



Hawkesbury City Council

attachment 1
to
item 101

Planning Proposal –
Richmond Lowlands

date of meeting: 8 May 2018

location: council chambers

time: 6:30 p.m.

Planning Proposal

Richmond Lowlands

May 2018



SquareLink Pty Ltd

ABN 40 158 813 864

Planning Proposal for Richmond Lowlands

Issue	Date	Description	Prepared By	Reviewed By
Draft	April 2018	Draft for peer and initial client review	NS	MM
Draft Version 2	April 2018	Edited following initial client review	NS	
Draft Version 3	2 May 2018	Edited following client consultation	NS	

1. Introduction

1.1 Project Overview

The Planning Proposal seeks an amendment to the *Hawkesbury Local Environmental Plan 2012* (HLEP 2012) that would permit polo and show jumping activities across the RU2 zone in the Richmond Lowlands/Richmond/Cornwallis area.

The Planning Proposal has been prepared to support polo and show jumping activities within the RU2 zone of properties located within Richmond Lowlands/Richmond/Cornwallis area. The Planning Proposal accords with the Councils commitment to reaffirm continued support of the emerging polo uses in the Richmond Lowlands/Richmond/Cornwallis area.

Specifically 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.*

In addition to the above, Council in their consideration of a Planning Proposal (LEP006/15) to amend HLEP 2012 to permit with consent the necessary uses associated with the World Polo Championships 2017 resolved in part the the following:

5. *A report be provided to Council concerning a possible planning proposal and associated amendment to the LEP 2012 to allow properties within the Richmond Lowlands/Richmond/Cornwallis area to be used for polo and equine related purposes.*

The Planning Proposal has been prepared to facilitate Councils support for polo uses within the Richmond Lowlands precinct.

Richmond Lowlands is located within the Hawkesbury local government area and comprises an approximate area of 1933 hectares. The site subject to the Planning Proposal includes a total of insert 133 properties and is illustrated in Figure 1.

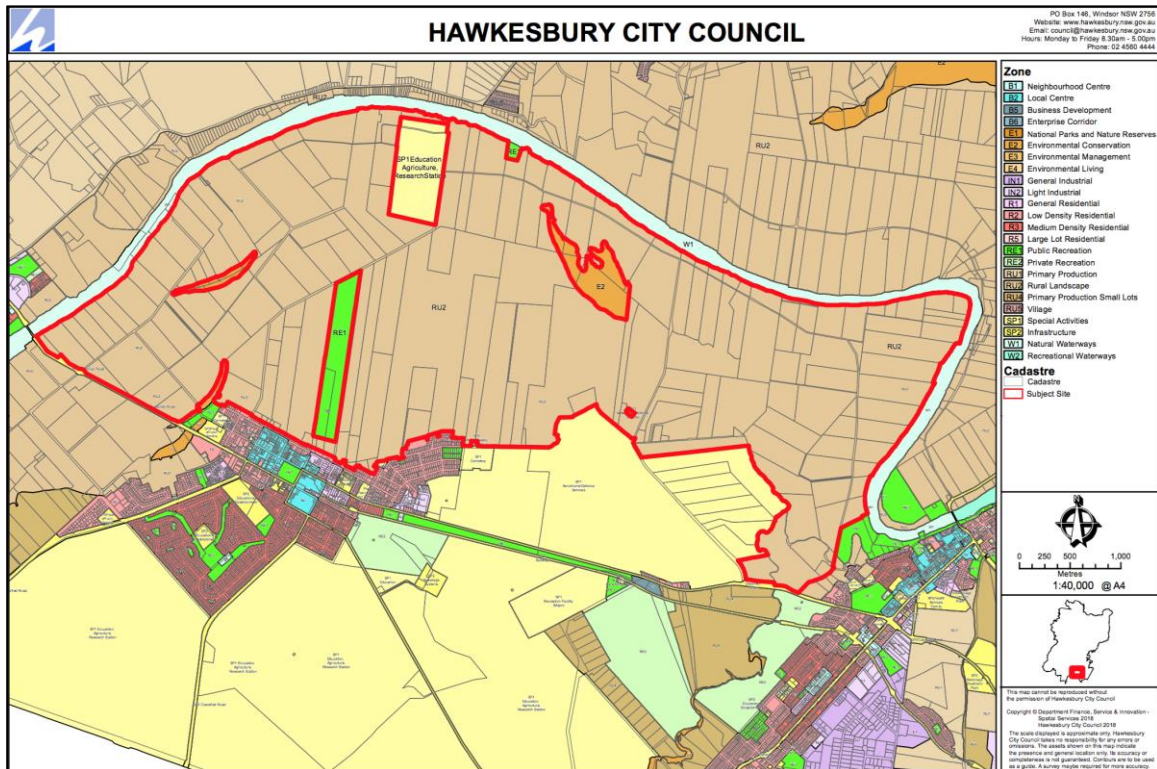


Figure 1: Subject Site

The site is predominantly zoned RU2 Rural Landscape in accordance with HLEP 2012. An extract of the current zoning map is provided in Figure 2. Portions of the site are zoned E2 Environmental Management, W1 Natural Waterway and RE1 Public Recreation.

To give affect to the Planning Proposal the following amendments to HLEP 2012 are sought:

1. Insert the following after Clause 6.12 of Part 6 of the HLEP 2012 Additional Local Provisions:

6.13 Polo and Showjumping Uses in Richmond Lowlands, Richmond and Cornwallis

- (1) This clause applies to that part of the following land that is within the Zone RU2 Rural Landscape:

Lot 1 DP 120794 Lot A DP 365391 Vol 6099 Fol 101 Lot 1 DP 77207 Vol 6907 Fol 186 Lot 1 DP 797310 Lot 65 DP 1123750 Lot 2 DP 533521 Lot 1 DP 328980 Vol 4595 Fol 50 Lot 1 DP 109698 Lot 1 DP 75009 Lot 1 DP 63738
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Lot 1 DP 136238
Lot 263 DP 752061 Lot B DP 160257
Lot 9 DP 134182
Lot B DP 89087

Lot 510 DP 718600
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- (2) The objective of this clause is to facilitate development limited to polo and show jumping activities and uses.
- (3) Despite any other provision of this Plan, consent may be granted to development on land to which this clause applies for the purpose of recreation facilities (outdoor) limited to polo and show jumping activities and uses.
- (4) Development consent must not be granted under this clause unless the consent authority is satisfied that:
 - (a) The development retains or enhances the existing rural landscape values,
 - (b) The development does not detract from the existing rural character,
 - (c) The development minimises conflict between land uses in the zone and land uses in adjoining zones,
 - (d) The development is compatible with the flood hazard of the land and is not likely to significantly adversely affect flood behaviour, and
 - (e) The development does not create unreasonable demands for the provision or extension of public amenities and services.
- (5) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied development incorporates appropriate measures to manage risk to life from flood (and other hazards) including the preparation of a risk management and evacuation.

1.2 Purpose of this Report

This report has been prepared on behalf of Hawkesbury City Council and is submitted to request a Gateway determination to allow an enabling provision within Part 6 of the HLEP 2012 for the site identified as the “Richmond Lowlands” area.

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act), as well as the Department of Planning and Environment's *A Guide to Preparing Planning Proposals* (August 2016), and includes:

- a description of the site in its local and regional context;
- a statement of the objectives and intended outcomes of the proposed amendment to the instrument;
- an explanation of the provisions that are to be included in the amended instrument; and
- the justification for those objectives, outcomes and provisions and their process for implementation.

2. The Site

2.1 Site Location

Richmond Lowlands is located within the Hawkesbury local government area and comprises 133 properties. The site subject to the Planning Proposal is illustrated in Figure 1.

The site is predominantly zoned RU2 Rural Landscape in accordance with HLEP 2012. An aerial image of the area is provided in Figure 2. An extract of the current zoning map is provided in Figure 3. Portions of the site are zoned E2 Environmental Management, W1 Natural Waterway and RE1 Public Recreation. These portions of the site do not form part of the Planning Proposal.

The Planning Proposal only seeks to permit polo and show jumping uses and activities within the RU2 Rural Landscape zone.

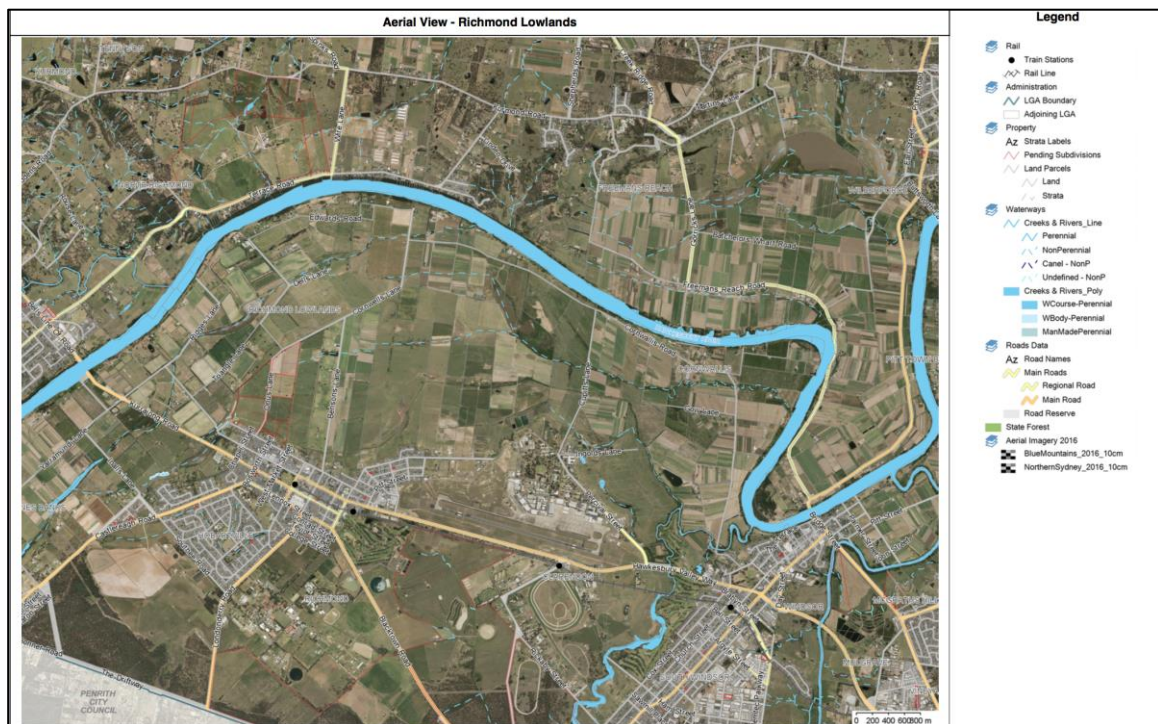


Figure 2: Aerial image Richmond Lowlands area

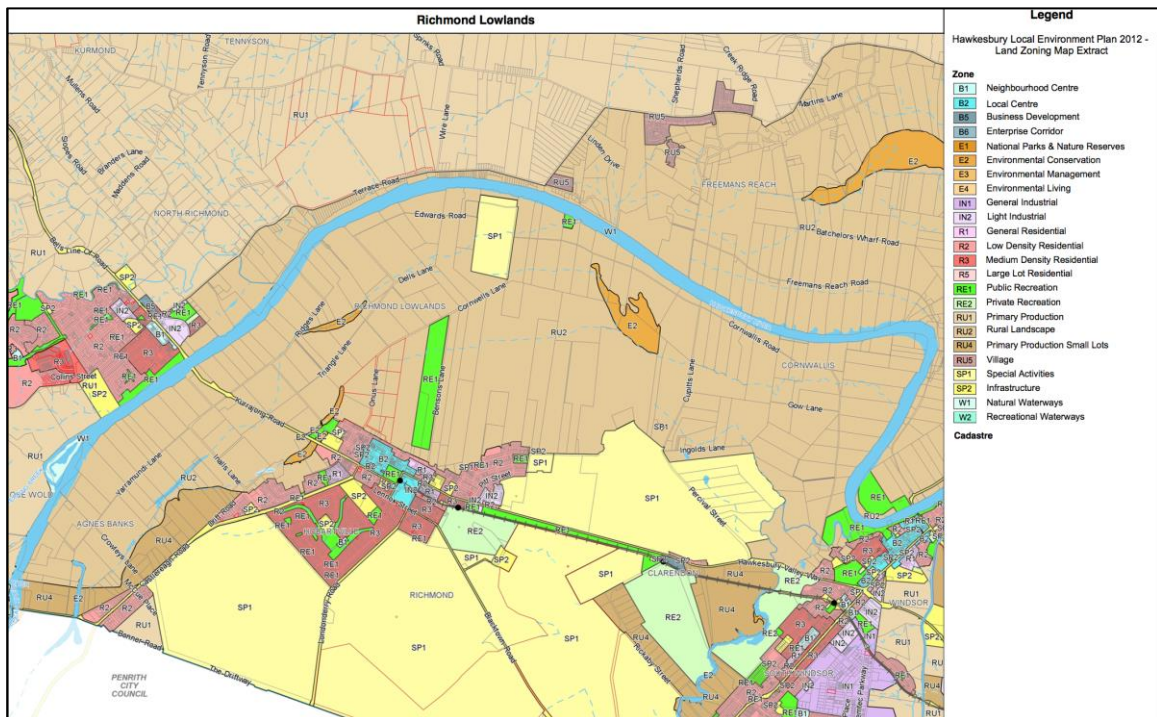


Figure 3: Current zoning of Richmond Lowlands area

The subject site is identified as being both bushfire and flood prone land. The area is significantly constrained by flood and is inundated by flood waters during a 1 in 100 year flood event. Clause 6.3 (Flood Planning) is a relevant consideration and will apply to future development as well as Hawkesbury Council Policy on Development of Flood Liable Land.

Other site constraints and relevant matters of HLEP 2012 include:

- Parts of the site are subject to tidal inundation, as such Clause 5.7 Development below mean high water mark will apply to future development on the site.
- The site contains heritage listed items, as such 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 partly affected by the Terrestrial Biodiversity Map, mainly along the site frontage to *Hawkesbury River* and the wetland and it's surrounds hence, where relevant, *Clause 6.4 Terrestrial Biodiversity* will apply to future development on the site.
- A portion 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.

Extracts of the constraint mapping affecting the subject site is provided below in Figures 4-10. Given the Planning Proposal relates to permitting land uses related to polo and equine uses only with consent, it is considered reasonable for the above constraints to be considered as part of any future development application. Adequate provisions are contained within HLEP 2012 to ensure that these constraints are given due consideration as part of the development assessment process.

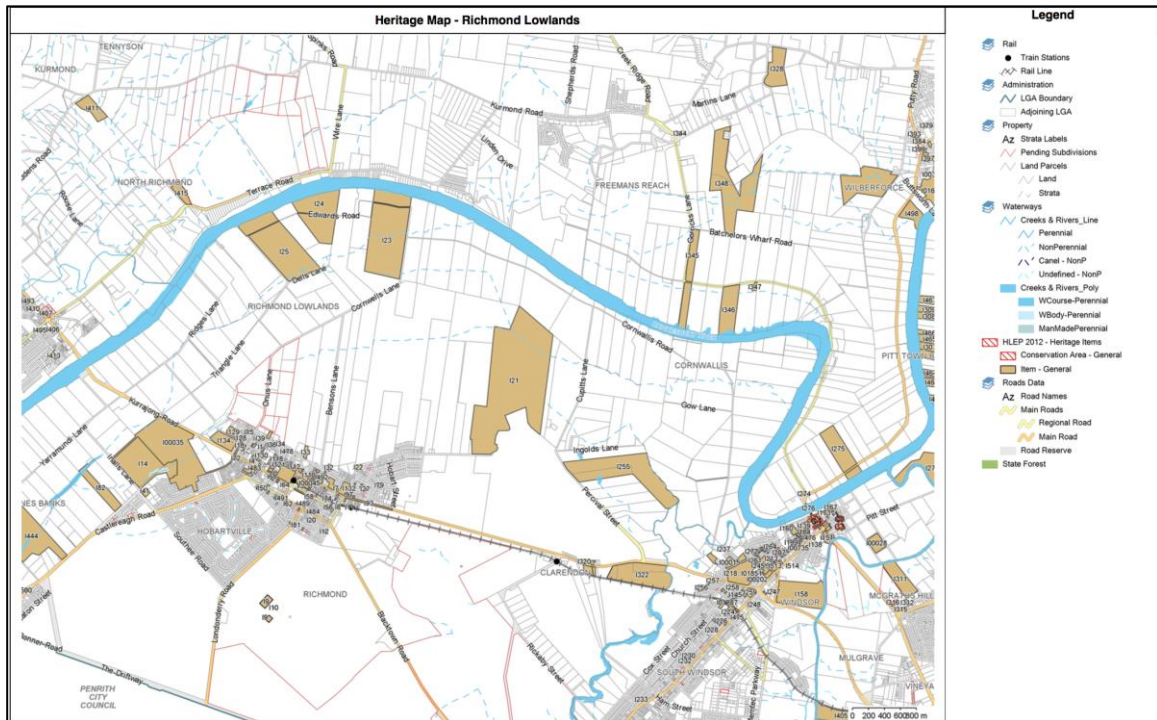


Figure 4: Heritage Map

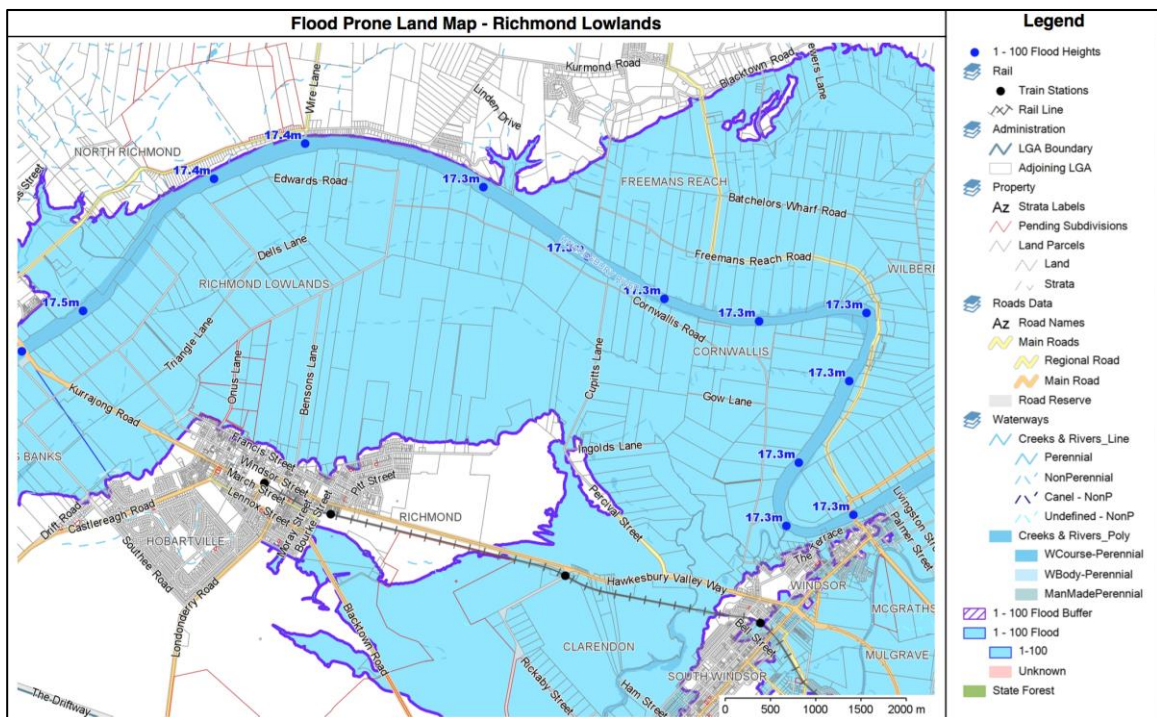


Figure 5: Flood Prone Land Map

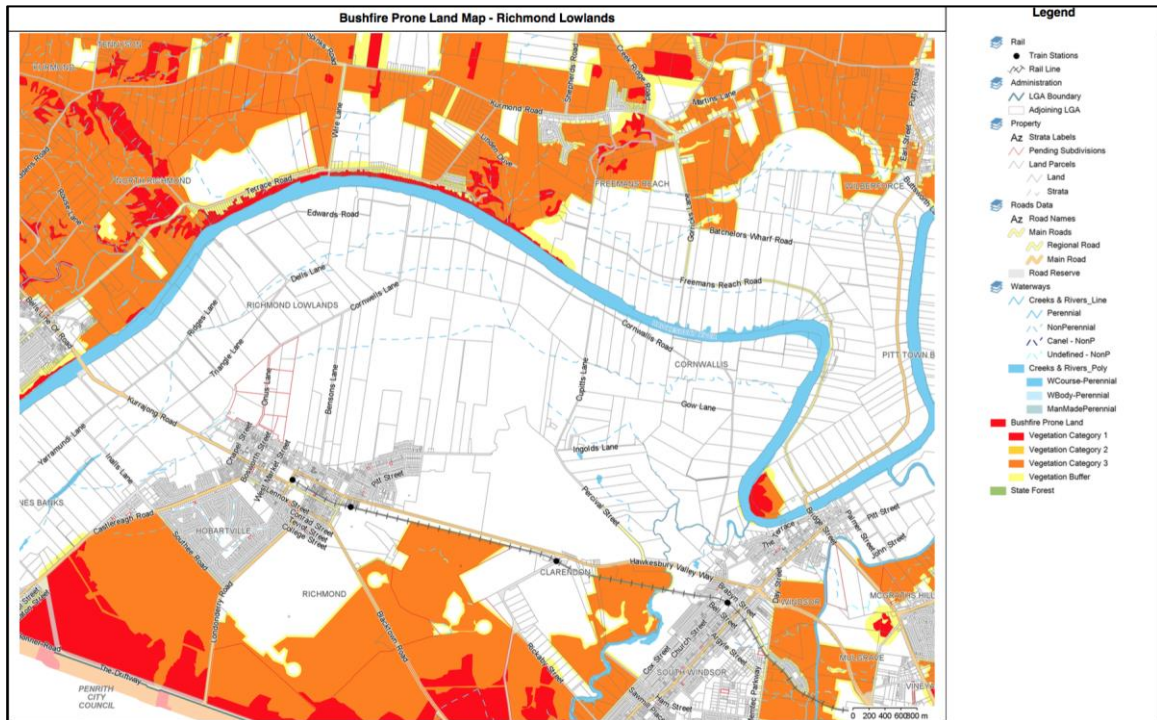


Figure 6: Bushfire Prone Land Map

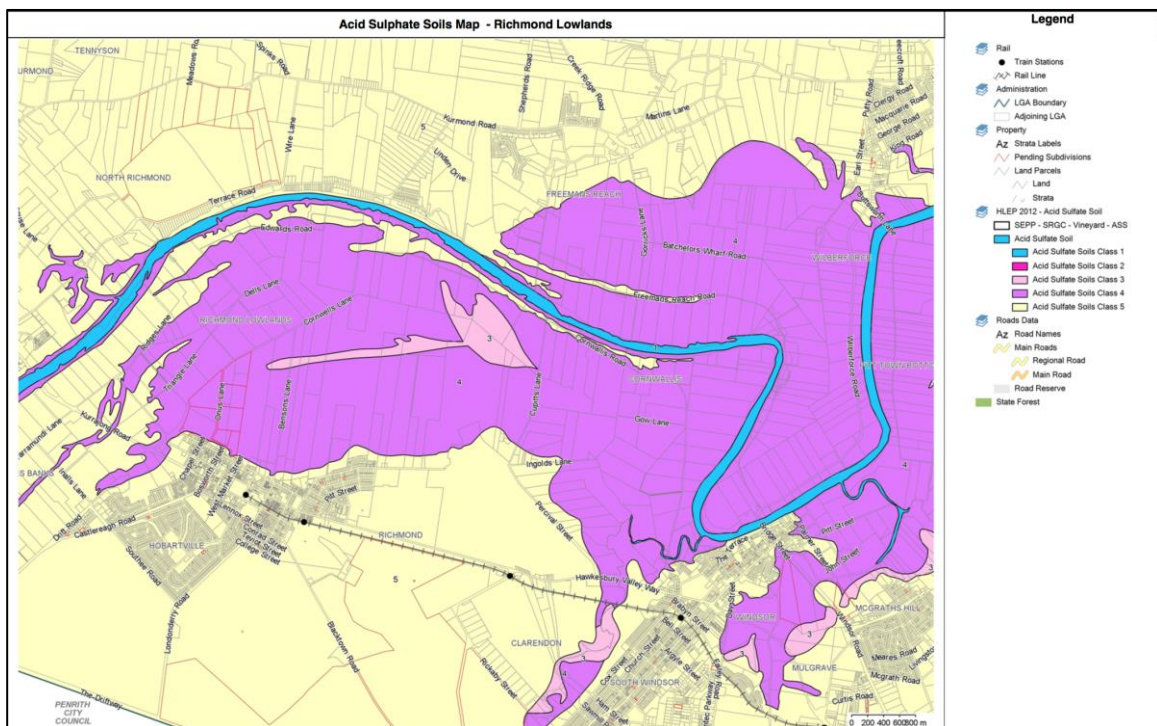


Figure 7: Acid Sulphate Soils Map

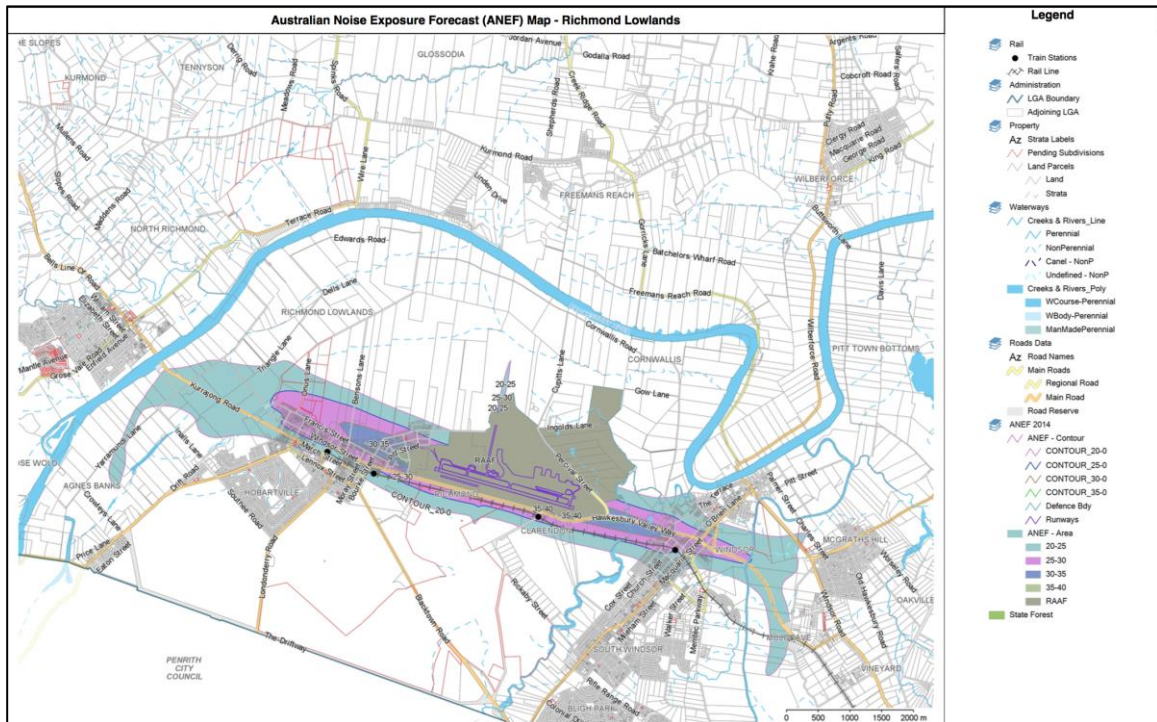


Figure 8: ANEF Contours

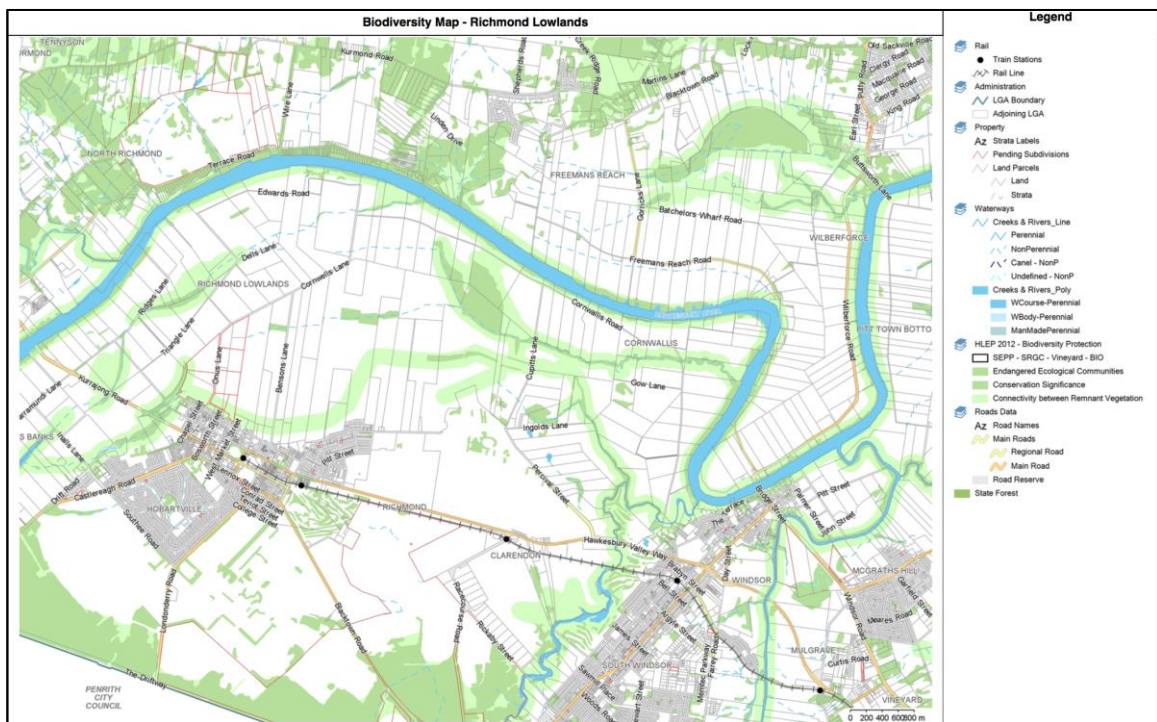


Figure 9: Biodiversity

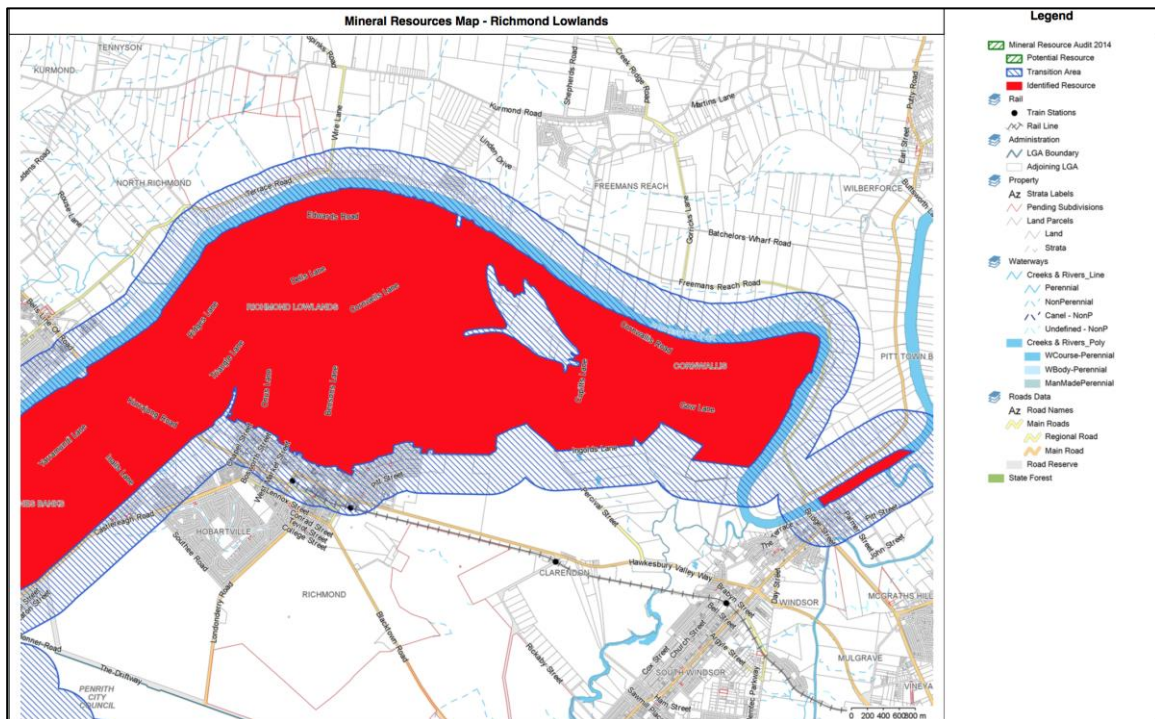


Figure 10: Mineral Resource

2.2 Local Context

Richmond Lowlands is an agricultural suburb within the Hawkesbury LGA. The site is bounded by the Hawkesbury River to the north and the suburbs of North Richmond (North and North-West) and Freemans Reach (North) and Richmond (South-East).

Richmond Lowlands is predominantly agricultural in character with a residential population of approximately 224 residents.

The *Hawkesbury-Nepean Scenic Quality Study* prepared by the Department of Planning and Urban Affairs (1996) identifies the broader locality as having high visual sensitivity because of the heritage value of the landscape. The study also recommended that the open agricultural character of the flats be retained by discouraging subdivisions and rural/industrial operations.

2.3 Planning Context

The site is predominantly zoned RU2 Rural Landscape in accordance with HLEP 2012.

The zone objectives of the RU2 Rural Landscape zone are prescribed as follows:

- 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 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.*

The following land uses are permitted without consent in the RU2 Rural Landscape zone:

Bed and breakfast accommodation; Environmental protection works; Extensive agriculture; Home occupations.

The current permitted uses within the RU2 Rural Landscape zone includes:

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

3. Planning Proposal Overview

Section 3.33 of the *Environmental Planning and Assessment Act 1979* outlines the required contents of a planning proposal. The Department of Planning and Environment has produced “*A guide to preparing planning proposals*” (August 2016) which breaks those requirements into six parts.

These parts are addressed in the next chapters as follows:

- Part 1 – a statement of the objectives and intended outcomes;
- Part 2 – an explanation of the provisions to be included in the proposed instrument;
- Part 3 – justification of the objectives, outcomes and the process for implementation;
- Part 4 – maps to identify the modifications required to the proposed instrument and the area to which it applies;
- Part 5 – details of the community consultation to be undertaken; and
- Part 6 – draft timeline for the planning proposal.

3.1 Part 1: Project Objectives and Intended Outcomes

The intended outcome of this Planning Proposal is to support permitting polo and show jumping related uses and activities within the RU2 zone of properties located within Richmond Lowlands area. This accords with the Councils earlier commitment and affirmation to support the emerging polo related uses within the Richmond Lowlands area.

The objective of the Planning Proposal is to permit with consent polo and show jumping uses and activities within the Richmond Lowlands area. This approach will promote the tourism economy associated with polo and show jumping activities in the Hawkesbury area. This approach will also support increased economic activity and tourism in the Richmond Lowlands area associated with these uses.

Restricting outdoor recreation facilities to polo and show jumping related activities uses only will ensure any future development is consistent the objectives of the RU2 Rural Landscape zone and be sensitive to the scenic landscape values of the Richmond Lowlands area.

These proposed uses and activities are of low intensity and low scale and would not be intrusive within the rural scenic landscape of the Richmond Lowlands area.

While well-designed and well-managed activities and uses can enhance the rural landscape and character, there is also potential for future development to impact on local views and outlooks. In addition, larger events can also generate significant traffic generation on rural roads.

In order to ensure due consideration is given to the protection of the rural scenic landscape and potential for land use conflict is considered part of any future development assessment process, the Planning Proposal recommends specific considerations be included as part of this amendment to HLEP 2012.

This will require the consent authority prior to the granting of development consent to consider whether the development:

- Retains or enhances the existing rural landscape values,
- Detract from the existing rural character,
- Create unreasonable demands for the provision or extension of public amenities and services, and
- Minimises conflict between land uses in the zone and land uses in adjoining zones.

The Planning Proposal is also responsive to the flooding constraints of the Richmond Lowlands area. In this regard, additional considerations are included in the enabling provisions to ensure any future development is compatible with the flood hazard of the land and is not likely to significantly adversely affect flood behaviour.

In further response to the flooding constraints and likely increase in visitors to the area, the Planning Proposal recognises that planning for emergencies as a result of flood and storm events is necessary. The draft provisions include requirements for appropriate measures to manage risk associated with flood and other hazards.

The Planning Proposal also accords with the Hawkesbury City Council Tourism Strategy (July 2015) that was prepared to focus on future directions and trends in tourism for the Hawkesbury LGA and to develop a management framework to guide Councils activities in its tourism program.

This Strategy identified potential in the growth and expansion of equine related activities in the Hawkesbury LGA. The Strategy included as part of its Action Plan for Council to consider the development of an “equine hub”. The intent was to capitalise on existing equine operations and work with relevant stakeholders to encourage a greater profile for equine related uses to attract more visitors, encourage new experiences and grow the length of visitor stays within the Hawkesbury LGA.

By permitting with development consent polo and showing jumping activities and uses within the Richmond Lowlands area, the Planning Proposal will capitalise on existing polo activities in the locality and provides potential to attract more visitors and provide new experiences such as show jumping.

3.2 Explanation of Provisions

To give effect to the Planning Proposal the following amendments to HLEP 2012 are sought:

1. Insert the following after Clause 6.12 of Part 6 of the HLEP 2012 Additional Local Provisions:

6.13 Polo and Showjumping Uses in Richmond Lowlands, Richmond and Cornwallis

- (1) This clause applies to that part of the following land that is within the Zone RU2 Rural Landscape:

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- (2) The objective of this clause is to facilitate development limited to polo and show jumping activities and uses.
- (3) Despite any other provision of this Plan, consent may be granted to development on land to which this clause applies for the purpose of recreation facilities (outdoor) limited to polo and show jumping activities and uses.
- (4) Development consent must not be granted under this clause unless the consent authority is satisfied that:
 - (a) The development retains or enhances the existing rural landscape values,
 - (b) The development does not detract from the existing rural character,

- (c) The development minimises conflict between land uses in the zone and land uses in adjoining zones,
 - (d) The development is compatible with the flood hazard of the land and is not likely to significantly adversely affect flood behaviour, and
 - (e) The development does not create unreasonable demands for the provision or extension of public amenities and services.
- (5) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied development incorporates appropriate measures to manage risk to life from flood (and other hazards) including the preparation of a risk management and evacuation.

3.2.1 Amendment To Part 6 of HLEP 2012 Additional Local Provisions

The proposed additional uses include:

Proposed Additional Uses	Definition within HLEP 2012
Recreation (outdoor) facility	<i>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).</i>

3.2.1 Rationale for restrictions

The Planning Proposal recommends polo and show jumping related uses and activities to be permitted with the RU2 Rural Landscape zone of the Richmond Lowlands.

The broad nature of recreation facilities (outdoor) definition within HLEP 2012 has potential to result in development applications being received that do not accord with the zone objectives or the desired outcomes of the Planning Proposal. Furthermore, broader equine uses are not being sought as part of this amendment as this could permit uses such as (but not limited to) an equestrian centre. These types of land uses have potential to significantly alter the rural landscape.

On this basis it is recommended that the recreation facilities (outdoor) be restricted for the purposes of an polo and show jumping related uses and activities as follows:

Land Use	Restriction	Rationale
Recreation	Recreation facilities	Unrestricted this land use could permit

facilities (outdoor)	(outdoor) for the purposes of polo and show jumping activities and uses.	<p>land uses such as 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.</p> <p>These land uses do not accord with the intended objectives of the Planning Proposal that is to support polo and show jumping development within Richmond Lowlands. Furthermore, these developments could have significant impacts within the land use zone.</p> <p>Restricting to polo and show jumping uses and activities only is consistent with Councils previous strategic direction for the area and is the best mechanism for ensuring the objectives of the RU2 Rural Landscape zone is preserved.</p>
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3.3 Part 2: Justification

The Planning Proposal has been assessed against the questions below, as set forth by the Department of Planning and Environment's *A guide to preparing planning proposals*.

3.3.1 Section A - Need for the Proposal

3.3.1.1 Is the planning proposal a result of any strategic study or report?

The Planning Proposal is consistent with the direction and strategies of both the Hawkesbury Community Strategic Plan 2017-2036 and the Hawkesbury Tourism Strategy (July 2015).

Both Plans recognise the value and importance of supporting and growing the equine industry within the Hawkesbury LGA.

3.3.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best means of achieving the objectives and intended outcomes identified earlier in this proposal.

The Planning Proposal accords with the Councils affirmation to supporting equine and polo related land uses within the Richmond Lowlands area and to promote the expansion of equine tourism related uses for the Hawkesbury LGA.

3.3.2 Section B – Relationship to strategic planning framework

The Planning Proposal has been assessed against the relevant made and draft regional and district plans for the Hawkesbury local government area as follows:

3.3.2.1 Is the Planning Proposal consistent with the objectives and outcomes of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The following strategies and district plans are relevant to the planning proposal:

- Greater Sydney Region Plan 2018
- Western District Plan

Greater Sydney Region Plan 2018

The Greater Sydney Region Plan, A Metropolis of Three Cities is built on a vision of three cities, where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. This approach of the Plan is consistent with the 10 Directions in Directions for a Greater Sydney.

To meet the needs of a growing changing population, the vision seeks to transform Greater Sydney into a metropolis of three cities. These being:

- The Western Parkland City;
- The Central River City; and
- The Eastern Harbour.

Hawkesbury LGA and is located within the “Western Parkland City”. An extract of the site within the context of a Greater Sydney Region Plan is provided in Figure 11 below. The Richmond Lowlands area is located within the Metropolitan Rural Area of the Plan as illustrated in Figure 12.

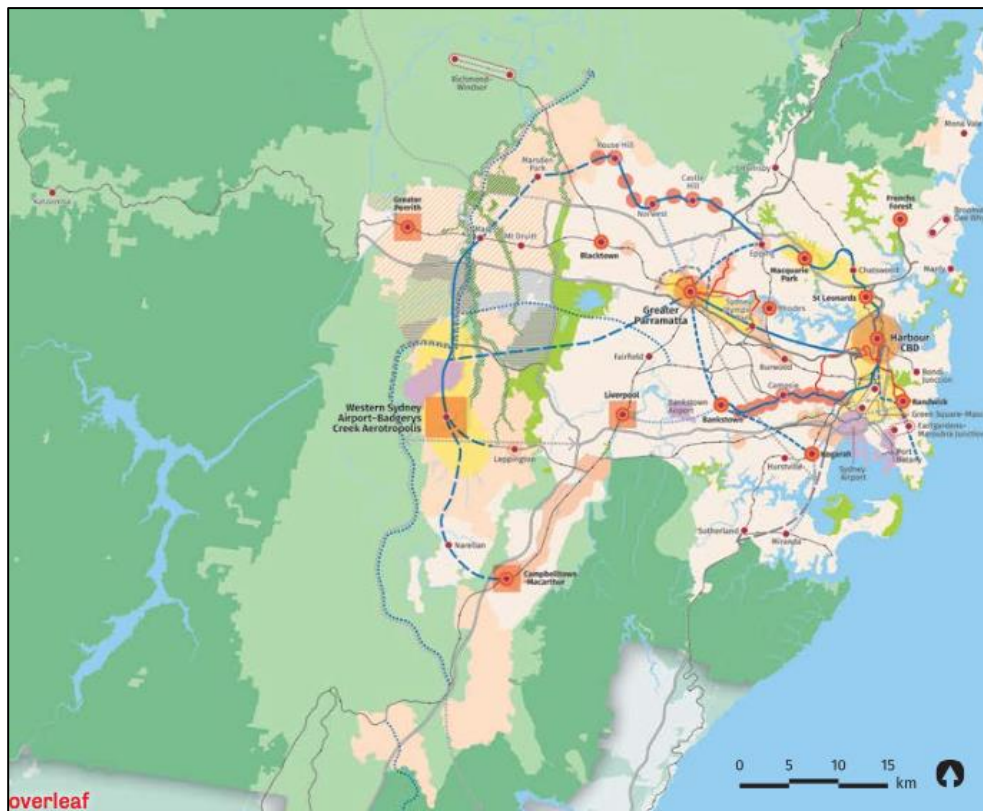


Figure 11: Greater Sydney Region Plan extract

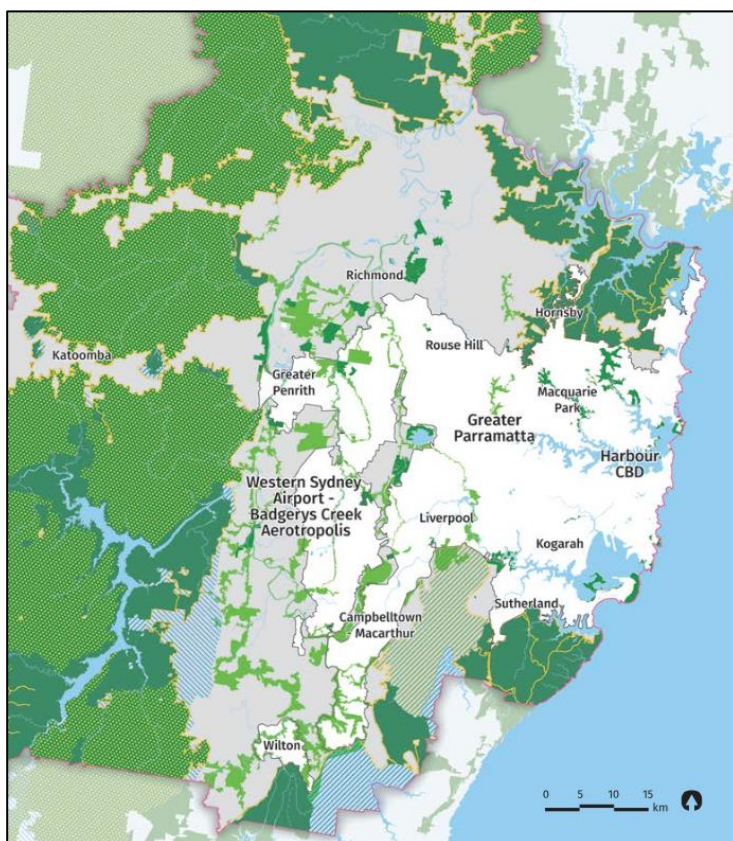


Figure 12: Metropolitan Rural Plan

The following Table illustrates how the Planning Proposal is consistent with the relevant Directions and objectives of the Plan.

Greater Sydney Plan		
Direction	Objective	Comment
Jobs and skills for the City	Investment and business activity in centres	<p>The Plan recognises that Greater Sydney's rural towns and villages provide important centres for rural industries, tourism and businesses and for providing the day-to-day needs of communities.</p> <p>In addition, the Plan identifies that maintaining the distinctive character of rural villages is a high priority. The Plan outlines that growth and intensification of business activity within these rural villages is supported where they maintain or enhance local character.</p> <p>The Planning Proposal is consistent with this Direction and Objective of the Plan.</p> <p>The Planning Proposal will facilitate additional land uses to support the</p>

		<p>equine tourism economy related to polo activities and show jumping events. The Planning Proposal will compliment established polo activities within Richmond Lowlands area.</p> <p>The proposed uses are of low scale and intensification and will compliment existing polo uses in the Richmond Lowlands area.</p>
A City in its landscape	Environmental, social and economic values in rural areas are protected and enhanced	<p>The Richmond Lowlands area is located within the Metropolitan Rural Area of the Plan as illustrated by Figure 12.</p> <p>The Metropolitan Rural Area is identified within the Plan as has a wide range of environmental, social and economic values. The area covers almost one quarter of Greater Sydney and contains farms; rural towns and villages; rural residential developments; heritage, scenic and cultural landscapes; mineral resources; and locations for recreation and tourism.</p> <p>The Plan recognises the importance of the rural and scenic landscape and discourages further rural-residential development. The Plan further identifies that a key influence in land use decisions in this area is the potential to provide more tourism and recreational opportunities.</p> <p>The Planning Proposal is consistent with this Direction and Objective. The Planning Proposal recognises the value of the rural scenic landscape and the potential for expansion of existing polo related uses and activities in the locality.</p>

Western District Plan

The District Plan relevant to this planning proposal is the *Western City District Plan*. The Western City District covers the Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly local government areas.

The *Western City District Plan* is a 20 year plan to manage growth in the context of economic, social and environmental matters to achieve the 40 year vision for Greater Sydney. It is a guide for implementing the draft *Greater Sydney Region Plan* at a district

level and is envisioned to be the bridge between regional and local planning. The *Western City District Plan* was recently adopted in March 2018.

The Plan is of relevance, as it will inform local environmental plans and the assessment of planning proposals as well as community strategic plans and policies.

The *Western City District Plan* will guide the growth of the western city district within the context of Greater Sydney's three cities to improve its social, economic and environmental assets. The Plan recognises that the districts unique and rich tapestry of urban, rural and natural environments, combined with access to jobs, quality health care, education, recreation, cultural and natural experiences create a great quality of life for its communities.

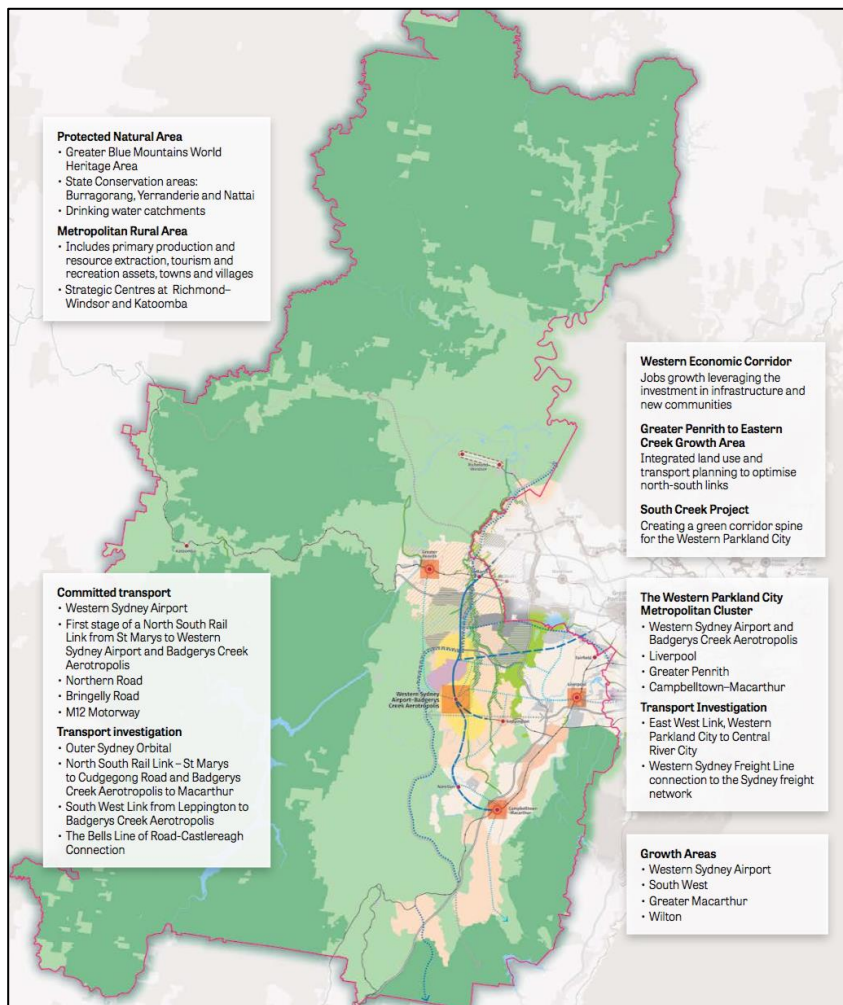


Figure 12: Extract of Western City District Plan

The *Western City District Plan* is supported by 10 directions and associated planning priorities. The most relevant directions and associated planning priorities to the Planning Proposal are:

- **Direction: Productivity**
 - **Planning Priority W11:** Growing investment, business opportunities and jobs in strategic centres
- **Direction: Sustainability**

- **Planning Priority W16:** Protecting and enhancing scenic and cultural landscapes
- **Planning Priority W17:** Better Managing Rural Areas

The following table illustrates how the Planning Proposal accords with the relevant directions and planning priorities of the Plan.

Direction	Planning Priority	Comments
Productivity	Growing investment, business opportunities and jobs in strategic centres	<p>This direction and planning priority has identified Richmond-Windsor as a strategic centre within the Western District.</p> <p>The Plan recognises that the Richmond-Windsor function and roles has traditionally been in providing accommodation and services to support a rural population and agricultural activity.</p> <p>The Plan also recognises that the centre has emerging tourism base that is focused on rural character and agriculture.</p> <p>Specific actions have been established to support the Richmond-Windsor strategic centre. These actions include:</p> <ul style="list-style-type: none"> • Support complementary land uses around the agglomeration of education and defence uses in Richmond • Support master planning processes for Richmond and Windsor that encourage new lifestyle and entertainment uses, employment opportunities, activate streets and places, grow the tourism economy and respect and enhance the significant heritage value and assets • Facilitate the attraction of office/commercial floor space and provide opportunities to allow commercial and retail activities to innovate, including smart work hubs. <p>The Planning Proposal is consistent with this Direction and Planning Priority as it will continue to support and grow the equine tourism (specifically polo and</p>

		<p>show jumping uses and activities) economy while respecting the significant scenic value of Richmond Lowlands.</p> <p>The proposed land uses will compliment and expand on existing operations while ensure any new development considers the scenic rural landscape of the Richmond Lowland area.</p>
Sustainability	Protecting and enhancing scenic and cultural landscapes	<p>The Plan recognises that scenic and cultural landscapes of the Western City District contribute to the identity and international profile of Greater Sydney. Scenic and cultural landscapes encourage an appreciation of the natural environment, protect heritage and culture, and create economic opportunities, particularly for recreation and tourism.</p> <p>The Planning Proposal is consistent with this planning priority in that it is proposing additional land uses to support the local tourism economy through facilitate polo and show jumping activities within Richmond Lowlands area.</p>
	Better Managing Rural Areas	<p>Richmond Lowlands is located within Metropolitan Rural Area of the Plan.</p> <p>The Plan recognises that the rural areas contribute to habitat and biodiversity, support productive agriculture, provide mineral and energy resources, and sustain local rural towns and villages.</p> <p>The Planning Proposal is consistent with this planning priority as it is seeking to retain the RU2 Rural Landscape zone while equine uses that will compliment existing polo related activities and developments in Richmond Lowlands.</p>

As illustrated in the table above, the planning proposal will facilitate appropriate development within the site. This would contribute to the achievement of a number of the specific directions and planning priorities outlined in the *Western City District Plan*.

3.3.2.2 Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

The following SEPPs are relevant to the proposal:

- Greater Metropolitan Regional Environmental Plan No. 20– Hawkesbury Nepean Catchment
- SEPP 44 Koala Habitat Protection
- SEPP (Infrastructure) 2007
- SEPP 55 – Remediation of Land

The following table illustrates how the proposal is consistent with the relevant SEPPs.

SEPPs	Comments
Greater Metropolitan Regional Environmental Plan 20 – Hawkesbury Nepean Catchment (deemed SEPP)	<p>The Planning Proposal seeks to permit polo and show jumping related uses and activities within Richmond Lowlands area.</p> <p>The proposed additional uses including their restrictions are likely to result in minimum environmental impacts.</p> <p>Notwithstanding, 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.</p>
SEPP 44 – Koala Habitat Protection	Given the low scale and intensity of the proposed additional uses, it is considered adequate for each individual development application to address the subject SEPP where relevant.
SEPP (Infrastructure) 2007	<p>The Planning Proposal does propose additional land uses that are likely to result in a substantial increase in traffic generation.</p> <p>However, given the limited nature of the proposed additional use and its low scale it is considered appropriate for each future development application to be assessed in accordance with the SEPP, where relevant.</p>
SEPP 55 –Remediation of Land	The broader locality has been used historically for agricultural purposes. While the Planning Proposal does propose additional land uses, it is considered appropriate for each future development application to be assessed in accordance with the SEPP, where relevant.

3.3.2.3 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The *Hawkesbury Community Strategic Plan 2017-2036* is relevant to the Planning Proposal. The Community Strategic Plan is a high level plan that outlines the key aspirations for the Hawkesbury Local Government Area and sets the essential direction for future Council activities and decision making.

The Plan is divided into five Focus Areas - Our Leadership, Our Environment, Our Community, Our Assets and Our Future. The Plan also incorporates the NSW Office of Local Government's (OLG) social, economic, environmental and governance strategic principles. The Focus Areas support the vision for Hawkesbury 2017-2036 and includes key directions and strategies as well as an indication of how Council will monitor ongoing progress.

The Planning Proposal is consistent with the following key directions and strategies of the *Hawkesbury Community Strategic Plan 2017-2036*:

Key Directions and Strategies		Comment
2.2.2	Encourage active participation in a range of sporting and recreational pursuits.	The Planning Proposal is consistent with this strategy in that the proposed uses will compliment existing polo and equine uses and will promote is growth and expansion in a manner that protects the scenic rural landscape character of the Richmond Lowlands area.
5.4.1	Celebrate and use our rivers for a range of recreation, leisure, tourism and event activities.	The Planning Proposal is consistent with this strategy as it will compliment existing polo and equine uses in the Richmond Lowlands area through permitting polo and showing jumping related uses and activities.
5.4.3	Encourage agriculture production, vegetation conservation, tourism, recreation and leisure uses within our floodplains.	<p>The Planning Proposal will permit polo and showing jumping related uses and activities. within the Richmond Lowlands while being sensitive the land use constraints such as flooding.</p> <p>The proposed amendment will require the consideration of flood related issues in addition to existing provisions within HLEP 2012.</p>
5.7.1	Working in partnership we will actively market our City and our capabilities to existing and potential businesses, visitors and investors.	Permitting polo and showing jumping related uses and activities. would strengthen the polo hub that is currently occurring within the Richmond Lowlands area.
5.7.2	Develop Hawkesbury tourism to enhance and strengthen opportunities within our tourism sector.	<p>The Planning Proposal is consistent with the <i>Hawkesbury Tourism Strategy</i>, which identifies the potential for the equine industry to be expanded and capitalised within the Hawkesbury LGA.</p> <p>Polo and showing jumping related uses and activities being permitted in the area will compliment and expand on existing polo related uses occurring.</p>
5.8.1	Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region.	<p>The Planning Proposal will support existing operations and encourage the expansion of polo related activities and uses in an appropriate manner.</p> <p>The expansion and growth of polo related activities within the Richmond Lowlands have the potential to stimulate growth and investment in the area through increased visitors.</p>

3.3.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (S.117 Directions)?

Ministerial directions under Section 117 of the *Environmental Planning and Assessment Act 1979* set out a range of matters to be considered when preparing an amendment to a local environmental plan. The Planning Proposal has been assessed against each Section 117 direction. Consistency with relevant directions is canvassed in detail in the table below.

Direction	Comments
Direction 1.2 Rural Zones	<p>This direction applies to rural zoned land and is relevant to the proposal.</p> <p>The objective of this direction is '<i>to protect the agricultural production value of rural land</i>'. This Direction states that a Planning Proposal must:</p> <p>(a) <i>not rezone land from a rural zone to a residential, business, industrial, village or tourist zone</i></p> <p>(b) <i>not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</i></p> <p>The Planning Proposal does not seek to rezone the land. Rather the area will retain the RU2 Rural Landscape but allow an enabling provision within Part 6 of the HLEP 2012 that would permit with development consent polo and showing jumping related uses and activities.</p> <p>This is considered compatible with the existing uses within the Richmond Lowlands area and in keeping with the objectives of the RU2 Rural Landscape zone.</p> <p>The proposed uses are low-scale and of low intensity that will protect the rural scenic landscape while allowing opportunity for the growth and expansion of polo related uses and equine tourism within the Richmond Lowlands area.</p>
Direction 2.3 – Heritage Conservation	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The HLEP 2012 contains Clause 5.10 – Heritage Conservation that seeks to conserve and protect items of environmental heritage that are listed in Schedule 5 of the HLEP 2012.</p> <p>The 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 HLEP 2012.</p> <p>Notwithstanding given that there are items of heritage within the Richmond Lowlands area, any future development</p>

	application will need to be assessed and considered against Clause 5.10 of the HLEP 2012.
Direction 4.1 Acid Sulfate Soils	<p>This Direction applies to land identified as having acid sulfate soils.</p> <p>The objective of this Direction is <i>‘to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils’</i>.</p> <p>Given the limited land uses that the Planning Proposal seeks to permit within the RU2 zone, it is considered that any likely presence of acid sulfate soils can be managed by future development proposals and is not an impediment to the Planning Proposal.</p> <p>In addition, existing provisions such as Clause 6.1 <i>Acid Sulfate Soils</i> of the HLEP 2012 will be required to be satisfied and taken into consideration in any future development application.</p>
Direction 4.3 Flood Prone Land	<p>This Direction applies to land identified as flood prone. The objectives of this Direction are:</p> <p><i>(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</i></p> <p><i>(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.</i></p> <p>As canvassed earlier in this Planning Proposal the Richmond Lowlands area is constrained by flood. However, given the limited nature and low intensity of the proposed additional uses it is considered appropriate for flood considerations to be assessed at each individual development application and not impede the Planning Proposal.</p> <p>In addition, each development application will need to consider and satisfy the relevant provisions of Clause 6.13 Flood Planning prior to the granting of any development consent in addition to the flood considerations included in the draft provisions.</p>
Direction 4.4 Planning for Bushfire Protection	<p>This Direction applies where a Planning Proposal will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>Certain land within the Richmond Lowlands area is identified as bushfire prone land. It is considered, given the limited nature and low intensity of the proposed additional uses that it is appropriate for bushfire planning considerations to be assessed at each individual development application and not impede the Planning Proposal.</p>
Direction 7.1 - Implementation of the	The objective of this direction is to give legal effect to the strategy, policies, outcomes and actions contained in the

Metropolitan Strategy	Metropolitan Strategy. As canvassed earlier, the Planning Proposal is consistent with the <i>Greater Sydney Region Plan</i> .
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3.3.3 Section C – Environmental, social and economic impact

The following section provides consideration and assessment of potential impacts of the Planning Proposal.

3.3.3.1 *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The site has historically been used for grazing and agricultural purposes. However, the site is partly affected by the Terrestrial Biodiversity Map of HLEP 2012. This affectation occurs mainly along the site frontage to Hawkesbury River and the wetland and its surrounds as illustrated in Figure 9.

This affectation is not an impediment to the Planning Proposal and any future development applications seeking to utilise the proposed enabling provisions will need to address where relevant, Clause 6.4 Terrestrial Biodiversity of the HLEP 2012.

3.3.3.2 *Other environmental impacts*

The Planning Proposal recommends an enabling provision within Part 6 of the HLEP 2012. The intent is to permit with development consent - recreation facility (outdoor) with within the RU2 Rural Landscape zone with restrictions. The restrictions limit the permissibility of outdoor recreation facilities to polo and show jumping related uses and activities only.

This restriction is considered necessary to protect the rural and scenic landscape qualities of the Richmond Lowlands area and ensures that the RU2 zone objectives are preserved.

Given the restricted nature of the proposed uses and their low-scale and intensity it is unlikely to result in any adverse environmental impacts that should prevent the Planning Proposal. Notwithstanding, to maintain the existing rural landscape character of the area and respond to site constraints such as flooding, additional considerations form part of the draft provisions.

This approach ensures despite permitting with consent polo and show jumping related uses and activities consideration must be given to whether any new development retains and enhances the rural scenic landscape and whether land use conflict is minimised.

The Planning Proposal identifies that the Richmond Lowlands area is constrained by flooding and that the proposed additional uses have the potential to increase traffic generation in the broader locality across Richmond Lowlands area.

Notwithstanding, given the low- scale and intensity of the proposed uses, it is considered adequate for both the flooding and traffic impacts to be assessed at individual development application stage.

Existing provisions within the HLEP 2012 provide additional considerations for the consent authority regarding flooding constraints and assessing the flooding impact. Specifically, Clause 6.3 prescribes that:

- 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.*
- 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.*

Subclause (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 is key in the consideration of future development applications.

This provision provides the consent authority with circumstances and matters for when that **development consent must not be granted**, despite any land use being permitted by the land use table.

3.3.3.3 Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal has been prepared to support permitting polo and show jumping related uses and activities within the RU2 zone of properties located within Richmond Lowlands area.

The Planning Proposal accords with the Councils commitment to reaffirm its continued support of the emerging polo uses in the Richmond Lowlands area that is both consistent with Councils Community Strategic Plan and the Councils Tourism Strategy.

Both the Community Strategic Plan and the Councils Tourism Strategy identify the benefit to the Hawkesbury LGA in regards to promoting land uses that will continue to

support existing polo related land uses as well as strategies that will foster their growth and expansion.

Permitting with development consent polo and show jumping related uses and activities within the RU2 Rural Landscape zone of the Richmond Lowlands will be consistent with Council strategic vision for the area and the broader LGA, creating the potential for increased economic growth and investment and attracting more visitors to the area.

3.3.4 Section D – State and Commonwealth Interests

3.3.4.1 Is there adequate public infrastructure for the planning proposal?

The Planning Proposal has been prepared to support permitting polo and show jumping related uses and activities within the RU2 zone of properties located within Richmond Lowlands area. The restricted nature of the proposed permitted additional uses within the RU2 Rural Landscape zone are of minimal impact and low-scale and intensity that are not inconsistent with the objectives of the zone.

The range of uses that the Planning Proposal would permit (with consent) would be the development of sporting fields to accommodate polo and show jumping activities, viewing areas and carpark providing that they are associated with a polo and show jumping uses and activity.

Furthermore, the low-scale nature of these proposed permitted uses are unlikely to result in any increased demands on public infrastructure.

3.4 Mapping

The subject site has been identified in Figure 1 of this proposal.

3.5 Community Consultation

Community consultation would take place following a Gateway determination made by the Minister for Planning and Infrastructure, in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979*.

It is anticipated that public exhibition would include:

- Notification on the Hawkesbury Council website;
- Advertisement in local newspapers that are circulated within the local government area;
- Notification in writing to adjoining landowners and neighbours, and any other relevant stakeholders; and
- A four-week exhibition period.

3.6 Project Timeline

The following project timeline has been proposed:

Task	Timeframe
Gateway issued	
Preparation of rezoning documentation and community engagement	
Exhibition of plans for rezoning	
Examination of submissions and preparation of statutory documentation	
Gazettal	

4. Conclusion and Recommendation

The planning proposal has been prepared in accordance with:

- Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act);
- NSW Department of Planning and Environment's '*A guide to preparing planning proposals*'; and
- The relevant s.117 Directions.

The Planning Proposal seeks to amend the HLEP 2012 to permit polo and show jumping related uses and activities across the RU2 zone in the Richmond Lowlands/Richmond/Cornwallis area.

The proposed additional uses will support existing and future polo and show jumping related uses and activities within the Richmond Lowlands area while protecting the RU2 Rural Landscape zoning, specifically its scenic rural landscape values.

This approach is consistent with Councils strategic objectives for the Richmond Lowlands area and accords with Councils Community Strategic Plan and the Hawkesbury Tourism Strategy.

The Planning Proposal is therefore suitable for Council consideration and forwarding to DPE for Gateway determination.