

SOLUTIONS



Part Lot 3 DP 1105163 (No. 175)
Blacktown Road Richmond



JULY 2016

This Planning Proposal was prepared by Robert Montgomery, Principal, Montgomery Planning Solutions in accordance with "A guide to preparing planning proposals" published by the NSW Department of Planning and Infrastructure, October 2012.



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Introduction

This Planning Proposal is prepared by Montgomery Planning Solutions on behalf of Heartbreak Ridge Paintball, which has entered into an agreement with the University of Western Sydney for the use of the land.

The land is approximately 20 hectares in area, being part of a larger UWS lot of approximately 617 hectares. The land is zoned mostly *SP1 Special Activities (Education, Agriculture, Research Station)* and part *E2 Environmental Conservation*.

The purpose of this Planning Proposal is to amend Hawkesbury Local Environmental Plan (LEP) 2012 to permit the use of the southern portion of the land for a paintball centre. The proposal achieves this by adding "recreation facility (outdoor)" as a use which is permissible with consent. Currently, the only development which is permissible with consent in the SP1 Special activities zone is roads and the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.

Heartbreak Ridge Paintball centre has been operating at Marsden Park for 21 years. Their current site is within the Sydney North-West Growth Centre, which has been released and zoned for urban purposes. As a consequence, the owner of the Marsden Park site is now in the process of developing the land and has given the Paintball centre notice to quit. The facilities at the centre comprise moveable structures, battle field props and storage containers. Subject to this planning proposal and subsequent development consent, it is proposed to move the entire operation to Clarendon.

The Planning Proposal satisfies all relevant State, Regional and local criteria and it is recommended that Council proceed with a draft local environmental plan to amend the Hawkesbury LEP 2012 to permit the use of the land for the purposes of recreation facility (outdoor).

At its Ordinary Meeting on 12 July 2016, Hawkesbury City Council resolved that:

- "1. Council support the preparation of a planning proposal to permit the proposed recreational facility (outdoor) as an additional use on part of Lot 3, DP 1105163, 175 Blacktown Road, Richmond (the subject site) as detailed in this report, under the provisions of Schedule 1 of the Hawkesbury Local Environmental Plan 2012.*
- 2 The planning proposal be forwarded to the Department of Planning and Environment for a "Gateway" determination.*
- 3. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan."*

Description of Site

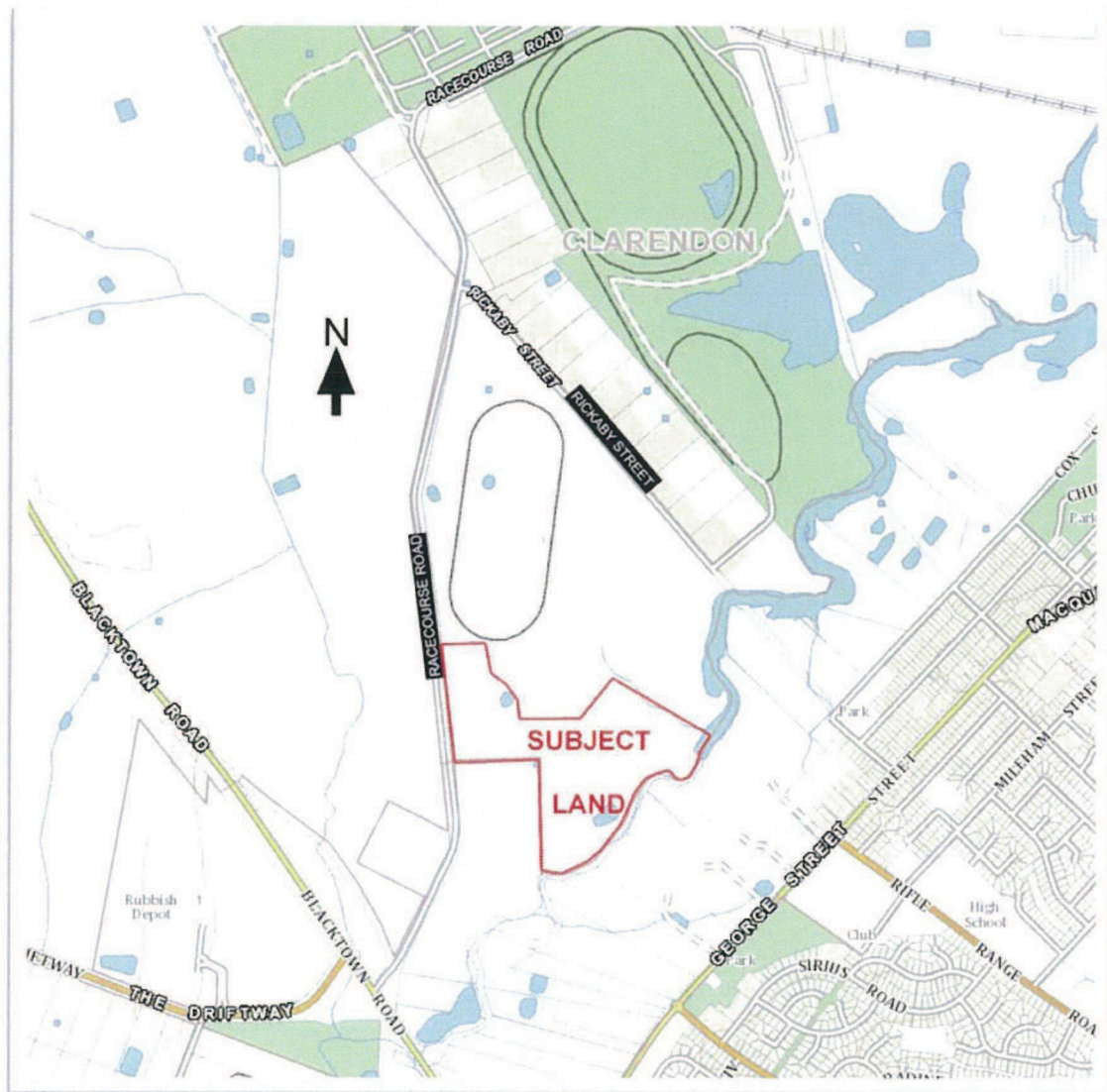
The site is described as part of Lot 3 DP 1105163 (No. 175) Richmond Road Blacktown. The site is approximately 20 hectares in area, being part of a larger UWS lot of approximately 617 hectares.

The site is bounded by Racecourse Road to the west, an equestrian training track and vegetation to the north and Rickabys Creek to the east. Land adjoining to the south is a separate vacant lot owned by the University of Western Sydney, which does not form part of this Planning Proposal.

The site comprises a number of cleared areas, scattered trees and some stands of Cumberland Plain Woodland and River-flat Eucalyptus Forest. There is also a mapped freshwater wetland system along Rickabys Creek. It appears that the majority of the site has been cleared in the past for animal grazing.

The land slopes generally from Racecourse Road and Rickaby Street to Rickabys Creek. It is noted that the 10m contour runs through the property some 200-300 metres north-west of the creek. Therefore at least some of the land is flood liable.

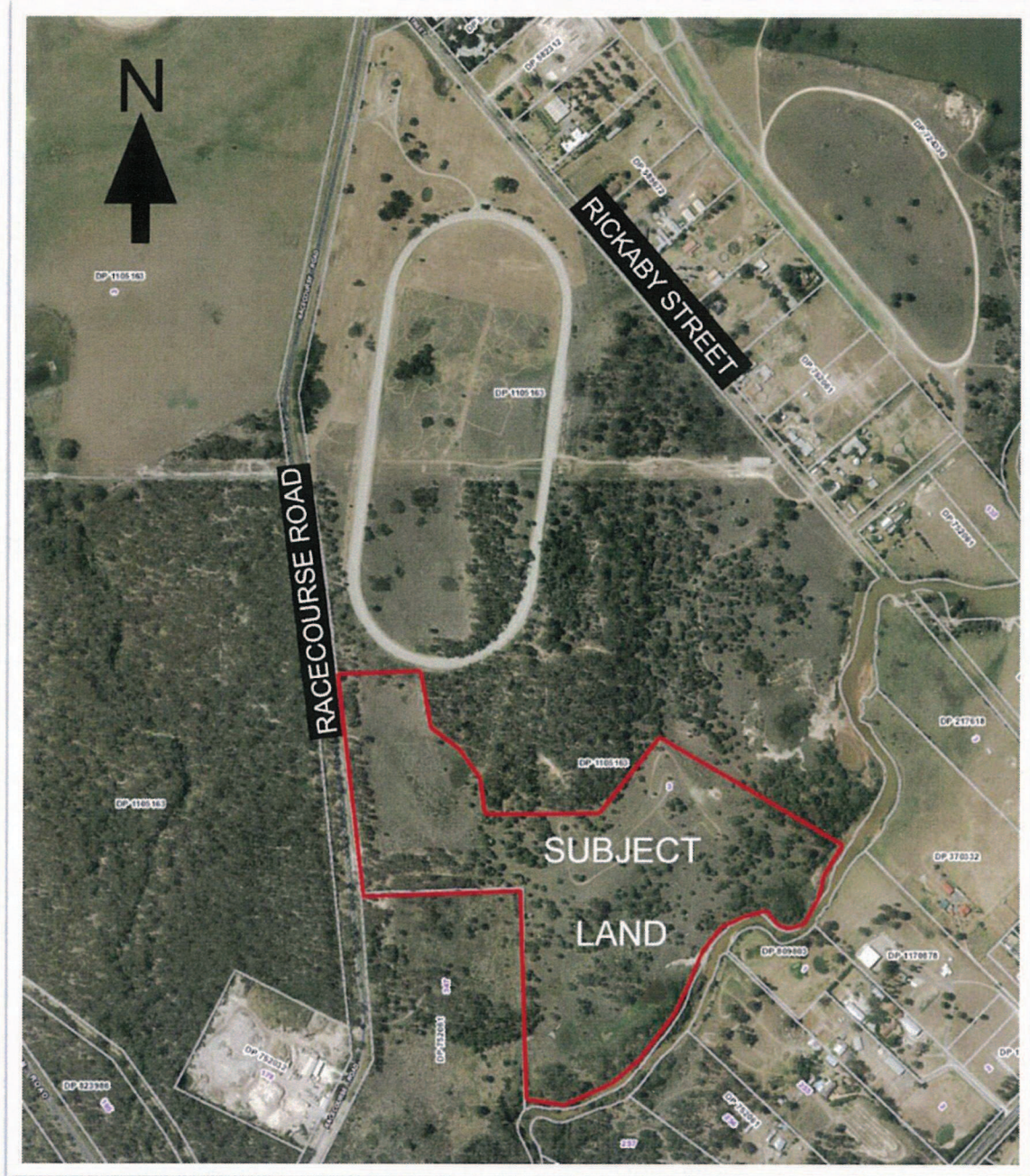
The land contains no buildings or structures.

Figure 1: Cadastre. Source: LPI SIX Maps

Surrounding Land Use

Vacant UWS land adjoins the site to the north. This land contains an equestrian training circuit and a high voltage transmission line. The closest residence in this direction is located some 500 metres from the site on the northern side of Rickaby Street. The eastern side of Rickabys Creek comprises rural residential properties with dwellings set back some 200 metres from the creek. Land on the western side of Racecourse Road and adjoining to the south is vacant UWS land.

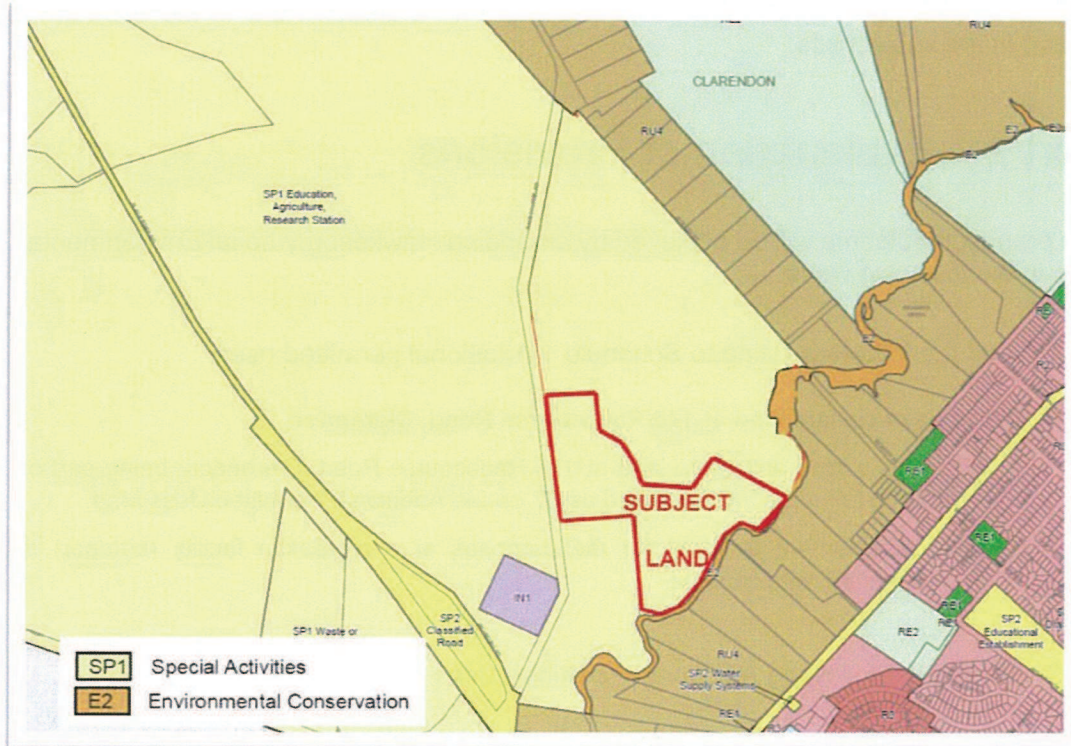
Figure 2: Satellite Image. Source LPI SIX Maps



Existing Zone

The subject land is zoned mostly “SP1 Special Activities” under the provisions of Hawkesbury Local Environmental Plan 2012. A wetland system which runs along Rickabys Creek is zoned E2 Environmental Conservation

Figure 3: Extract from HLEP 2012 Land Zoning Map – Sheet LZN_008DA



The objectives of the SP1 zone are:

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

The objectives of the E2 zone are:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To protect wetland areas from development that could adversely affect their preservation and conservation.
- To preserve wetland areas as habitats for indigenous and migratory wildlife.

This Planning Proposal does not alter the zoning of the land. Also no development will occur in the vicinity of the E2 zoned wetlands.

Part 1 – Objectives or Intended Outcomes

The objective of the planning proposal is to allow the site to be used for the purposes of “recreation facility (outdoor)”, as defined in the Dictionary to the LEP, with the consent of Council.

The intended outcome is to facilitate lodgement of a development application for “Heartbreak Ridge” Paintball Centre to relocate from Marsden Park to the southern portion of the subject site.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by amending Hawkesbury Local Environmental Plan in the following ways:

1. Add the following listing to Schedule 1 Additional permitted uses:

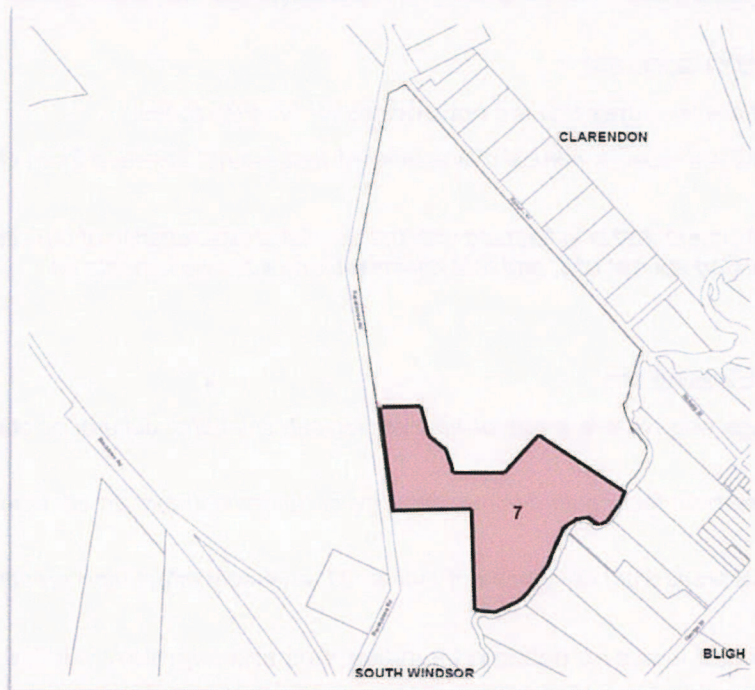
“20 Use of certain land at 175 Racecourse Road, Clarendon

- (1) This clause applies to land at 175 Racecourse Road, Clarendon, being part of Lot 3 DP 1105163, identified as “7” on the Additional Permitted Uses Map.
- (2) Development Consent for the purposes of a recreation facility (outdoor) is permitted with consent.

And

2. Create the following Additional Permitted Uses Map APU_008DA

Figure 4: Proposed Amended Additional Permitted Uses Map Sheet APU_008DA



It is noted that the Hawkesbury LEP 2012 Dictionary definition is as follows:

“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).”

This planning proposal makes no changes to this definition.

Part 3 – Justification

Section A – Need for the planning proposal

1. *Is the planning proposal a result of any strategic study or report?*

No.

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

The alternative is to wait for the Council's general amendments LEP, however the proposed use of this site is time critical. The land could also possibly be rezoned to adopt the nearby RU4 Primary Production Small Lots. However, there may be future ramifications for other uses associated with the University of Western Sydney. Any proposal to change the zone would also require more detailed and widespread analysis of the appropriateness of changing the zone.

In the circumstances, this planning proposal is considered to be consistent with the ethos of the Standard Instrument LEP and is the best, most efficient and time effective approach to delivering the intended outcome of the proposal.

Section B – Relationship to strategic planning framework.

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The Hawkesbury Local Government Area is identified in *A Plan for Growing Sydney 2014* as within the West Subregion. The following goals, directions and actions have relevance to the proposal.

Goals / Directions / Actions	Response
Goal 1: Sydney's Competitive Economy Direction 1.7: Grow strategic centres – providing more jobs closer to home. Action 1.7.2: Improve councils' access to data on the demand and supply of homes, office and retail space.	Although Hawkesbury is not identified as a strategic centre, this is a relevant direction for all local government areas and centres. The Plan states that "The Government will work with Councils through the employment lands Development Program to provide a stronger evidence base for evaluation decisions in relation to proposed and existing industrial land,"

	It is relevant to note that the Hawkesbury Employment Lands Strategy adopted in 2008 recognises the importance and the contribution to local jobs of agricultural industry and tourism and accommodation.
Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources. Direction 4.1 Protect our natural environment and biodiversity Action 4.1.2 Prepare a strategic framework for the metropolitan rural area to enhance and protect its broad range of environmental, economic and social assets	The subject land is a valuable resource in terms of recreation, and in maintaining the rural landscape which is very much part of the region. The proposal will enhance the appropriate uses for the land to protect the resource values for the region.
Priorities for West Subregion: A competitive economy	One of the stated priorities is to: 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 planning proposal will assist by attracting additional visitors to the area who are seeking this form of recreation.

A Plan for Growing Sydney can be viewed at:
<http://www.strategy.planning.nsw.gov.au/sydney/wp-content/uploads/sites/2/2015/02/A-Plan-For-Growing-Sydney-WEB-2015.pdf>

Although it is not consistent with the regions identified by *A Plan for Growing Sydney*, the Northwest draft Subregional Strategy remains relevant as an “exhibited draft strategy”. The following table lists the relevant actions from the Subregional Strategy.

NW Action E2.1.2 Sydney Metropolitan and Hawkesbury – Nepean Catchment Management Authorities to work with agencies and North West councils to ensure that the aims and objectives of Catchment Action Plans are considered in the future management and planning of local council areas.	It is anticipated that as part of the consultation with public authorities the Hawkesbury – Nepean CMA will be given an opportunity to comment on the Planning Proposal.
NW Action E4.1 Maintain rural activities and resource lands.	The proposal facilitates the retention of resource lands and the maintenance of rural activities.
NW Action E4.2 Protect resource lands from incompatible and inappropriate uses.	The proposal will facilitate an additional use which is compatible with the surrounding resource land.
NW Action E5.3.1 Floodplain risk management assessment needs to be undertaken strategically through the development of floodplain risk management studies and plans, which consider the flooding implications for existing and proposed development.	The land is identified as flood prone land. The planning proposal is consistent with the NSW Floodplain Development Manual. Any subsequent development application will be considered on merit.
NW Action F4.3 Continue to co-ordinate and plan for the improvement of tourism precincts in Sydney to maximise the visitor experience.	The proposal will assist by attracting additional visitors to the area who are seeking this form of recreation.

The Subregional Strategy can be viewed at <http://www.shop.nsw.gov.au/pubdetails.jsp?publication=7957>

4. Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

The relevant strategic plans are the Hawkesbury Community Strategic Plan 2013-2032 and the Hawkesbury Residential Land Strategy, 2011.

4.1 Hawkesbury Community Strategic Plan 2013-2032

This plan was adopted by Hawkesbury City Council in May 2013. The provisions of the Community Strategic Plan which are of most relevance to the planning proposal are:

Looking after people and place

Directions

1. Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes
2. Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury
3. Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury
4. Have development on both sides of the river supported by appropriate physical and community infrastructure
5. Have an effective system of flood mitigation, fire and natural disaster management and community safety which protects life, property and infrastructure
6. Have friendly neighbourhoods, connected communities, and supported household and families
7. Have future residential and commercial development designed and planned to minimise impacts on local transport systems, allowing easy access to main metropolitan gateways

Strategies

1. Revitalise and enhance town centres and villages
2. Encourage affordable, diverse and quality housing solutions in serviced areas
3. Manage rural and natural lands to support a balance of agriculture, environment and housing that delivers viable rural production and rural character
4. Recognise, protect and promote the values of indigenous, natural and built heritage through conservation and active use
5. Upgrade the necessary physical infrastructure and human services to meet contemporary needs and expectations
6. Provide for a safer community through planning, mitigation and response

Goals

1. Towns and villages to be vibrant places that people choose to live in and visit
2. Appropriate and affordable range of infrastructure and services available to meet contemporary needs
3. Viable tourism economy
4. Funded viable and sustainable events
5. Housing is available and affordable for the population whilst retaining agricultural and heritage values

6. Managed population growth that contributes to and sustains the local economy and services and respects agricultural and heritage values of the area
7. Maintain and foster the rural and heritage character within the Hawkesbury
8. Viable and sustainable agriculture industries retained and developed
9. Natural and built heritage valued socially and economically
10. Ongoing review and implementation of community disaster and safety plans
11. Continue to support agencies and volunteers who assist in maintaining a safe and socially valuable community

Caring for Our Environment

Directions

1. Be a place where we value, protect, and enhance the cultural and environmental character of Hawkesbury's towns, villages and rural landscapes
2. To look after our cultural and environmental assets for future generations so that they too can enjoy, and benefit from, a clean river and natural eco-systems, rural and cultural landscape
3. Take active steps to encourage lifestyle choices that minimise our ecological footprint
4. Work with our communities and businesses to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment

Strategies

1. Effective management of our rivers, waterways, riparian land, surface and groundwaters, and natural eco-systems through local action and regional partnerships
2. Reduce our environmental footprint through resource and waste management
3. Manage growth with ecologically sustainable principles
4. Engage with the community and work together to care for our environment

Goals

1. Clean, healthy, usable rivers and waterways
2. Balance the needs of our ecology, recreational and commercial activities
3. Maximise sustainable use of potable and recycled water
4. Reduced greenhouse gas emissions
5. Our community is living more sustainably
6. Waste management facility operating on a commercial basis
7. Reduced waste to landfill
8. Environmental impact of growth is minimised
9. Healthy and functioning catchments and riparian corridors
10. Improved community awareness of the importance and value of healthy catchments, natural waterways, vegetated riparian corridors, surface water and groundwater resources.

Sustainability Principles

The following are considered relevant to the Planning Proposal.

- Principle 4: Use of energy and other resources must be just and efficient, both across the globe and between generations
- Principle 5: Even if there is doubt about the environmental impact that an action will have, one should err on the side of caution to protect the environment

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

Strategies

1. Differentiate, brand and promote the Hawkesbury as a tourism destination
2. Increase the focus on high end jobs and innovation to build on our strengths and achieve a diverse industry base
3. Actively support the retention of the RAAF Base and enhanced aviation related industry, building on existing facilities

Goals

1. Increased level of GDP from tourism
2. Improve tourism facilities in the Hawkesbury
3. New "Hawkesbury" brand recognised and widely used
4. Have an expanded, sustainable and growing industry base
5. Stronger, broader range of sustainable businesses
6. Skill development and training opportunities are available locally
7. RAAF Base is retained as an active aviation centre
8. Complementary aviation industries are sustainable and supported

It is submitted that this planning proposal is consistent with the Hawkesbury Community Strategic Plan. The planning proposal will contribute to the achievement of goals, particularly in terms of improving tourism facilities, providing local jobs, and development based on sound ecological sustainable principles.

The Hawkesbury Community Strategic Plan 2013 - 2032 can be viewed on Council's website: http://www.hawkesbury.nsw.gov.au/data/assets/pdf_file/0020/57521/Community-Strategic-Plan-2013-2032.pdf.

4.2 Hawkesbury Employment Lands Strategy 2008

The Hawkesbury Employment Lands Strategy, adopted by Council in 2008, provides a planning framework to support and enhance the economic competitiveness of the Hawkesbury region. The Strategy examines employment and employment lands within the Hawkesbury LGA and recommends future strategic actions. While not dealing specifically with this land or the proposed recreation use, the Strategy has some relevance to this Planning Proposal.

The Strategy recognises the strength of the agricultural industry sector and the importance of local jobs in the tourism activities of cafes, accommodation and restaurants.¹

The Strategy includes a table which identifies criteria and precincts for employment land uses. The following is an extract from the table.²

Broad Land Use	Key Activities	Key Requirements/Criteria	Suitable Precinct
Special Activities	Universities, Hospitals, Government (Defence) sites	Large land areas	Existing sites have capacity for growth

Strategy No. 6 recommends that Council investigate the nature of employment activities on non-employment zoned lands and their contribution to agriculture and tourism sectors.³

This planning proposal is consistent with the findings of the Hawkesbury Employment Lands Strategy.

The Hawkesbury Employment Lands Strategy 2008 can be viewed at:

http://www.hawkesbury.nsw.gov.au/data/assets/pdf_file/0003/15339/AdoptedReport9Dec2009_CouncilAmendments1.pdf

¹ Hawkesbury Employment Lands Strategy, December 2008, HCC and SGS Economics and Planning

² IBID, Table 25

³ IBID, pg 112