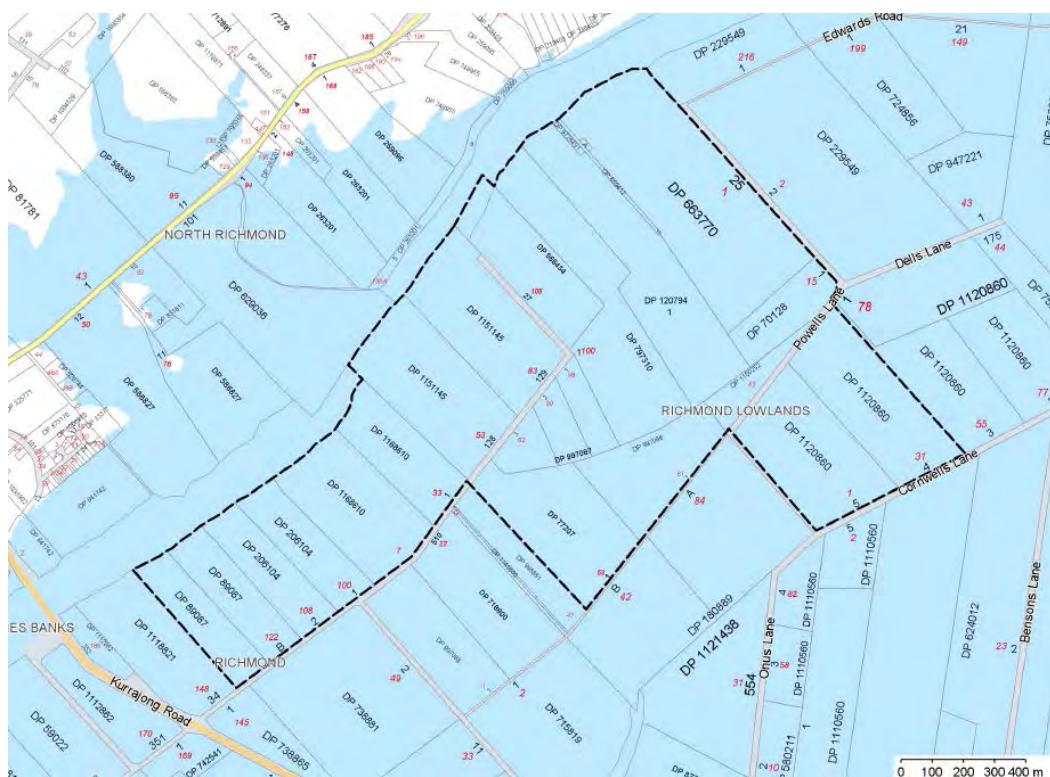


Figure 10: Estimated extent of 1 in 100 year flood

The *Hawkesbury Floodplain Risk Management Study & Plan* shows the site being substantially within an "Extreme" flood risk area (generally those parts of the site below the 1 in 20 year flood event) with the balance of the site being within a "High" flood risk area (generally those parts of the site between the 1 in 20 year flood event and the 1 in 100 year flood event). This is shown in Figure 11 below.

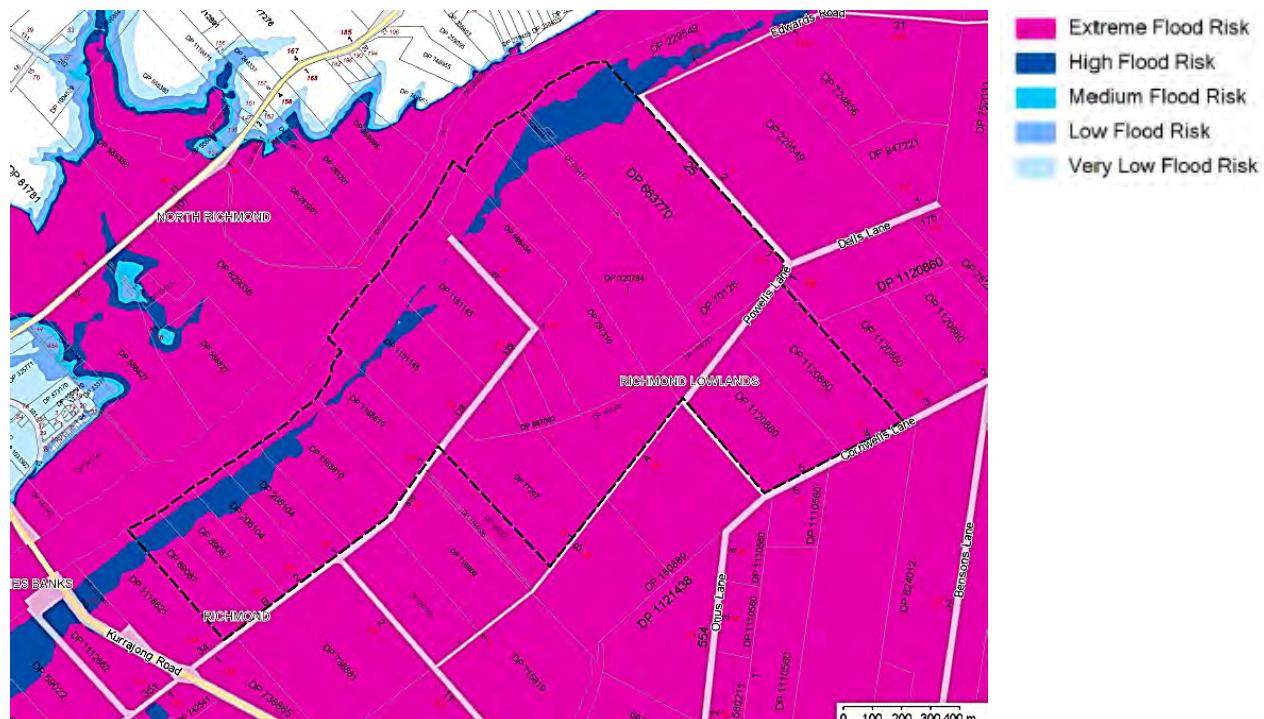


Figure 11: Flood risk categorisation of the site

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The planning proposal is accompanied by a flooding related assessment of the site undertaken by BG&E Pty Limited (BG&E).

This assessment states:

- During a 100 year ARI flood the depth of inundation across the site would range from approximately 1m (high land along the river) to 8m (near the low lying wetland). During the Probable Maximum Flood (PMF), the lower areas of the site are shown to experience flooding up to 17m above natural surface.
- Flood risk for the majority of the site is classified as being 'extreme'. This category applies to those areas inundated by a 20 year ARI event (5% or greater chance of flooding each year) with a surface level less than 15.4m AHD. These areas are expected to experience severe erosion to foundations of buildings and collapse of building structures are likely. Ameliorative measures such as filling are unlikely to be acceptable.
- Areas along the river which are not expected to be inundated during the 20 year ARI flood are classified as 'high' flood risk (surface level greater than 15.4m AHD). These areas have a very high chance of flood damage to most building structures without substantial modifications and other planning controls.
- Flood hazard within the project site during the 100 year ARI event varies from 'high' to 'extreme', with low lying areas showing a greater level of hazard due to increased depths of flooding. The *Floodplain Development Manual* defines 'high' hazard (and greater) as "possible danger to personal safety; evacuation by trucks difficult; able-bodied adults would have difficulty in wading to safety; potential for significant structural damage to buildings".
- Flooding of the site during a 100 year ARI event is expected to commence approximately 40 hours following the onset of rainfall within the catchment, with the site being inundated for several days. During the PMF, water levels will rise much more rapidly, with flooding expected to occur across the site after approximately 15 hours.

In response to the site's flood affectation and flood risk, JBA make the following statements:

- Detailed flood assessments will accompany all future applications for development on the site. Design development has already commenced for the Hall of Fame function centre. Preliminary discussions with Council have been undertaken to determine appropriate finished floor levels having regard to flood constraints. The application for the Hall of Fame will be accompanied by a detailed flood risk assessment and preliminary flood evacuation management plan.
- Flood prone land is a valuable resource and should not be sterilised unnecessarily precluding its development.
- Any additional floor space will be able to be located above the flood planning level.
- Any future buildings or new structures will be minor and are not expected to result in any adverse impacts to flood behaviour.
- Existing development and the development facilitated by the planning proposal will not result in development within the Hawkesbury River or loss of flood storage.
- The site is already partially developed and further development is not anticipated to result in an increase in flood levels.

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- The planning proposal will be referred to the State Emergency Services (SES) for comment following Gateway Determination and prior to community consultation occurring and any response received from the SES regarding evacuation infrastructure can be taken into account.

As can be seen in objective (a) of Clause 6.3, minimising the flood risk to life and property is a primary consideration.

It is noted that the proposed additional uses are non-residential in nature. Furthermore, subject to confirmation from the SES, it is considered that there should be sufficient warning time of floods to allow for the cancellation of polo events, function centre and tourist bookings, market days, medical and veterinary appointments prior to persons arriving at the site. If so, it is expected that the risk to life as a result of the proposed additional uses would be relatively low and could be appropriately managed through a site or use specific flood response and evacuation plan.

In terms of minimising risk to property and minimising the associated cost of flood damages, given the significant height and velocity of flood events the site can experience, it is recommended that the size of some of the proposed additional uses be restricted. This is further discussed later in this report.

Road Access and Traffic Generation

Old Kurrajong Road/Ridges Lane are the primary road accesses to the site. Old Kurrajong Road is a two-way road with a 2-lane, 6 metre wide carriageway. Ridges Lane is a two-way road with a 2-lane, 5 metre wide carriageway. Both roads carry relatively low volumes of vehicular traffic and are used by pedestrians, cyclists and horses.

Old Kurrajong Road connects with Kurrajong Road / Bells Line of Road (a State road) to the south-west of the site. Kurrajong Road / Bells Line of Road is the main connector road from Windsor to North Richmond and areas further to the east and west.

The planning proposal is accompanied by a Transport Impact Assessment prepared by GTA Consultants (GTA).

GTA's assessment considered the likely additional traffic generated by the proposed additional uses in light of the surrounding intersections (in particular the Kurrajong Road and Old Kurrajong Road, and Old Kurrajong Road and Ridges Lane intersections), the findings and recommendations of the *Richmond Bridge and the approaches Congestion Study*, and the impact of the North Richmond "Redbank" at North Richmond development and proposed secondary route between Richmond and North Richmond via a proposed bridge through Navua and Yarrumundi Reserves.

GTA advise that of the proposed additional permitted uses, the main traffic generating uses are the function centres and the annual major polo event (the Gold Cup). The other proposed uses are likely to be low traffic generators and would generally operate outside the site and the road network peak periods.

GTA's assessment included the results of a traffic survey undertaken at the most recent Gold Cup event held on 17 and 18 October 2015. GTA summarised the key findings of the survey as follows:

- There were 1,186 and 2,615 daily vehicle movements along Ridges Lane on the Saturday and Sunday of the event weekend respectively. This is compared to 171 and 154 daily vehicle movements on a typical Saturday and Sunday respectively.*
- 2,135 spectators attended the event on the Sunday via the main entry, including 1,909 that arrived by private vehicle and 226 by van and/ or bus.*
- There was a combined average occupancy of 1.9 people per car and 27 people per van / bus.*

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- 20% of vehicles arrived in the peak vehicle arrival period (11:00am to 12:00pm), which included 274 vehicle movements, 80% inbound, 20% outbound.
- The peak spectator arrival period occurred later (12:00pm to 1:00pm), influenced by more bus arrivals during this period.
- The overall peak hour for vehicle movements occurred in the afternoon (4:45pm to 5:45pm), with 353 vehicle movements, 8% inbound and 92% outbound.
- The peak spectator departure period occurred slightly later (5:00pm to 6:00pm), again influenced by more bus departures around 6:00pm.

Based on their assessment GTA concluded as follows:

- Car parking associated with the uses would be accommodated on-site in the vicinity of each use.
- Under typical operation, the site is expected to generate approximately 20 vehicle movements in any peak hour.
- The key traffic generating uses are expected to be the function centres and the annual polo event.
- Based on the 2015 Gold Cup event, the site is expected to generate between 275 and 350 vehicle movements in any peak hour.
- A Special Event TMP should be prepared for the annual polo event to manage traffic, pedestrians and parking on the event day.
- Traffic generation associated with two simultaneous functions, such as weddings are expected to generate a combined 150 vehicle movements during any peak hour.
- There is adequate capacity in the surrounding road network to cater for typical operations plus the additional traffic associated with the two simultaneous functions.

GTA's report and the associated traffic modelling do not adequately establish the travel paths into and out of the site. Whilst GTA's report makes references to the inadequacies in respect of turning movements at the intersection of Kurrajong Road and Old Kurrajong Road, the report does not go far enough as to determine what safety impacts there will be at the intersection of Kurrajong Road and Old Kurrajong Road.

GTA's report does not adequately address the impacts of the increase in traffic within the Richmond Lowlands on the current road environment and in particular the existing road seal widths and overall road safety. Further consideration is required of what is an acceptable environmental traffic loading within the Richmond Lowlands.

Concern is also raised regarding the modelling of the function centre uses as GTA have based their modelling on 200 persons per event with a fortnightly frequency. The planning proposal however states that the proposed new function centre would have a capacity of up to 1,000 people.

If the planning proposal is to proceed it will be referred to the Roads and Maritime Service (RMS) for comment and the traffic impacts of the proposed additional uses can be further discussed with the applicant and assessed by Council.

Given the volume of traffic movements likely to be generated by the proposed polo and function centres uses it is expected that future development applications will also be referred to the RMS under the provisions of SEPP (Infrastructure) 2007.

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Services

The planning proposal is accompanied by a services statement prepared by BG&E.

That statement advises:

Sewer reticulation

The site falls within Sydney Water's area. The site is not connected to Sydney Water's sewer network. The existing buildings are currently serviced by several types of on-site treatment systems. The older buildings are serviced by septic tanks whilst the newer buildings are treated by Envirocycles.

Due to the large distance to the nearest Sydney Water main and the high cost associated with a sewer main extension and possible upgrade of existing Sydney Water infrastructure to accommodate the development, it is recommended that the development implement similar on-site treatment of sewage.

Water reticulation

The site falls within Sydney Water's area for water supply. Sydney Water potable water mains exist in Old Kurrajong Road, Ridges Lane and Cornwells Lane. Although there are Sydney Water mains located within the bounds of the site, the existing buildings are currently supplied with water by various other means. Stock supply is taken directly from the Hawkesbury River and distributed via irrigation lines from a pumping system. Toilet water is supplied from tanks that are filled with water directly from the river. Potable water for staff is supplied by rainwater tanks and bottled water is used for clients and events. Depending on future proposals for the site an extension of the Sydney Water main to service the existing and any proposed dwelling could be considered. This could be in the form of a private water main which should be cost effective.

Electricity

The site is currently supplied with electricity by Endeavour Energy via overhead power lines. Depending on the planned future electrical demands for the site it may be necessary to upgrade electrical assets related to the site.

Telecommunications

This site is currently serviced by existing Telstra infrastructure. There is no Optus or NBN present in the site. Telstra services the site from the south west via Old Kurrajong Road and Ridges Lane. Cables are also present in Edwards Road to the northwest of the site. Given the proposed plans for the site it is anticipated that the current Telstra infrastructure will be adequate. Visitors to the site will likely bring their own mobile phones which will not impact on the requirement for fixed services.

Gas

The site currently has no connection to Jemena's gas reticulation network. As there is no gas infrastructure within a reasonable proximity to the site, it is suggested that it would be unfeasible to supply the site with gas from Jemena's supply. Should gas supply be required, bottled gas is recommended.

Clause 6.7 of the LEP states:

6.7 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,

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- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable road access.*

With the exception of sewage and possibly road access (discussed above), it is considered that the existing services at the site are either adequate or can be readily upgraded to support the future development of the site for the proposed additional uses.

In addition to Clause 6.7, Council is also required to consider at development application stage, the following provisions of Section 11(17) of SREP No. 20 (No. 2 - 1997).

- (a) *Whether the proposed development will be capable of connection to a Sydney Water Corporation Limited or council sewerage system either now or in the future.*
- (b) *The suitability of the site for on-site disposal of effluent or sludge and the ability of the sewerage systems or works to operate over the long-term without causing significant adverse effects on adjoining property.*
- (c) *The likely effect of any on-site disposal area required by the proposed development on:*
 - *any water bodies in the vicinity (including dams, streams and rivers), or*
 - *any mapped wetlands, or*
 - *any groundwater, or*
 - *the floodplain.*
- (d) *The scope for recycling and reusing effluent or sludge on the site.*
- (e) *The adequacy of wet weather storage and the wet weather treatment capacity (if relevant) of the proposed sewerage system or works.*
- (f) *Downstream effects of direct discharge of effluent to watercourses.*
- (g) *The need for ongoing monitoring of the system or work.*

With respect to the possibility of connecting to Sydney Water's sewer network JBA state:

The nearest sewer connection is located on Francis Street near the intersection with Old Kurrajong Road. Connecting to this network would require connection piping some 2km long and is likely to be cost prohibitive. Details for on-site effluent disposal will be provided with all future applications. In particular, a detailed assessment of this aspect of the proposal is being carried out for the proposed Hall of Fame function centre and will be submitted with the application.

JBA were requested to provide details regarding the cost of extending and upgrading Sydney Water's infrastructure as well as an assessment regarding the suitability of the land to cater for on-site effluent disposal. JBA have not provided these details, therefore at this stage it is not possible to determine if on-site effluent disposal is a suitable option for the site, or if the cost of extending and upgrading Sydney Water's infrastructure is prohibitive.

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Clause 6.7 of the LEP and Section 11(17) of SREP No. 20 (No. 2 - 1997) provide suitable statutory provisions to enable consideration of this matter at development application stage, therefore it is considered that the proposed amendments to the LEP do not need augmentation or amendment in relation to the provision of sewerage systems to the site or proposed developments. However, the collection and treatment of waste water generated by the proposed land uses will require careful consideration by Council at development application stage.

Economic Impacts and Benefits

Future developments as proposed by the additional uses will generate increased economic activity in the locality and increased employment opportunities.

Specifically, JBA state:

- the polo operation will attract increased visitors to the area, particularly during major events. This will support increased economic activity within the tourism industry in the locality including accommodation and restaurants, and will also support surrounding service and retail industries (e.g. hairdressers and clothing stores). It will also support horse-related industries such as vets and horse trainers.
- the future function centre use on the site will also support the tourism economy in the area as well as supporting industries (e.g. flowers, catering etc.). The ability to provide additional eco-tourist accommodation on the site will not only support the ongoing function centre and polo facility uses on the site, but will also benefit the broader community.
- the concept of providing a local market on the site will also provide an opportunity for local traders to sell their goods.
- the proposed additional permitted uses are consistent with the employment characteristics of the area and will further support the equestrian and agriculture industries in the area. Functions and polo events also generate a number of hospitality related jobs.

Flora and Fauna Impacts

The planning proposal is accompanied by an *Ecological Constraints and Opportunities Analysis* prepared by Cumberland Ecology (CE). The purpose of the analysis was to assess the potential impacts of the proposed development on flora and fauna, particularly threatened species, populations and communities.

CE analysis notes that:

- the majority of the site comprised exotic, planted native and non-native to NSW plants and does not pose significant ecological constraints for development, as it is highly modified and includes residential dwellings, sealed roads, ancillary structure for polo club and accommodation facilities, cultivated areas and grassed land for polo activities and/or car park.
- no remnant native vegetation is present across the site. There are a few mature trees which appear to be planted rather than remnant from the original vegetation communities. Most planted trees, shrubs and grassed areas across the site are a result of agricultural and rural land use, including residential dwellings.
- historically, quarry activities occurred on land along the northern boundary of the site with frontage to the Hawkesbury River. Therefore, the trees, groundcover and shrubs along this area comprise regrowth vegetation which is currently infested with weeds, some of which are listed noxious weeds within the Hawkesbury Council's area.
- the planning proposal for the site applies only to land zoned RU2. It is not expected the planning proposal would affect the wetland. It is noted that the proposed Hall of Fame building is proposed to be located in land immediately to the north of the wetland, potentially in a

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portion of the area identified as 'Connectivity between Significant Vegetation' which is an important 'buffer' zone to be managed to ensure future connectivity of subsurface water movement to/from the billabong.

- freshwater wetlands are listed as an endangered ecological community under the *Threatened Species Conservation Act 1995* (TSC Act). Most of the freshwater wetlands in the Hawkesbury River floodplain have been subject to a long history of human-induced impacts since 1787. Most of the wetland habitat associated to freshwater bodies in the floodplain has been lost to past clearing, agricultural land uses, weed invasion, hydrological modification, filling and waste dumping, erosion and siltation, road construction and urban development.

The findings of the CE analysis can be summarised as follows:

- no endangered species, populations or ecological vegetation communities were found within the portion of the site proposed for rezoning. The wetland is a listed endangered ecological community under the TSC Act.
- one threatened flora species, *Eucalyptus scoparia* (Wallangarra White Gum), was found within the site. *Eucalyptus scoparia* is listed as Endangered under the TSC Act and Vulnerable under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). However, this species is also commonly planted as a landscape tree and is not within its natural distribution as it is not endemic to the Sydney Metropolitan region.
- no threatened fauna species were recorded within the site during the site visit. An assessment of the likelihood of threatened fauna species occurring on the site concluded that 21 threatened species of birds and eight threatened species of mammals have the potential to occur within the site. Most of these species would use the wetland and/or the land on the northern boundary of the site with frontage to the Hawkesbury River.
- the 2.4km frontage to the Hawkesbury River is an area of regional and state significance with regards to revegetation given the recreational, environmental and economic values and services the Hawkesbury River provides to the Hawkesbury - Nepean Catchment area.

The recommendations and conclusions of CE's analysis are:

1. *The billabong [wetland] shows differing levels of erosion of its southern bank, whereas the northern bank is in general level with the adjacent land. It is recommended a wetlands and dams plan of management would prove an opportunity to enhance the value of the aquatic environment (e.g. dams, billabong and river frontage) as habitat for fauna (e.g. native fish, amphibians and insects). The following measures are recommended to rehabilitate aquatic habitat condition:*
 - *erosion prevention measures in the billabong and along the subject site's frontage with the Hawkesbury River;*
 - *stabilization of the southern bank of the billabong;*
 - *revegetation of riparian, wetland and dam vegetation to improve aquatic environment condition and enhance habitat for waterbirds, fishing bats, amphibians and insects;*
2. *Several noxious weeds were observed across the subject site, in particular along the margin with the Hawkesbury River. It is recommended a vegetation management plan is put in place to manage and control weeds within the subject site.*

It is considered that these matters can be dealt with by the owners of the site or required by way of condition of future development consents. These matters are not something that need be dealt with or referred to in the proposed amendment to the LEP.

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Acid Sulfate Soils, Land Contamination and Salinity

The planning proposal is accompanied by a *Preliminary Site Investigation and Preliminary Acid Sulfate Soils Assessment* prepared by Martens Consulting Engineers (Martens).

Martens assessment notes that the site has been used for rural purposes since at least 1955 and has the following potential contamination sources:

- past dwelling construction and maintenance have the potential to have introduced contaminants in the form of asbestos (as a construction material), pesticides (pest control) and heavy metals (paints, pest control);
- sheds and former sheds may currently or previously have stored fuel, oils or other chemicals, leading to hydrocarbon and other contamination. Lead based paints or potential asbestos containing material (PACM) in the form of fibrous cement sheeting containing asbestos may have been used during construction. The sheds may have been treated with pesticides and heavy metals for pest control;
- aerial photographs indicate much of the site may have been used for intensive agricultural uses including market gardens, orchards or turf farm. Organophosphate and organochloride pesticides and heavy metals may have been used for pest control;
- former quarry operations may have introduced localised contamination of hydrocarbons or heavy metals to the site soils and potentially other contaminants if filling from offsite sources was part of remediation;
- several above ground storage tanks (AST) were observed containing known (diesel and unleaded) and unknown content may have introduced contaminants to the soil. Bunding of two of the three ASTs mitigates this risk significantly;
- localised areas of site fill hence there is the potential for contaminants if fill was sourced from offsite;
- waste stockpiles may have introduced heavy metals, hydrocarbons, organophosphate and organochloride pesticides, and asbestos;
- farm dams may have accumulated contaminants from surrounding land uses.

Martens note that the site has a number of identified contamination risks, however other than minor localised areas of concern the risks associated with land use is generally low or medium. Martens also note that the planning proposal does not seek to make permissible any sensitive land uses such as residential, schools or child care facilities. Martens conclude that the identified risk of contamination is considered to be acceptably low to permit the proposed additional uses, subsequent applications for development should fully assess localised contamination and address any identified issues, and where contamination is identified it is likely to be of a type and extent that can be readily remediated to allow any of the proposed additional permissible uses to proceed.

Martens assessment of acid sulphate soils concluded that the site conditions are compatible with the proposed additional uses, and that the presence of acid sulphate soils can be readily managed via future development applications, and the preparation of acid sulphate soils assessments and management plans.

As noted earlier in this report the land generally consisting of the wetland and immediate surrounds is shown as an area of "extensive salinity hazard" and the balance of the site is shown as an area of "localised salinity hazard". It is expected that this hazard can be readily managed via future development applications with either the submission of a salinity management plan as part of the development application, or requiring the preparation of same prior to the issuing of a construction certificate.

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ANEF affectation

The site is located approximately 2km to the north-west of the RAAF Base Richmond. Parts of Lot 2 DP 206104 and Lots A and B DP 88087 are within the 20 – 25 ANEF 2014 contour area. As a result, the provisions of Clause 6.6 and AS 2021 - 2000 *Acoustics - Aircraft noise intrusion - Building siting and construction* will apply to development of the land so affected. This affectation is considered to be a minor constraint to the future development of the site as it is anticipated that the relevant provisions of AS 2021 - 2000 can be readily taken into account as part of any future development application.

Agricultural Land Classification

The site is shown as containing Agriculture Land Classifications 1, 2 and 8 prepared by the former NSW Department of Agriculture. The definition of these classes is provided below.

Class 1 - Arable land suitable for intensive cultivation where constraints to sustained high levels of agricultural production are minor or absent.

Class 2 - Arable land suitable for regular cultivation for crops but not suited to continuous cultivation. It has moderate to high suitability for agriculture, but edaphic (soil factors) or environmental constraints reduce the overall level of production and may limit the cropping phase to a rotation with sown pastures.

Class 8 - Water

It is considered that the characteristics of Class 1 and 2 will not significantly constrain or limit the proposed additional uses. Furthermore it is noted that the Sydney Polo Club site is one of a cluster of existing polo facilities in the Richmond Lowlands / Richmond area and hence the operators of these facilities must consider the land as being suitable for polo and related uses.

Aboriginal and Non-Aboriginal Heritage

The planning proposal is accompanied by heritage advice provided by GML Heritage (GML).

GML undertook a study of the site to identify whether or not the site possesses or has the potential to possess Aboriginal heritage sites, places, objects and/or values.

As part of the study, GML searched the AHIMS database and found that the site currently has no registered Aboriginal sites. Outside of the site, the search identified 18 recorded Aboriginal sites which comprised 11 stone artefact based sites (open camp sites), four axe grinding grooves, one shelter with art and one open camp site/quarry/scarred tree.

GML notes a site located 3.5km north-west of the site provides evidence of raw stone extraction, knapping and artefact utilisation. The quarry site is significant as a local source of stone material for artefact manufacture, evidenced by the cluster of "open camp sites" surrounding it. Materials from the quarry site could have been transported to the site.

GML's review of the landscape of the site found that it has a low potential for Aboriginal objects because there are no specific landforms or places which may have been the focus for Aboriginal activities which could have resulted in the creation of Aboriginal objects and because the site has been subject to significant and repeated ploughing, cropping, part use as a turf farm, development of the Polo Club and general landscaping over the last 60 years. Hence, if Aboriginal objects were present they would most likely be in a disturbed context.

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GML recommend that the planning proposal could proceed without the need for an Aboriginal Heritage Impact Permit (AHIP) and recommended that the best practice aboriginal heritage approach should be undertaken prior to future development including:

- determining the footprint and associated impacts possible for area of development, including works and laydown areas.
- engaging the Local Aboriginal Land Council and an Aboriginal Archaeologist to inspect the footprint to confirm the absence of Aboriginal objects and potential Aboriginal cultural heritage.
- if no Aboriginal objects or potential for Aboriginal cultural heritage are present, and the potential of the zone subject to development does not hold Aboriginal archaeological potential, the proposed development could proceed with caution.
- should Aboriginal objects and/or an area with the potential for Aboriginal objects be identified, the proponent must apply the OEH 2010 Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW. Should one or more Aboriginal objects be identified the proponent should ideally modify the proposal footprint to avoid harm (e.g. conservation of the Aboriginal objects, and thus Aboriginal heritage values). If harm is to occur to an Aboriginal object, then the proponent must seek an AHIP before harm occurs. Aboriginal heritage mitigation, such as test and/or salvage excavation may be required to mitigate against harm.

GML also undertook a site inspection to confirm the existence of two items of non-Aboriginal heritage, being a farm building and fence, listed in Schedule 1 of SREP No. 20 (No.2 -1997) as follows:

Farm building and fence, part D.P. 62095, Edwards Road, corner of Powells Lane, Richmond Lowlands.

GML recorded a farm building constructed c1900-1910s on the site and noted it appears to be heavily altered and in dilapidated condition. GML's advice also notes the presence of a timber fence near the farm building; however it is unclear whether this is the fence identified as part of the SREP No. 20 (No.2 -1997) listing or a modern addition. The planning proposal does not seek the demolition of any existing buildings or structures on the site. Should a development application for development within the immediate vicinity of these potential heritage items be made, a detailed heritage assessment will be carried out.

Bushfire Hazard

A relatively small part of the site along the frontage to the Hawkesbury River is mapped as being "bushfire prone land". It is considered that this affectation is a minor constraint and that future developments on the site could comply with the provisions of Planning for Bushfire Protection 2006.

If the planning proposal is to proceed it will be referred to the NSW Rural Fire Service (RFS), being the responsible authority for bushfire protection, for consideration.

Recommendations regarding scale of proposed development

As stated previously in this report, DP&E's *A guide to preparing planning proposal* states:

A planning proposal relates only to an LEP amendment. It is not a development application nor does it consider specific detailed matters that should form part of a development application.

and

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An amendment to an LEP is a stand-alone component of the development process. The RPA [Relevant Planning Authority] and the community must be confident that the proposed planning controls suggested by the planning proposal are acceptable as an outcome appropriate in that location, regardless of the subsequent approval or refusal of any future development application.

This report has also referred to the site's flood affectation, its location within an area of Regional scenic significance under this SREP No. 20 (No.2 - 1997) and objectives of the RU2 Rural Landscape zone such as:

- *To maintain the rural landscape character of the land.*
- *To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.*
- *To preserve the river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other features of scenic quality.*
- *To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.*

Some of the proposed land uses are currently broadly defined within the LEP and if allowed in an unrestricted manner could result in a range of unsuitable or unacceptable land uses not envisaged by the planning proposal or anticipated by Council. Examples of such definitions are listed below:

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry.

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

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sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

sewerage system means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d).

Whilst JBA's planning proposal states that the actual proposed uses are either related to polo or of a minor nature, the unrestricted addition of these land uses as permissible developments on the site could result in Council receiving Development Applications for much larger developments and developments unrelated to polo that would be in conflict with the objectives of the zone, the nature of flooding, and the scenic quality of the area.

To address this and to give greater certainty as to the outcome of the planning proposal it is recommended that some of the proposed additional land uses be restricted as follows:

recreation facilities (major) and recreation facilities (outdoor) for the purposes of polo and equine related activities and events only

The reason for these proposed restrictions is to not permit other uses within these definitions such as theme parks, sports stadiums, showgrounds, racecourses, motor racing tracks, go-kart tracks, rifle ranges.

Light industry – not more than one light industry for the purposes of a micro-brewery and with the gross floor area of the light industry being not more than 1000m²

and

Medical centre – the gross floor area of any medical centre being not more than 300m²

and

Shop – not more than one shop and with the gross floor area of the shop being not more than 200m²

The reason for these proposed restrictions is to limit the number of buildings and also their size. 1000m² is considered to be a sufficient gross floor area to accommodate the proposed micro-brewery. The proposed limitation of the shop to 200m² is consistent with the current provision in the LEP relating to the size of neighbourhood shops.

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Car parks, sewage reticulation systems, sewerage systems, sewage treatment plants, and water supply systems provided these uses are ancillary to the other permitted uses on the site.

The reason for these proposed restrictions is to ensure that such infrastructure is ancillary to other permitted uses of the land and not a stand-alone development.

Therefore it is recommended that JBA's proposed amendment to Schedule 1 of the LEP be re-drafted as follows:

20 Use of certain land at Cornwells Lane, Edwards Road, Powells Lane, Ridges Lane, and Triangle Lane, Richmond Lowlands and Old Kurrajong Road, Richmond

1. *This clause applies to land zoned RU2 Rural Landscape at Cornwells Lane, Edwards Road, Powells Lane, Ridges Lane, and Triangle Lane, Richmond Lowlands and Old Kurrajong Road, Richmond being Lots 1 and 2 DP 206104, Lot 1 DP 70128, Lot 25 DP 1100252, Lot 25 DP 663770, Lot 27 DP 566434, Lots 1 and 2 DP 1168610, Lot 1 DP 659412, Lot 1 DP 972649, Lot 1 DP 120794, Lots 1 – 3 DP 997087, Lot 1 DP 797310, Lot 1 DP 77207, Lot 1 DP 997086, Lots 4 and 5 DP 1120860, Lot A DP 365391, Lots 128 and 129 DP 1151145, and Lots A and B DP 89087, identified as area '7' on the Additional Permitted Uses Map.'*
2. *Development for the following purposes are permitted with consent:*
 - a) *advertisements, advertising structures, eco-tourist facilities, food and drink premises, function centres, kiosks, industrial retail outlets, markets, veterinary hospitals*
 - b) *recreation facilities (major) and recreation facilities (outdoor) for the purposes of polo and equine related activities and events only*
 - c) *not more than one light industry for the purposes of a micro-brewery and with the gross floor area of the light industry being not more than 1000m²*
 - d) *medical centre and with the gross floor area of any medical centre being not more than 300m²*
 - e) *not more than one shop and with the gross floor area of the shop being not more than 200m²*
 - f) *car parks, sewage reticulation systems, sewerage systems, sewage treatment plants , and water supply systems provided these uses are ancillary to the other permitted uses on the site*

It is noted that above mentioned restrictions would appear to be inconsistent with the Section 117 Direction 6.3 which states that additional uses should be allowed without imposing any development standards or requirements in addition to those already contained in the LEP. It is considered that the proposed restrictions are reasonable and necessary given the objectives of the RU2 zone, and the location and characteristics of the site. Furthermore, the DP&E have previously allowed restrictions on certain developments within Schedule 1 of the LEP (Items 17, 18 and 19) by way of the inclusion of maximum land area and maximum gross floor areas provisions. It will be a matter for the DP&E to determine if this inconsistency is justifiable.

It is not proposed to restrict the number or size of **eco-tourist facilities** or **function centres** on the site as this would be inconsistent with Council's General Amendments planning proposal which proposes to allow these uses without LEP restriction, by way of a development standard in the RU2 Rural Landscape zone, but still require development consent.

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Conformance to the Hawkesbury Community Strategic Plan

The following provisions of the CSP are of most relevance to the planning proposal:

"Supporting Business and Local Jobs"

Directions

1. Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region
2. Offer an increased choice and number of local jobs and training opportunities to meet the needs of Hawkesbury residents and to reduce their travel times
3. Help create thriving town centres, each with its own character that attracts residents, visitors and businesses

Financial Implications

The applicant has paid the fees required by Council's fees and charges for the preparation of a local environmental plan.

Conclusion

The planning proposal seeks to amend the LEP to allow for a range of additional permitted uses on the site which will support its use for polo facilities and function centres, as well as allow for the addition of eco-tourist facilities and other uses. The planning proposal also seeks to increase the maximum height limit on the part of the site on which the proposed Hall of Fame is to be located so that all habitable floor areas in this main function centre can be located above the 1 in 100 year flood level.

The proposed amendments will support the polo and equine industry in the locality, will have positive economic and social impacts for the LGA and broader region, are consistent with Council's policy to support the polo industry and are consistent with Council's General Amendments planning proposal to allow *function centres* and *eco-tourist facilities* in the RU2 zone.

Some of the proposed additional uses are proposed to be restricted in size or extent of use. These restrictions are recommended in order to ensure that those uses are related to and support the polo and equine industry in the locality.

Planning Decision

As this matter is covered by the definition of a "planning decision" under Section 375A of the *Local Government Act 1993*, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

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RECOMMENDATION:

That:

1. Council support the preparation of an amended planning proposal to permit additional uses of certain land at Cornwells Lane, Edwards Road, Powells Lane, Ridges Lane, and Triangle Lane, Richmond Lowlands and Old Kurrajong Road, Richmond, being Lots 1 and 2 DP 206104, Lot 1 DP 70128, Lot 25 DP 1100252, Lot 25 DP 663770, Lot 27 DP 566434, Lots 1 and 2 DP 1168610, Lot 1 DP 659412, Lot 1 DP 972649, Lot 1 DP 120794, Lots 1 – 3 DP 997087, Lot 1 DP 797310, Lot 1 DP 77207, Lot 1 DP 997086, Lots 4 and 5 DP 1120860, Lot A DP 365391, Lots 128 and 129 DP 1151145, and Lots A and B DP 89087; under the provisions of Schedule 1 of the Hawkesbury Local Environmental Plan 2012, for the following purposes are permitted with consent:
 - a) advertisements, advertising structures, eco-tourist facilities, food and drink premises, function centres, kiosks, industrial retail outlets, markets, veterinary hospitals
 - b) recreation facilities (major) and recreation facilities (outdoor) for the purposes of polo and equine related activities and events only
 - c) not more than one light industry for the purposes of a micro-brewery and with the gross floor area of the light industry being not more than 1000m²
 - d) medical centre with the gross floor area of any medical centre being not more than 300m²
 - e) not more than one shop and with the gross floor area of the shop being not more than 200m²
 - f) car parks, sewage reticulation systems, sewerage systems, sewage treatment plants , and water supply systems provided these uses are ancillary to the other permitted uses on the site.
2. The amended planning proposal be forwarded to the Department of Planning and Environment for a "Gateway" determination.

ATTACHMENTS:

AT - 1 Section 4 of JBA's Planning Proposal - Details of the Proposed Development

AT - 2 Section 7 of JBA's Planning Proposal - Assessment with respect to A Plan for Growing Sydney, the North West Region Draft Subregional Strategy, the Hawkesbury Employment Lands Strategy, the Hawkesbury Community Strategic Plan, relevant Section 117 Directions, and relevant State Environmental Planning Policies.

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AT - 1 Section 4 of JBA's planning proposal - Details of the Proposed Development

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4.0 Proposed Development

This Updated Planning Proposal will support and facilitate the future use of the site for polo facilities, function centres, eco-tourist facilities and a variety of other compatible uses. The Updated Planning Proposal seeks to amend Hawkesbury LEP 2012 to permit a 13 metre height limit over the portion of the site on which the Hall of Fame is proposed to be located and to include the following as additional permitted uses in the RU2-zoned portion of the site:

Table 4 – Proposed additional uses for the site

Use	Details
Advertisement and Advertising Structure	Signage on the site is likely to be required to promote the use of the site for polo/recreation purposes.
Car Park	At this stage it is envisaged that all carparking provided on site will be ancillary to the Polo/recreation use. However as carparks are separately defined in the Dictionary it has been included in the list of additional permitted uses in the unlikely event that car parking is considered a separate use.
Eco-tourist facilities	This is considered an appropriate use for the site. Notably, Council's Housekeeping LEP seeks to include 'eco-tourist facilities' as a permissible use in the RU2 zone. Therefore, the inclusion of this use as a permissible use on the site is consistent with Council's broader strategic planning policy direction.
Food and Drink Premises, Kiosk, shop	Introduction of these land uses would allow for a small café, a small shop selling polo goods or the like to be provided on the site as ancillary uses to the polo club.
Function centres	Function centres are considered an appropriate use for the site having regard to its strategic location along the Hawkesbury River and its existing natural setting. It has also historically been used for function centres although these consents are no longer active. Council's Housekeeping LEP proposes to make function centres a permissible use in the RU2 zone. Therefore, the inclusion of this use as a permissible use on the site is consistent with Council's broader strategic planning policy direction. A detailed application for the Hall of Fame function centre is currently being prepared (further detail is provided in Section 4.2 below).
Industrial retail outlet	To ensure that a future boutique micro-brewery is able to retail to the public it is proposed to add 'industrial retail outlet' as a permissible use on the site under the current Updated Planning Proposal. This is considered an appropriate use on the site as it will support both the rural and tourism industries in the area.
Light Industry	The production of craft beer in a small boutique brewery would be classified as a light industry use.
Market	This is considered an appropriate use on the site. It will support the tourism industry in the area, and allow for the sale of locally grown-produced food products. There are no immediate plans to seek consent for this use. However, it is envisaged that markets on the site could occur approximately once a month, and be predominantly limited to the sale of local produce. No markets would be held on weekends when major polo events are held.
Medical centre	This will facilitate the provision of counselling services by registered health care professionals using horses as part of the therapy session. This is considered an appropriate use having regard to the rural nature of the location.
Recreation facility (major) & Recreation facility (outdoor)	Regular polo events are proposed to be held each week on the site. This will generally consist of a weekday game with practices on weekends. Given the limited nature of these regular events and the limited number of players (four) per polo team, it is considered that these regular events are best described as 'recreation facility (outdoor)'. Approximately once a year it is proposed to hold a major polo tournament on the site over the weekend (ie. Saturday and Sunday). These events are expected to attract a maximum of 2,500 patrons spread out over the weekend with staggered attendance throughout both days. Given the scale of this irregular event it may fall within the land use definition for 'recreation facility (major)'. This land use will also facilitate the Polo World Cup event in 2017 (further detail is provided in Section 4.1 below).

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Use	Details
Sewage reticulation system, sewage system, sewage treatment plant, water supply system	These infrastructure may be required for servicing the site. As set out in Section 3.3.1 , although it <i>may</i> be possible to undertake such works under State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure), it is proposed to include these works as additional permitted uses on the site in the Updated Planning Proposal to ensure that Bassecave have a range of legitimate planning options to deliver infrastructure works on the site.
Veterinary hospital	This is considered an appropriate use in the RU2 zone and will allow for the appropriate care of animals on the site and within the broader LGA. Notably, this use is permissible with consent in all other rural zones in the Hawkesbury LGA including RU1 Primary Production, RU4 Primary Production Small Lots, and RU5 Village. No specific location on the site has been identified for this use and it is not proposed that an application be lodged for this use at this stage. However, it is considered that this is an appropriate and desirable use to support the efficient and ongoing operation of the site for horse-related activities.

4.1 Polo World Cup Event 2017

This Updated Planning Proposal will facilitate the development and use of the Sydney Polo Club site for the Polo World Cup event, as well as allow for its future use for polo events and functions.

4.1.1 Duration of event & expected attendance

The event will be held over a nine day period. The first day of play will commence on a Saturday and the last day (the final) will be the following Sunday. There will be six days of polo matches with the following expected attendance on each day:

- Saturday – 5,000 to 8,000 people;
- Sunday - 5,000 to 8,000 people;
- Tuesday - 3,000 to 5,000 people;
- Wednesday - 3,000 to 5,000 people;
- Saturday - 5,000 to 8,000 people; and
- Sunday (Final) - 7,000 to 10,000 people.

In addition, up to three months prior to the event, temporary stables will be provided for up to 360 horses on site, as well as temporary residential accommodation for up to ten trainers and vets.

4.1.2 Infrastructure for Event

The following permanent and temporary structures are proposed to be constructed on the site to support the event and are shown in Figure 17 below

- **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.
- **Hall of Fame** – this will be the primary function space for the event and will be located to the west of Field 1. It will be constructed as a two level function space able to accommodate up

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to 1,000 guests at any one time, and will be accessed via the primary vehicle entry to the site off Ridges Lane. Further detail is provided in **Section 4.2** below.

- **Helipad** – a helipad will be located to the immediate north-west of the Hall of Fame.
- **Four car parking areas** – 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
 - Official and competitor car park – approximately 180 spaces.
- **Horse training and stabling areas** – a horse training and stabling area will be located in the south-east corner of the site and will 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 to the east of Field 2.
- **Exhibition and hospitality areas including:**
 - An equine trade exhibition area;
 - Hospitality area;
 - Exhibition stands;
 - Merchandise area;
 - Gourmet village;
 - Champagne village;
 - Children's village;
 - Corporate area; and
 - Car boot picnic area.
- **An event promotions area** will be located in the existing Polo Barn in the north-eastern corner of the site and in the immediately surrounding area.
- **Toilets** – a number of portable toilets will be brought on to the site for the event.

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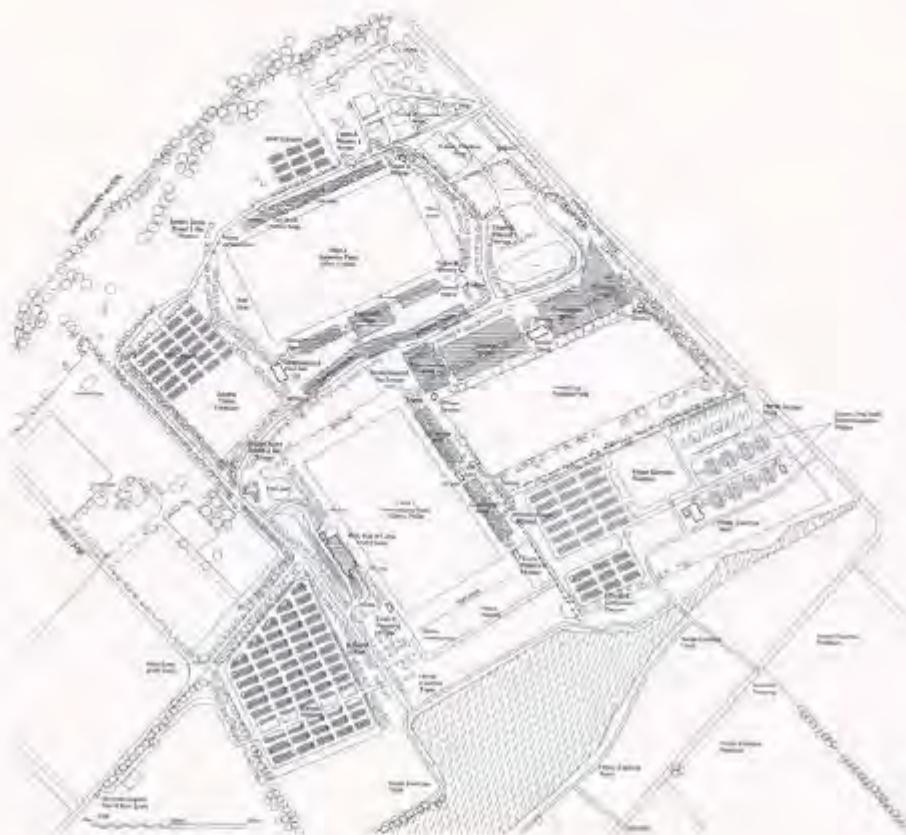


Figure 17 – Polo World Cup Event Layout
Source: DDC Architects

4.2 Hall of Fame Function Centre

The Updated Planning Proposal will facilitate the development of a new function centre on the Sydney Polo Club site. The proposed function centre is known as the Hall of Fame and will be the primary function space for the Polo World Cup event in 2017. Following the event, the building will continue to be used for the purposes of a function centre for events, including (but not limited to):

- Weddings;
- Corporate events;
- Exhibitions; and
- Conventions.

The Hall of Fame building will be situated on the western side of the main polo field (Field 1) of the Sydney Polo Club (see Figure 18 below). It will be located on the border of two allotments legally described as Lot 1 in DP 797310 and Lot 1 in DP 120794.

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Figure 18 – Hall of Fame location plan
Source: JBA

The building will be constructed as a two level function space able to accommodate up to 1,000 guests at any one time, and will be accessed via the primary vehicle entry to the site off Ridges Lane.

The first floor level is proposed to be at 17.4 m AHD (which is consistent with the 1 in 100 year flood level) and would include habitable uses (members' lounge, bars, kitchen, meeting room). Some filling is proposed to raise a portion of the building footprint to this level, but this will take advantage of an existing spectator mound with a maximum crest level of about 16.0 m AHD.

The ground floor level is proposed to be at 12.4 m AHD and would provide for non-habitable uses (including parking, waste collection, corporate boxes). Additional seating would be provided on outdoor terraces. This is shown in Figure 19 below.

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Figure 19 - Hall of Fame southern elevation
Source: DDC Architects

Due to the requirement that the first floor level be located at or above the 1 in 100 year flood level and the slope of the mound, the Hall of Fame will exceed the maximum LEP height of 10 metres applicable to the site. This Updated Planning Proposal requests that the height on the allotments on which the Hall of Fame is to be located be increased to 13 metres.

Detailed plans and consultants reports are currently being prepared for the Hall of Fame. It is proposed to lodge an application for the Hall of Fame as soon as a Gateway Determination is issued for this Updated Planning Proposal so that the Updated Planning Proposal and development application for the Hall of Fame can be placed on public exhibition concurrently.

Photomontages for the Hall of Fame are provided at Figures 20 to 24 below.



Figure 20 -
Hall of Fame
Source: DDC Architects



Figure 21 - Hall of Fame
Source: DDC Architects



Figure 22 - Hall of Fame
Source: DDC Architects

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Figure 23 – Hall of Fame
Source: DDC Architects

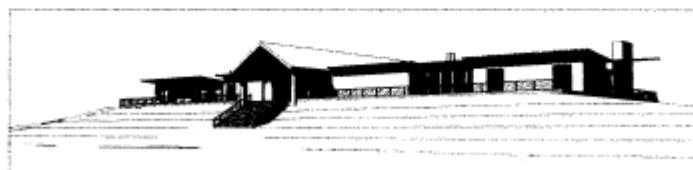


Figure 24 – Hall of Fame
Source: DDC Architects

4.3 Future use of the site

It is intended that the site also be used for a range of other activities with the following approximate parameters:

- **Regular polo events** - regular polo games and practices will continue to be held on the site on weekends and during the week. These regular events will only attract a small group of players and spectators. A Gold Cup event will be held on the site once a year over a single weekend which is expected to attract approximately 2,500 people.
- **Function centre, restaurant and micro-brewery** – in addition to the Hall of Fame function centre, consideration is also being given to lodging applications in the future for the use of the Polo Barn and Sunnybrook Barn as either small function centres, a restaurant and/or an associated boutique micro-brewery with an associated retail frontage.

No specific plans have yet been established for markets or an eco-tourist facility on the site. However, it is considered that such a use would be complementary to the rural nature of the site. It is also intended that equine therapy sessions be able to be held on the site.

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AT - 2 Section 7 of JBA's Planning Proposal - Assessment with respect to
A Plan for Growing Sydney, the North West Region Draft Subregional Strategy,
the Hawkesbury Employment Lands Strategy, the Hawkesbury Community Strategic Plan,
relevant Section 117 Directions, and relevant State Environmental Planning Policies

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7.0 Justification for the objectives and outcomes and the provisions and process for their implementation: Strategic & Statutory Framework

7.1.1 Metropolitan Strategy

In December 2014, the State Government released the final draft of the Metropolitan Strategy – A Plan for Growing Sydney – which will guide land use planning decisions in Metropolitan Sydney for the next 20 years. The Metropolitan Strategy is the foundation for achieving subregional outcomes in relation to:

- the economy and employment;
- housing supply and affordability; and
- environment and resources.

The site is located within a 'Metropolitan Rural Area' and its location within the context of the Metropolitan Strategy is shown at Figure 30 below.



Figure 30 – Metropolitan Strategy Extract
Source: A Plan for Growing Sydney

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Action 4.1.2 of the Metropolitan Strategy is to prepare a strategic framework for the Metropolitan Rural Area to enhance and protect its broad range of environmental economic and social assets. The proposed uses included in the Updated Planning Proposal are consistent with the objectives of the Metropolitan Rural Area in that they will provide recreational activities that are compatible with the surrounding environment. As such, the Updated Planning Proposal is not likely to adversely affect the objectives of any future strategic framework for the region.

Of most relevance to this Updated Planning Proposal is the vision the Metropolitan Strategy has for recreation and tourism in Western Sydney. The Plan notes that it "aims to further raise living standards and improve wellbeing to create strong, inclusive communities. Growing communities will ... find it easy to get to services, the arts, cultural and recreational activities".

The proposed additional uses will promote the polo industry and tourism in Sydney's north-western region and make it easier for the growing population in the north-west to access recreational facilities in the Richmond Lowlands.

While not all Priorities are relevant for the Updated Planning Proposal for the site, it is considered that the Updated Planning Proposal responds to many of the Metropolitan Strategy's priorities for the Hawkesbury area and the West Subregion as detailed in Table 7 below:

Table 7 – Planning Proposal's consistency with the Metropolitan Strategy's priorities for the West Subregion

Priorities for West Subregion	How addressed in Planning Proposal
A competitive economy	
Leverage investment and economic development opportunities arising from the development of Badgerys Creek Airport.	The delivery of a new airport in the south-western region of Sydney will enhance tourism connections to the Hawkesbury LGA. It is important that the region capitalise on these increased tourism opportunities. It is considered that the site is well placed to provide additional eco-tourism accommodation and services to support the Hawkesbury tourism industry particularly that associated with the peri-urban rural area of high scenic quality and the polo operations. The Updated Planning Proposal will facilitate opportunities to strengthen the recreational and eco-tourism industries in western Sydney, which will encourage a mix of supporting uses in the historic town centres in the surrounding area.
Improve transport connections to eastern Sydney to capitalise on the subregion's increasing role in Sydney's manufacturing, construction and wholesale logistics industries in the Western Sydney Employment Area.	It is not considered that this aim directly relates to the site. However, improved transport connections to eastern Sydney will facilitate and support the growth of the polo industry in western Sydney by making it easier to access the region. Notably, the site is located in relatively close proximity to a train station and has good access to the surrounding road network.
Support and develop the visitor economy to maintain the role of the Greater Blue Mountains World Heritage Area as a nationally significant tourism destination, and the subregion's role as a visitor gateway to regional NSW.	The Updated Planning Proposal is consistent with this aim. It seeks to enhance and facilitate the growth of the visitor economy to the Hawkesbury area through promoting recreational tourism and supporting uses that will secure the polo industry in the Richmond Lowlands and attract visitors into the region.
Protect infrastructure of metropolitan significance including freight corridors, Sydney's drinking water supply catchment and the Warragamba Pipelines.	The Updated Planning Proposal is consistent with this aim as it will ensure compatible land uses are located along the foreshore areas of the Hawkesbury River to protect Sydney's water supply catchment.
Improve transport connections to provide better access between centres in the subregion and centres in other subregions, particularly in the North West Growth Centre, and with regional NSW (including freight connections).	It is not considered that this aim directly relates to the site. However, improved access between centres and subregions, including regional NSW, will support increased accessibility for visitors to the subregion to attend polo activities and associated tourism attractions proposed on the site. Notably, the site is located in relatively close proximity to existing centres.

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Priorities for West Subregion	How addressed in Planning Proposal
Provide planning support in the investigation and potential delivery of the Outer Sydney Orbital transport corridor and the Bells Line of Road – Castlereagh Connection transport corridor.	Through the development of the Bells Line of Road – Castlereagh Connection transport corridor investigation area as shown at Figure 27 above, the site will benefit from better connections with the polo industry in Regional NSW, including Regional Centres such as Mudgee, Wellington and Forbes. The Updated Planning Proposal will facilitate the development of recreational facilities and supporting uses which will encourage cross-tourism between these centres which will make use of the new transport corridor.
Work with council to identify and protect strategically important industrial zoned land.	The Updated Planning Proposal will ensure that recreation facilities and tourism related uses are located in strategically appropriate locations, which will protect existing industrial areas in the Subregion.
Identify further opportunities to strengthen investment for employment growth in Western Sydney, including targeting overseas investors and incentives for businesses.	According to the ABS, horse riding/equestrian/polo operations account for 0.8% of 'Persons Participating in Sport and Physical Recreation' in Australia in 2013-14 ²⁴ . Whilst this is a relatively small percentage, the Australian Polo Association notes that in 'the past three years polo has enjoyed strong growth in player numbers' ²⁵ . A significant portion of polo operations are located in the Hawkesbury region and it is considered that the site is ideally located to support a growth in the polo industry in this location which will have additional economic benefits for the region. In addition 'Accommodation & Food Services' and 'Arts & Recreation' accounts for 5.1%, and 1.6% (respectively) of employment in the Hawkesbury LGA ²⁶ . Anecdotally, there is a lack of appropriate tourist accommodation in the Hawkesbury region which, if addressed, could result in significant growth in this market sector. The Updated Planning Proposal will strengthen the tourism, hospitality and polo industry in Western Sydney by improving and legitimising the existing polo and function facilities on the site and providing additional tourist accommodation.
Accelerate housing supply, choice and affordability and build great places to live	
Work with councils to identify suitable locations for housing intensification and urban renewal, including employment agglomerations – particularly around established and new centres and along key public transport corridors including the Western Line and the Blue Mountains Line.	It is not considered that this aim directly relates to the site. However locating recreational facilities and tourism related uses in strategically appropriate locations will ensure that areas suitable for housing are protected for future residential development.
Enable the transition of land uses at Penrith Lakes through long-term strategic planning.	This site-specific priority is not considered to directly relate to the site.
Protect the natural environment and promote its sustainability and resilience	
Protect and maintain the high social, economic and environmental value of the Hawkesbury-Nepean River and its aquatic habitats, and the World Heritage-listed Blue Mountains National Park, and continue to protect and implement the plans for the Cumberland Conservation Corridor.	The Updated Planning Proposal will protect the Hawkesbury River by facilitating the use and development of the site for appropriate low-impact uses.
Work with councils to improve the health of the South Creek sub-catchment of the Hawkesbury-Nepean Catchment.	The proposed uses under the Updated Planning Proposal are considered compatible with the site's location adjoining the Hawkesbury River. No detrimental impacts to the health of the catchment is expected to occur as a result of the additional proposed uses.

²⁴ Australian Bureau of Statistics 2015, *Participation in Sport and Physical Recreation, Australia, 2013-14*.

²⁵ Australian Polo Federation Ltd 2014, *President's report 2014*.

²⁶ Australian Bureau of Statistics, 2014, *Hawkesbury (C)/LGA*.

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Priorities for West Subregion	How addressed in Planning Proposal
Work with councils to implement the Greater Sydney Local Land Services State Strategic Plan to guide natural resource management.	The State Strategic Plan is intended to set the vision, priorities and strategy to guide positive economic, social and environmental outcomes for the State. This document has not yet been prepared. Despite this, it is considered that the Updated Planning Proposal is consistent with this Priority as the proposed land uses are compatible with the environmental management controls and guidelines applicable to the site.
Work with councils to implement the Cumberland Plain Recovery Plan (CPRP).	The CPRP identifies the lands on the Cumberland Plain Woodland that could most effectively be managed for threatened biodiversity. The site does not include any land that is identified as having priority conservation lands within the CPRP, and any potential uses within the vicinity of the wetlands on the site will be subject to a future DA which will assess the impact on the ecological values of the wetlands. It is thus considered that the Updated Planning Proposal is consistent with this Priority.
Promote early strategic consideration of bushfires, flooding and heatwaves in relation to future development in the subregion.	The Flood Study at Appendix B, provides an assessment of the proposed uses against the flood modelling for the site and proposes appropriate flood management for the site. The Updated Planning Proposal has been prepared having consideration to the bushfire and flood constraints on the site, and is considered to be consistent with these two Priorities.
Work with councils to address flood and emergency management issues when planning for growth in the Hawkesbury-Nepean Valley.	

7.1.2 North West Region Draft Subregional Strategy

The *North West Region Draft Subregional Strategy* (Draft Subregional Strategy) was released in December 2007 and precedes the gazettal of Hawkesbury LEP 2012 which commenced on 21 September 2012. The Draft Subregional Strategy has never been finalised and is expected to be replaced when new subregional strategies are released later this year.

Relevant key directions for the site and the Updated Planning Proposal include:

- Promote the environmental and scenic qualities of the Region:
 - Manage the impacts of tourism on the natural environment; and
 - Protect and manage regionally significant open space, bushland and foreshore reserves.
- Improve access to open space and recreation opportunities.

The Updated Planning Proposal is consistent with these aims as the proposed additional uses will support the environmental and scenic qualities of the Hawkesbury River. While the site is not regionally significant open space or foreshore reserve, the proposed uses will ensure any future uses are compatible with the nature of the site while also allowing the region to provide tourism and recreational facilities.

7.1.3 Hawkesbury Employment Lands Strategy

Adopted by Council in 2008, the Hawkesbury Employment Lands Strategy outlines the planning framework to support and enhance the economic competitiveness of the Hawkesbury LGA. Whilst the Strategy examines employment lands within the Hawkesbury LGA, and not rural lands, it does state that accommodation land uses could be appropriately located on rural and environmental protection lands and recommends future strategic actions. The Updated Planning Proposal is consistent with this policy position.

The Strategy recognises that the agricultural industry sector plays a significant employment role in the LGA, and that cafes, accommodation and restaurants are important in supporting local jobs in the tourism industry. The Updated Planning Proposal seeks to include a range of compatible uses on the site that will support the tourism industry.

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7.1.4 Hawkesbury Community Strategic Plan

The Hawkesbury Community Strategic Plan (HCSP) is a high level plan which provides the community's aims and outlines the direction for Council's future activities and decision making.

The following goals are relevant for the Updated Planning Proposal:

- Looking after people and place:
 - 3 Viable tourism economy
- Caring for our environment:
 - 2 Balance the needs of our ecology, recreational and commercial activities
- Supporting business and local jobs:
 - 1 Increased level of GDP from tourism
 - 2 Improve tourism facilities in the Hawkesbury

The Updated Planning Proposal will facilitate the above goals by supporting the ongoing development of a sustainable polo industry in Richmond with supporting eco-tourist accommodation and function centre facilities to promote the tourism industry in the area. This will provide increased employment and economic development in the Hawkesbury LGA. It will also provide a means to balance the recreational, ecological and employment activities of the area through facilitating recreational facilities in a suitable and compatible location.

7.2 National, State & Regional Planning and Environmental Controls

This section summarises the Updated Planning Proposal's consistency with relevant National, State and Regional statutory policies. Updated

7.2.1 Environmental Planning & Assessment Act 1979

Ministerial directions under Section 117 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) set out a range of matters to be considered when preparing an amendment to a LEP. The Section 117 Directions relevant to the Updated Planning Proposal are as follows:

Direction 1.2 Rural Zones

This direction applies to rural zoned land. The objective of this direction is '*to protect the agricultural production value of rural land*'.

This Direction states that a Planning Proposal must:

- (a) *not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.*
- (b) *not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).*

The Updated Planning Proposal will not rezone the site from a rural zone, but allow a number of additional permitted uses for the site that are considered compatible with the locality and zone objectives. Further, the development facilitated by this Updated Planning Proposal will not increase the permissible density of land within the rural zone.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

This Direction seeks to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. It applies where a Planning Proposal would:

- prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials; or

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- Restrict the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

This Updated Planning Proposal does not seek to prohibit mining activity. However, the intention of the Updated Planning Proposal is to allow for the development of the site for polo activities, function centres and a range of other compatible uses which will capitalise on the Hawkesbury regions natural beauty and ability to attract a range of tourists and visitors.

Direction 1.3 requires the relevant planning authority (RPA) – which in this case is likely to be Council - to consult with the Director-General of the Department of Primary Industries (DPI) to identify any:

- resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance; and
- existing mines, petroleum production operations or extractive industries occurring in the area subject to the Updated Planning Proposal.

Where a Planning Proposal may create land use conflicts with potential mining activities, the RPA must provide the Director-General of DPI with a copy of the Planning Proposal, and allow the Director-General of DPI a 40-day period to make a submission. A copy of this submission (together with any supporting material) must be provided to the Department prior to undertaking community consultation for the Planning Proposal.

The development footprint of the uses facilitated by this Updated Planning Proposal will be minimal when considered in the context of the overall site area. Therefore, the Updated Planning Proposal will not necessarily preclude the site's use for mining in the future. Mining activity is, in any case, not the desired future use for the site having regard to its natural attributes and the presence of an E2 Environmental Conservation Zone on the site.

Furthermore, there are no known mining activities taking place within the immediate vicinity of the site.

Nevertheless, to ensure this Direction is appropriately addressed, it is proposed to consult with the Director-General of the DPI once a Gateway Determination has been issued for this Updated Planning Proposal.

A full list of the public authorities which are proposed to be consulted under Section 56(2)(d) of the EP&A Act following Gateway Determination - in order to comply with all relevant Section 117 Directions – is included at **Section 9.1** below.

Direction 2.1 Environment Protection Zones

This Direction requires as follows:

- A Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- A Planning Proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land.

The wetland area of the site is zoned E2 Environmental Conservation, and is identified as environmentally significant land. The Updated Planning Proposal does not seek to remove or amend this zone or provisions of the LEP which relate to wetland and environmental protection.

An Ecological Constraints and Opportunities Ecological Constraints and Opportunities Analysis is provided at **Appendix A** which confirms that the Updated Planning Proposal will have no unacceptable environmental impacts.

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Direction 2.3 – Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The Hawkesbury LEP contains Clause 5.10 – Heritage Conservation which seeks to conserve and protect items of environmental heritage which are listed in Schedule 5 of the LEP. This Updated Planning Proposal does not seek to make any changes to this clause or remove any items from the list of heritage items in Schedule 5 of the LEP.

It also does not involve any works which would affect the existing potential heritage items located on the site and listed under *Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River (SREP 20)* or seek changes to any listed items under SREP 20 (see **Section 7.2.4** below). It is therefore considered that the Updated Planning Proposal is consistent with this direction.

An assessment of the Updated Planning Proposal in terms of its potential impacts on potential Aboriginal and non-Aboriginal heritage items on the site and its vicinity is provided at **Section 8.4** below and at Appendices F and G.

Direction 3.5 – Development near Licensed Aerodromes

The site is located approximately 2km to the north-west of the RAAF Base Richmond and consequently this direction applies. The proposal remains consistent with the objectives and outcomes of this Direction in that it does not propose:

- a significant change in the maximum height limit applying to the site nor does it propose any buildings which would penetrate the Obstacle Limitation Surface (OLS) applying to the aerodrome; and
- does not seek to permit any additional uses which are not supported in the particular ANEF contour in which the site is located.

Direction 4.1 Acid Sulfate Soils

This Direction applies to land identified as having acid sulfate soils. The objective of this Direction is '*to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils*'.

Martens Consulting Engineers (Martens) has undertaken a Preliminary Site Assessment and Preliminary Acid Sulfate Soils Assessment (provided at Appendix E).

This assessment has revealed that the site contains various geomorphic parameters which indicate that acid sulfate soils are likely to be present on the site. These include:

- Holocene sediments;
- Coastal wetland; backwater swamps; waterlogged or scaled areas;
- Interdune swales or coastal sand dunes; and
- Deep older (Pleistocene) estuarine sediments.

Martens consider that the likely presence of acid sulfate soils on site can be readily managed by future development proposals and is not an impediment to the proposed land use changes in the Updated Planning Proposal. They recommend where future development proposals will require excavation to greater than 2 metres (Class 4 land) or will likely result in groundwater lowering below 1metre AHD (Class 5 land), that acid sulfate soils assessment and management plans be prepared.

Direction 4.2 – Mine Subsidence and Unstable Land

We are of the understanding that the site is not located in a mine subsidence area nor on land identified as unstable under any relevant study. Consequently this Direction does not apply to the site.

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Direction 4.3 Flood Prone Land

This Direction applies to land identified as flood prone. The objectives of this Direction are:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

The Direction applies a number of requirements to Planning Proposal relating to flood prone land. A Flood Study prepared by BG&E is included at Appendix B which confirms that the Updated Planning Proposal is consistent with the relevant requirements of the Direction for the following reasons:

- The Updated Planning Proposal recognises that flood prone land is a valuable resource and should not be sterilised unnecessarily precluding its development;
- Any additional floor space will be able to be located above the flood planning level;
- The rural zoning is not proposed to be changed;
- Any future buildings or new structures will be minor and are not expected to result in any adverse impacts to flood behaviour;
- Existing development and the development facilitated by the Updated Planning Proposal will not result in development within the Hawkesbury River or loss of flood storage; and
- The site is already partially developed and further development is not anticipated to result in an increase in flood levels.

Direction 4.4 Planning for Bushfire Protection

This Direction applies where a relevant planning authority (RPA) prepares a Planning Proposal that will affect, or is in proximity to land mapped as bushfire prone land. This Direction is relevant to the Updated Planning Proposal as a small portion of the site (along its northern edge) is identified as being bush fire prone (refer Section 2.6 above).

The following provisions outlined in Table 8 apply under this Direction:

Table 8 – Planning Proposal's Consistency with Direction 4.4 Planning for Bushfire Protection

Provision	Planning Proposal's Compliance
(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,	It is expected that Council will act as RPA for the Updated Planning Proposal and will consult with the Commissioner of the NSW Rural Fire Service once a Gateway Determination has been issued for the Updated Planning Proposal.
(5) A planning proposal must:	
(a) have regard to Planning for Bushfire Protection 2006;	
(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and	
(c) ensure that bushfire hazard reduction is not prohibited within the APZ.	
(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:	The Updated Planning Proposal seeks to allow additional permitted uses on the rural zoned site. It is considered that future development on the site facilitated by the Updated Planning Proposal will be able to incorporate appropriate bushfire protection measures, particularly as
(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:	
(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and	
(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road;	
(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire	

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Provision	Planning Proposal's Compliance
<p>Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</p> <ul style="list-style-type: none">(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,(d) contain provisions for adequate water supply for firefighting purposes,(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,(f) introduce controls on the placement of combustible materials in the Inner Protection Area.	<p>no additional residential development is envisaged. Furthermore, only the northern edge of the site is identified as bushfire prone which can be easily addressed through appropriate mitigation measures.</p>

Direction 6.3 Site Specific Provisions

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

The Direction states that a Planning Proposal that will amend another EPI in order to allow a particular development proposal to be carried out must either:

- (a) *allow that land use to be carried out in the zone the land is situated on, or*
- (b) *rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*
- (c) *allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

The Updated Planning Proposal is consistent with this Direction as it seeks to amend the LEP, to allow additional permitted uses to be carried out on the site, by adding an additional provision in Schedule 1. No additional development standards are proposed in relation to these additional land uses.

Direction 7.1 - Implementation of the Metropolitan Strategy

The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. As detailed in Section 7.1.1 above, the Updated Planning Proposal is consistent with the Metropolitan Strategy.

7.2.2 Water Management Act 2000

The *Water Management Act 2000* (WM Act) provides for the sustainable and integrated management of water resources of the State. In accordance with the WM Act, any development within 40 metres of a waterway must be referred to the NSW Office of Water for concurrence. These provisions will apply to a future DAs lodged on the site and will be considered as part of the assessment process. It is expected that appropriate measures can be implemented to ensure no adverse impact on water quality within the adjoining Hawkesbury River, or on the wetland located on the site, will occur as a result of the development of recreation or tourism related uses.

7.2.3 NSW Threatened Species Conservation Act 1995, NSW Fisheries Management Act & Commonwealth Environment Protection and Biodiversity Conservation Act 1999

Cumberland Ecology has undertaken an Ecological Constraints and Opportunities Analysis for the site (see Appendix A) to assess the potential impacts of the proposed development on flora and fauna, particularly threatened species, populations and communities that are listed under the following pieces of legislation:

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- *NSW Threatened Species Conservation Act 1995* (TSC Act);
- *NSW Fisheries Management Act 1994* (FM Act); and
- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The findings of the study are summarised below:

- No endangered species, populations or ecological vegetation communities were found within the portion of the site proposed for rezoning. However, it is noted that a freshwater wetland which is zoned E2 Environmental Conservation (i.e. the billabong) is a listed endangered ecological community under the TSC Act
- One threatened flora species, *Eucalyptus scoparia* (Wallangarra White Gum), was found within the subject site. *Eucalyptus scoparia* is listed as Endangered under the TSC Act and Vulnerable under the EPBC Act. However, this species is also commonly planted as a landscape tree and is not within its natural distribution as it is not endemic to the Sydney Metropolitan region.
- No threatened fauna species were recorded within the subject site during the site visit. An assessment of the likelihood of threatened fauna species occurring on the site concluded that 21 threatened species of birds and eight threatened species of mammals have the potential to occur within the subject site. Most of these species would use the billabong and/or the land on the northern boundary of the subject site with frontage to the Hawkesbury River.
- The 2.4km frontage to the Hawkesbury River is area of regional and state significance with regards to revegetation given the recreational, environmental and economical values and services the Hawkesbury River provides to the Hawkesbury – Nepean Catchment area. Cumberland Ecology recommend that a Management Plan is put in place which has an objective to enhance the environmental value of the northern portion of the site with frontage to the Hawkesbury River and wetland. It is proposed that this recommendation be applied when an application is made for development on the site in the vicinity of the Hawkesbury River or wetland area.

7.2.4 State Environmental Planning Policies

The assessment of the Updated Planning Proposal against the relevant State Environmental Planning Policies (SEPPs) is set out below.

SEPP 19 – Bushland in Urban Areas

Clause 10 of this SEPP requires the Council to have regard to the aims of the SEPP when preparing a draft LEP for any land to which the SEPP applies, other than rural land. It also requires Council to 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.

While the Bushland SEPP provisions are unlikely to apply as the site is currently used for rural purposes and is zoned as such, for completeness we have undertaken the assessment in the event that it is taken to be applicable.

The general aims of the SEPP are to protect and preserve bushland within the urban areas referenced in Schedule 1 of the SEPP (which includes the part of Hawkesbury in which the site is located) because of:

- (a) *its value to the community as part of the natural heritage,*
- (b) *its aesthetic value, and*
- (c) *its value as a recreational, educational and scientific resource.*

The specific aims of the SEPP are:

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Objectives	Compliance
(a) to protect the remnants of plant communities which were once characteristic of land now within an urban area,	Vegetation identified on the site will not be affected by the Planning Proposal. Refer to Appendix A.
(b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,	No bushland will be removed from the site. No significant building footprints will be facilitated by the PP and the majority of the landscape will be retained as part of the vegetated landscape.
(c) to protect rare and endangered flora and fauna species,	Management measures will be implemented at the DA stage to better manage flora and fauna on the site.
(d) to protect habitats for native flora and fauna,	See comment above.
(e) to protect wildlife corridors and vegetation links with other nearby bushland,	The proposal retains areas which contain significant vegetation.
(f) to protect bushland as a natural stabiliser of the soil surface,	Noted.
(g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape	Noted.
(h) to protect significant geological features,	N/A
(i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores,	Existing water features and drainage lines are not affected by the PP.
(j) to protect archaeological relics,	Refer to the archaeological assessment prepared by GML at Appendix
(k) to protect the recreational potential of bushland,	The PP seeks to enhance the recreational value of the site.
(l) to protect the educational potential of bushland,	Noted.
(m) to maintain bushland in locations which are readily accessible to the community, and	Noted.
(n) to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.	Noted.

The Updated Planning Proposal is consistent with the objectives of the SEPP. The uses proposed to be included as additional permitted uses are compatible with the natural setting of the site and will integrate within its landscaped setting. No significant building footprints will be facilitated by the Updated Planning Proposal and the majority of the site will be retained as part of the vegetated landscape. No changes to the E2 Environmental Conservation zone on the site are being sought.

An Ecological Constraints and Opportunities Analysis (see Appendix A) has been prepared for the Updated Planning Proposal which finds that the proposed LEP amendments will not have any unacceptable impact on the natural ecological value of the site.

SEPP No 44 - Koala Habitat Protection

The Hawkesbury LGA is identified as a LGA with the potential for providing koala habitat.

The policy aims to encourage the proper conservation and management of areas that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of Koala population decline.

The site is unlikely to support koalas due to the nature of the site as cleared grazing land. There is no evidence of a local koala population in the locality and potential feed trees at the site are sparse, and surrounded by pasture. Potential impacts on koala habitats can be addressed should a DA which involves significant vegetation clearing be lodged for the site.

This is addressed in detail in the Ecological Constraints and Opportunities Analysis (see Appendix A).

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SEPP No 55 – Remediation of land

Clause 6 of SEPP 55 states that a planning authority, when preparing an EPI, must not permit a change of use on land identified in subclause 6(4) of the SEPP unless the planning authority has considered:

- whether the land is contaminated; and
- if the land is contaminated, whether it is suitable for the purpose for which it is proposed to be zoned; and
- whether remediation of the land is required to make it suitable for its proposed use.

The following types of land in Table 9 are identified in subclause 6(4):

Table 9 – Types of land for which potential contamination must be considered

Relevant type under subclause 6(4) of SEPP 55	Relevant to site
Land that is within an investigation area.	The site is not in an investigation area.
Land on which development for a purpose referred to in Table 1 to the Contaminated Land Planning Guidelines is being, or is known to have been, carried out.	Table 1 of the Contaminated Land Planning Guidelines sets out the following activities that may cause contamination: <ul style="list-style-type: none">▪ acidalkali plant and formulation▪ agricultural/horticultural activities▪ airports▪ asbestos production and disposal▪ chemicals manufacture and formulation▪ defence works▪ drum re-conditioning works▪ dry cleaning establishments▪ electrical manufacturing (transformers)▪ electroplating and heat treatment premises▪ engine works▪ explosives industry▪ gas works▪ iron and steel works▪ landfill sites▪ metal treatment▪ mining and extractive industries▪ oil production and storage▪ paint formulation and manufacture▪ pesticide manufacture and formulation▪ power stations▪ railway yards▪ scrap yards▪ service stations▪ sheep and cattle dips▪ smelting and refining▪ tanning and associated trades▪ waste storage and treatment▪ wood preservation
To the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital: <ul style="list-style-type: none">▪ in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the Contaminated Land Planning Guidelines has been carried out, and▪ on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).	The Updated Planning Proposal seeks to add 'recreation facility (major)' and 'recreation facility (outdoor)' as additional permitted uses on the site. Therefore, a Preliminary Site Investigation has been prepared in support of the Updated Planning Proposal (see Appendix E). Its findings are set out below.

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Martens has undertaken a Preliminary Site Investigation (Appendix E) to determine whether or not the site is or can be made suitable for the proposed additional permissible uses on the site.

The assessment involved a review of the site's history and a walk over inspection. It found that the site has a number of identified contamination risks resulting from the past agricultural and quarry uses of the site, above ground storage of fuels, landfill from unknown sources as well as stockpiling and storage of waste on the site. Notwithstanding this, Martens considers that these risks are acceptably low to permit the changes to the site permissible uses as proposed by the Updated Planning Proposal, particularly given that the proposal does not seek to make permissible any sensitive land uses such as residential, schools or a child care facility. Where contamination is identified Martens are of the opinion that it is likely to be of a type and extent that can be readily remediated to allow any of the proposed additional permissible uses to proceed.

Martens recommends that subsequent applications for development should fully assess localised contamination and address any identified issues. This should involve the preparation of a detailed site investigation including the undertaking of intrusive soil sampling. This will be undertaken for the proposed Hall of Fame DA as well as any future applications for the site.

SEPP (Infrastructure) 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State. It also requires certain large-scale or traffic-generating DAs to be submitted to the Road and Maritime Services (RMS). The Infrastructure SEPP will continue to apply to the land following its rezoning. Future development will need to be assessed in accordance with the SEPP, where relevant. The Updated Planning Proposal does not necessarily need to be referred to the RMS as no specific development consent is being sought for traffic generating development as identified under Schedule 3 of the SEPP. However, as the intention of the Updated Planning Proposal is to facilitate the site's use for major polo events which will attract more than 200 vehicle movements, it is considered appropriate to consult with the RMS as part of the consultation with relevant public authorities following Gateway Determination and prior to community consultation (see Section 9.1 below). Further detail on the traffic impacts of the Updated Planning Proposal is provided in Section 8.2.

SREP No. 20 – Hawkesbury – Nepean River

The aim of SREP 20 is to protect the environmental of the Hawkesbury Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The Updated Planning Proposal proposes to permit additional uses on the site which are complementary to the rural/flood prone nature of the site and are of minimal environmental impact. Future development will be subject of future applications for the use or construction on the site and will need to consider and protect the environmental of the Hawkesbury-Nepean River system.

Part 2 of the SREP provides general planning considerations, specific policies and recommended strategies. Table 10 below outlines the specific policies which are relevant to the Updated Planning Proposal.

Table 10 – Specific planning policies and recommended strategies

Planning Policies and strategies	Compliance
(1) Total catchment management Policy: Total catchment management is to be integrated with environmental planning for the catchment. Strategies:	
(a) Refer the application or other proposal for comment to the councils of each adjacent or downstream local government area which is likely to suffer a significant adverse environmental effect from the proposal.	No adverse environmental effects on downstream LGAs are expected from the Updated Planning Proposal. Appropriate water quality measures can be applied to any future DA for the site.
(b) Consider the impact of the development concerned on the catchment.	The Updated Planning Proposal will not impact the catchment in that the proposed potential uses on the site are considered.

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Planning Policies and strategies	Compliance
	compatible with the rural nature of the area and any future development will be subject to DAs for the use or development on the site.
(c) Consider the cumulative environmental impact of development proposals on the catchment.	Cumulatively the land drains to a system of wetlands located on or nearby the site. The wetlands then drain to the Hawkesbury via minor watercourses which enter the river downstream. The site is large enough that appropriate buffers can be provided to the wetlands and the river foreshore to prevent any cumulatively adverse impacts on the catchment.
(2) Environmentally sensitive areas <i>Policy: The environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and (where necessary) remediation of existing uses.</i>	
Strategies:	
(a) Rehabilitate parts of the riverine corridor from which sand, gravel or soil are extracted so that attached aquatic plant beds are replaced and water quality and faunal habitats improved.	N/A
(b) Minimise adverse impacts on water quality, aquatic habitats, riverine vegetation and bank stability.	It is considered that the proposal will not cause adverse impacts on the River as the proposed uses are compatible with the rural nature of the area. Future development will require a DA for the various uses which will detail any water quality measures that may need to be put in place.
(c) Minimise direct and indirect adverse impacts on land reserved or dedicated under the National Parks and Wildlife Act 1974 or the Forestry Act 1916 and conservation area sub-catchments in order to protect water quality and biodiversity.	There is no land within the area that is reserved or dedicated under these Acts or that would be impacted by the proposal.
(d) Protect wetlands (including upland wetlands) from future development and from the impacts of land use within their catchments.	The wetland on the site will not be impacted by this application. It will continue to be conserved into the future.
(e) Consider the need to include buffer zones (such as adequate fire retardant zones) for proposals on land adjacent to land reserved or dedicated under the National Parks and Wildlife Act 1974 or the Forestry Act 1916.	N/A
(f) Consider the views of the Director-General of National Parks and Wildlife about proposals for land adjacent to land reserved or dedicated under the National Parks and Wildlife Act 1974.	N/A
(g) Consideration should be given to the impact of the development concerned on the water table and the formation of acid sulphate soils.	The proposal will facilitate a range of sustainable land uses which will ensure appropriate environmental management strategies are in place. Impact on the water table or acid sulfate soils is unlikely as minimal excavation works are necessary for the proposed uses.
(h) New development in conservation area sub-catchments should be located in areas that are already cleared.	The site of the Updated Planning Proposal is predominantly cleared.
(3) Water quality <i>Policy: Future development must not prejudice the achievement of the goals of use of the river for primary contact recreation (being recreational activities involving direct water contact, such as swimming) and aquatic ecosystem protection in the river system. If the quality of the receiving waters does not currently allow these uses, the current water quality must be maintained, or improved, so as not to jeopardise the achievement of the goals in the future. When water quality goals are set by the Government these are to be the goals to be achieved under this policy.</i>	
Given the location of the along the Hawkesbury River and also the presence of the wetland on the site the issue of water quality is relevant. However we consider it relevant to address the issue of water quality at	

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Planning Policies and strategies	Compliance
the DA stage when the actual future use of the land is known and tailored management plans can be prepared.	
(4) Water quantity Policy: Aquatic ecosystems must not be adversely affected by development which changes the flow characteristics of surface or groundwater in the catchment. Again this issue is relevant to the site but is better addressed at the DA stage where the detailed design of developments and operation of the land is defined and known.	
(5) Cultural heritage Policy: The importance of the river in contributing to the significance of items and places of cultural heritage significance should be recognised, and these items and places should be protected and sensitively managed and, if appropriate, enhanced.	
Strategies	
(a) Encourage development which facilitates the conservation of heritage items if it does not detract from the significance of the items.	The proposal does not affect the status of the heritage items nominated on the site.
(b) Protect Aboriginal sites and places of significance.	Management measures have been recommended to ensure that this occurs, refer Appendix G.
(c) Consider an Aboriginal site survey where predictive models or current knowledge indicate the potential for Aboriginal sites and the development concerned would involve significant site disturbance.	Refer to Appendix G.
(d) Consider the extent to which heritage items (either identified in other environmental planning instruments affecting the subject land or listed in Schedule 2) derive their heritage significance from the river.	
(6) Flora and fauna Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.	
Strategies for wetlands:	
(i) Maintain the ability of wetlands to improve the quality of water entering the river through the filtering of sediments and the absorption of nutrients.	The wetlands, soils and river banks of the site will not be impacted as a result of the additional permitted uses on the site. The Updated Planning Proposal only applies to RU2 Rural Landscape zoned land on the site, with the E2 Environmental Conservation portion of the site remaining unchanged.
(j) Maintain the ability of wetlands to stabilise soils and reduce bank erosion.	Each of the additional permitted uses will require development approval from Council prior to development through which impacts on the wetlands can be assessed at the project application stage of the approvals process.
(k) Maintain the ability of wetlands to reduce the impact of flooding downstream through the retention of floodwaters.	The Flood Study at Appendix B outlines that the proposed additional permitted uses on the site are unlikely to impact flood behaviour and floodwater retention.
(l) Maintain a variety of wetland flora and fauna species in the region and consider the scarcity of particular species on a national basis.	The proposed additional permitted uses are unlikely to impact the ecology found on the site. The site is largely cleared and any impacts on specific species will be assessed at the development application stage.
(m) Encourage the appropriate management of wetlands, including monitoring and weed control.	The land drains to a system of wetlands located within the land and on nearby land. The wetlands drain to the Hawkesbury River via a minor watercourse which enters the river downstream of the subject land. There is adequate land available to establish future development in accordance with the SREP to accommodate suitable buffers and stormwater management areas and to maintain and enhance the wetland.
(n) Provide opportunities for recreation, scientific research and education where they are compatible with the conservation of wetlands.	The proposed additional permitted uses are considered compatible with the neighbouring E2 Environmental Conservation zone wetland areas and will not impact conservation efforts in this portion of the site.

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(c) Consider the need to protect and improve the quality and quantity of surface water and groundwater entering wetlands by controlling development in the catchment of wetlands.	Proposed additional permitted uses in the catchment of the wetland areas are unlikely to impact quality and quantity of surface water and groundwater entering the wetland. Any impacts on water quality will be assessed at the DA stage.
(p) Consider the desirability of protecting any wetlands of local significance which are not included on the map.	The wetlands on the site are already suitably zoned E2 Environmental Conservation.
(q) Consider the desirability of protecting or, if necessary, actively managing, constructed wetlands if they have significant conservation values or make a significant contribution to improvements in water quality.	
(7) Riverine scenic quality <i>Policy: The scenic quality of the riverine corridor must be protected.</i>	
<i>Strategies:</i>	
(a) Maintain areas of extensive, prominent or significant vegetation to protect the character of the river.	The Updated Planning Proposal relates to predominantly cleared land, however any future development will require Council approval which would need to seek consent for the removal of any vegetation.
(b) Ensure proposed development is consistent with the landscape character as described in the Scenic Quality Study.	The site is within Landscape Unit 3.4.1 Yarumundi Weir to South Creek Junction of the Scenic Quality Study. The Landscape Character for this Landscape Unit is: A broad and nearly flat valley floor extensively altered by agriculture and settlement. An intensely farmed agricultural environment dominated by crop lands and rural industry. The major cultural elements are agricultural rather than ornamental, with a strict division of settled land from rural land. Development facilitated by this Updated Planning Proposal is consistent with this landscape character and will not impact the scenic qualities of the character.
(c) Consider the siting, setback, orientation, size, bulk and scale of and the use of unobtrusive, non-reflective material on any proposed building or work, the need to retain existing vegetation, especially along river banks, slopes visible from the river and its banks and along the skyline, and the need to carry out new planting of trees, and shrubs, particularly locally indigenous plants.	The Updated Planning Proposal seeks to permit a range of additional land uses on the site. Any future development will still require Council approval which would need to be assessed against this requirement.
(d) Consider the need for a buffer between new development and scenic areas of the riverine corridor shown on the map as being of significance beyond the region (which are also scenic areas of significance for the region) or so shown as being of regional significance only.	The Updated Planning Proposal seeks to permit a range of additional land uses on the site. Any future development will still require Council approval which would need to be assessed against this requirement.
(e) Consider the need for controls or conditions to protect those scenic areas.	The Updated Planning Proposal seeks to permit a range of additional land uses on the site. The controls under Part 6 of the existing LEP satisfactorily control development to protect scenic and ecological areas of significance. These controls are not proposed to be amended under this Updated Planning Proposal.
(f) Consider opportunities to improve riverine scenic quality.	
(B) Agriculture/aquaculture and fishing <i>Policy: Agriculture must be planned and managed to minimise adverse environmental impacts and be protected from adverse impacts of other forms of development.</i>	
<i>Strategies:</i>	

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Planning Policies and strategies	Compliance
(a) Give priority to agricultural production in rural zones.	The proposed additional uses are consistent with the objectives of the RU2 Rural Landscape zone with the additional permitted uses facilitating the long term retention of the agricultural use by enabling uses directly related to that use. For example, the recreational use of polo events is related to the principal rural land use.
(b) Ensure zone objectives and minimum lot sizes support the continued agricultural use of Class 1, 2 and 3 Agricultural Land (as defined in the Department of Agriculture's Agricultural Land Classification Atlas) and of any other rural land that is currently sustaining agricultural production.	No changes are proposed to minimum lot sizes or zone objectives.
(c) Incorporate effective separation between intensive agriculture and adjoining uses to mitigate noise, odour and visual impacts.	Uses on and surrounding the site include recreation (polo fields), grazing, turf farming and tourism related uses. These uses are compatible with the proposed additional permitted uses on the site.
(d) Protect agricultural sustainability from the adverse impacts of other forms of proposed development.	The proposed additional permitted uses are not expected to impact on agricultural sustainability.
(e) Consider the ability of the site to sustain over the long term the development concerned.	The proposed additional permitted uses are expected to be sustained into the future with the polo and related uses increasing across the Windsor/Richmond area.
(f) Consider the likely effect of the development concerned on fish breeding grounds, nursery areas, commercial and recreational fishing areas and oyster farming.	The proposed additional permitted uses are not expected to impact fishing or fish breeding grounds.
(9) Rural residential development Policy: Rural residential development should not reduce agricultural sustainability, contribute to urban sprawl, or have adverse environmental impacts (particularly on the water cycle or on flora or fauna). N/A – no subdivision or residential development is proposed.	
(10) Urban development Policy: All potential adverse environmental impacts of urban development must be assessed and controlled. N/A – no subdivision or residential development is proposed.	
(11) Recreation and tourism Policy: The value of the riverine corridor as a significant recreational and tourist asset must be protected.	
Strategies	
(a) Provide a wide range of recreational opportunities along the river which are consistent with conserving the river's natural values and character.	The purpose of this Updated Planning Proposal is to facilitate the recreational opportunities arising from the land uses as well as facilitate tourism opportunities related to both that land use as well as the scenic quality of the riverine corridor.
(b) Plan and manage recreational and tourist developments, and associated access points, cycle ways and footpaths, so as to minimise any adverse environmental impacts on the river. Locate them where river banks are stable, away from river shallows, major beds of attached aquatic plants or fish breeding areas, where the proposed activities do not conflict with surrounding recreational activities and where significant flora and fauna habitats will not be adversely affected. The upgrading of existing public access to the river is to be preferred over the creation of new access points.	The proposed additional permitted uses will not impact access to or environmental impacts on the River. Future development will require development assessment by Council at which time an environmental assessment of proposed development will be undertaken.
(c) Minimise conflicts between recreational uses.	The proposed additional uses are compatible with the existing surrounding development.

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Planning Policies and strategies	Compliance
(d) Consider the availability of, or need to provide, land for vehicle parking and for suitable access (including access for cars and buses), for boat service areas and for water, electricity and sewage disposal.	As detailed in the Traffic Assessment at Appendix C, no additional parking areas area required for the additional permitted uses.
(e) Consider the environmental impact of ancillary services for recreation and tourist developments, such as amenities blocks and vehicle parking.	Ancillary services are not expected to cause environmental impact.
(f) Consider the visual impact of development on the surrounding area.	Some of the proposed additional permitted use are already occurring on the site or in the surrounding area and do not require the development of bulky or substantial buildings. No adverse visual impacts are expected to result from the Updated Planning Proposal.
(12) Metropolitan strategy Policy: Development should complement the vision, goal, key principles and action plan of the Metropolitan Strategy. The Metropolitan Strategy has been considered at Section 7.1.1 of this report.	
Schedule 1 - Items of non-Aboriginal Heritage ▪ Farm building and fence, part D.P. 62096, Edwards Road, corner of Powells Lane, Richmond Lowlands	A site visit was undertaken by GML Heritage to determine whether or not these items still exist on the site. Their report is provided at Appendix F and is summarised at Section 8.4.1 of this report.

oooo END OF REPORT oooo

ORDINARY MEETING

Minutes: 31 May 2016

Item: 97

**CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012
- Sydney Polo Club - Various properties Richmond Lowlands and Richmond -
(95498, 124414)**

Ms Kim Schmuel and Ms Rececca Higgins addressed Council, speaking for the recommendation.

Mr Mark Wilson addressed Council, speaking against the recommendation.

A MOTION was moved by Councillor Conolly, seconded by Councillor Creed.

That:

1. Council support the preparation of an amended planning proposal to permit additional uses of certain land at Cornwells Lane, Edwards Road, Powells Lane, Ridges Lane, and Triangle Lane, Richmond Lowlands and Old Kurrajong Road, Richmond, being Lots 1 and 2 DP 206104, Lot 1 DP 70128, Lot 25 DP 1100252, Lot 25 DP 663770, Lot 27 DP 566434, Lots 1 and 2 DP 1168610, Lot 1 DP 659412, Lot 1 DP 972649, Lot 1 DP 120794, Lots 1 – 3 DP 997087, Lot 1 DP 797310, Lot 1 DP 77207, Lot 1 DP 997086, Lots 4 and 5 DP 1120860, Lot A DP 365391, Lots 128 and 129 DP 1151145, and Lots A and B DP 89087; under the provisions of Schedule 1 of the Hawkesbury Local Environmental Plan 2012, for the following purposes are permitted with consent:
 - a) advertisements, advertising structures, eco-tourist facilities, food and drink premises, function centres, kiosks, industrial retail outlets, markets, veterinary hospitals
 - b) recreation facilities (major) and recreation facilities (outdoor) for the purposes of polo and equine related activities and events only
 - c) not more than one light industry for the purposes of a micro-brewery and with the gross floor area of the light industry being not more than 1000m²
 - d) medical centre with the gross floor area of any medical centre being not more than 300m²
 - e) not more than one shop and with the gross floor area of the shop being not more than 200m²
 - f) car parks, sewage reticulation systems, sewerage systems, sewage treatment plants , and water supply systems provided these uses are ancillary to the other permitted uses on the site.
2. The amended planning proposal be forwarded to the Department of Planning and Environment for a "Gateway" determination.

An AMENDMENT was moved by Councillor Paine, seconded by Councillor Mackay.

That the matter be deferred to a Councillor Briefing Session.

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In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the amendment, the results of which were as follows:

For the Amendment	Against the Amendment
Councillor Calvert	Councillor Conolly
Councillor Mackay	Councillor Creed
Councillor Paine	Councillor Ford
Councillor Porter	Councillor Rasmussen
Councillor Williams	Councillor Reardon
	Councillor Tree

Councillor Lyons-Buckett was absent from the meeting.

The Amendment was lost.

MOTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Creed.

Refer to RESOLUTION

152 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Creed.

That:

1. Council support the preparation of an amended planning proposal to permit additional uses of certain land at Cornwells Lane, Edwards Road, Powells Lane, Ridges Lane, and Triangle Lane, Richmond Lowlands and Old Kurrajong Road, Richmond, being Lots 1 and 2 DP 206104, Lot 1 DP 70128, Lot 25 DP 1100252, Lot 25 DP 663770, Lot 27 DP 566434, Lots 1 and 2 DP 1168610, Lot 1 DP 659412, Lot 1 DP 972649, Lot 1 DP 120794, Lots 1 – 3 DP 997087, Lot 1 DP 797310, Lot 1 DP 77207, Lot 1 DP 997086, Lots 4 and 5 DP 1120860, Lot A DP 365391, Lots 128 and 129 DP 1151145, and Lots A and B DP 89087; under the provisions of Schedule 1 of the Hawkesbury Local Environmental Plan 2012, for the following purposes are permitted with consent:
 - a) advertisements, advertising structures, eco-tourist facilities, food and drink premises, function centres, kiosks, industrial retail outlets, markets, veterinary hospitals
 - b) recreation facilities (major) and recreation facilities (outdoor) for the purposes of polo and equine related activities and events only
 - c) not more than one light industry for the purposes of a micro-brewery and with the gross floor area of the light industry being not more than 1000m²
 - d) medical centre with the gross floor area of any medical centre being not more than 300m²
 - e) not more than one shop and with the gross floor area of the shop being not more than 200m²
 - f) car parks, sewage reticulation systems, sewerage systems, sewage treatment plants, and water supply systems provided these uses are ancillary to the other permitted uses on the site.
2. The amended planning proposal be forwarded to the Department of Planning and Environment for a "Gateway" determination.

ORDINARY MEETING**Minutes:** 31 May 2016

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For the Motion	Against the Motion
Councillor Calvert	Councillor Mackay
Councillor Conolly	Councillor Paine
Councillor Creed	Councillor Porter
Councillor Ford	Councillor Williams
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	

Councillor Lyons-Buckett was absent from the meeting.