

175 Blacktown Road, Richmond - Part Lot 3 DP 1105163 - Inclusion of an additional permitted use - recreation facility (outdoor)

Proposal Title : 175 Blacktown Road, Richmond - Part Lot 3 DP 1105163 - Inclusion of an additional permitted use - recreation facility (outdoor)

Proposal Summary : The planning proposal seeks to amend Schedule 1 Additional permitted uses of the Hawkesbury LEP 2012 to allow part of Lot 3 DP 1105163 to be used for the purpose of 'recreation facility (outdoor)'. The proposal also seeks to create an Additional Permitted Uses Map APU_008DA which will identify the land to which this clause applies.

PP Number : PP_2016_HAWKE_007_00 Dop File No : 16/11200

Proposal Details

Date Planning Proposal Received : 24-Aug-2016 LGA covered : Hawkesbury

Region : Metro(Parra) RPA : Hawkesbury City Council

State Electorate : HAWKESBURY Section of the Act : 55 - Planning Proposal

LEP Type : Housekeeping

Location Details

Street : 175 Blacktown Road

Suburb : Richmond City : Postcode : 2753

Land Parcel : Part Lot 3 DP 1105163

DoP Planning Officer Contact Details

Contact Name : Alicia Hall

Contact Number : 0298601587

Contact Email : alicia.hall@planning.nsw.gov.au

RPA Contact Details

Contact Name : Karu Wijayasinghe

Contact Number : 0245604546

Contact Email : karu.wijayasinghe@hawkesbury.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Terry Doran

Contact Number : 0298601579

Contact Email : terry.doran@planning.nsw.gov.au

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

175 Blacktown Road, Richmond - Part Lot 3 DP 1105163 - Inclusion of an additional permitted use - recreation facility (outdoor)

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings 0

(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

Have there been No

meetings or

communications with

registered lobbyists? :

If Yes, comment :

To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists have been complied with. Sydney Region West (Parramatta) has not met with any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other department officers and lobbyists concerning this proposal

Supporting notes

Internal Supporting

Notes :

The planning proposal was originally received by the Department of Planning and Environment on 1 August 2016. Additional information was sought from Council in relation to the property address and council resolution details. Council provided the requested information on 24 August 2016. The date of receipt has been amended accordingly.

External Supporting

Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

The overall intent of the proposal is to make 'recreational facility (outdoor)' a permissible land use (with consent) on part of Lot 3 DP 1105163. More specifically the planning proposal seeks to allow the site to be used for the future purpose of a paintball centre.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment :

The proposal seeks to amend the LEP as follows:

- Insert Clause 20 to Schedule 1 Additional permitted uses:

20 Use of certain land at 175 Blacktown Road, Richmond

(1) This clause applies to land at 175, Blacktown Road, Richmond being part of Lot 3 DP 1105163, identified as '7' on the Additional Permitted Uses map.

(2) Development Consent for the purpose of a 'recreation facility (outdoor)' is permitted with consent if the total area of the land on which the

development is carried out is not greater than 20 hectares.

- Create an Additional Permitted Uses Map APU_008DA to identify the land to which this clause applies.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.1 Environment Protection Zones

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SREP No. 20 - Hawkesbury—Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? Yes

If No, explain :

SITE DESCRIPTION

The subject site is located within a larger 617 hectare parent lot (Lot 3 DP 1105163 - 175 Blacktown Road, Richmond) which is currently owned by the University of Western Sydney (UWS).

The proposal seeks to create an additional permitted use on a small part of the larger parent lot. The site, this proposal relates to, is approximately 20 hectares in size and is located in the south eastern corner of the parent lot (refer to page 3,4 and 5 of the planning proposal for location details).

No buildings or structures are located on the subject site.

The proposal does not seek to change the zoning of the land.

The university has provided written consent allowing the applicant to submit a rezoning application for the subject site, however, the proposal does not seek to rezone the land, rather the proposal seeks to include 'recreation facility (outdoor)' as a permitted land use on part of the parent lot under Schedule 1 Additional permitted uses of the Hawkesbury LEP 2012.

The inclusion of this land use to Schedule 1, rather than a change of zone, has the advantage of restricting use on this land to only the nominated use, which will limit development on the site from a wider range of uses that may not be consistent with the primary operational purposes of the university.

The site is bounded by Racecourse Road to the west, an equestrian training track and vegetation to the north and Rickabys Creek to east. A high voltage electricity line runs across the northern part of Lot 3 in an east-west direction approximately 500m from the proposed subject site. The eastern side of Rickabys Creek comprises rural residential

properties with the dwellings set 200m from the creek.

The subject site is currently zoned SP1 Special Activities with a small portion of the site E2 Environmental Conservation under the Hawkesbury LEP 2012.

The E2 Conservation Management zone contains freshwater wetland systems. This is mapped in the Hawkesbury LEP 2012 - Wetlands Map - Sheet Wet_008DA.

The subject site currently comprises cleared areas, previously used for grazing, and pockets of vegetation. A flora and fauna assessment submitted as part of the proposal indicates that it is likely the entire subject site has been cleared in the past.

Vegetation on the site includes scattered trees, young regrowth Cumberland Plain Woodland vegetation (which occurs in the western and northern portion of the subject site) and River-flat Eucalyptus Forest, which is present in the eastern and southern portions of the site.

The flora and fauna assessment observed a number of threatened flora and fauna species on the subject site and the report recommend a number of mitigation measures to limit negative impacts on existing flora and fauna. It is anticipated that this will be dealt with at the DA stage.

The site is flood prone and is affected by the 1 in 100 year flood event. Flooding is discussed in detail under section 117 Direction 4.3 Flood Prone Land, of this report.

Rickabys Creek runs to the east and south of the subject site, which flows approximately six (6) kilometres north into the Hawkesbury River at Windsor.

The site contains freshwater wetland systems along the creek. Impacts on the freshwater wetland system are addressed in more detail under State Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2 1997) considerations within this report.

The inclusion of this land use will facilitate the future lodgement of a development application for a paintball centre, under a 'recreation facility (outdoor)' additional permitted use.

SECTION 117 DIRECTIONS

The planning proposal is consistent with section 117 direction, with the exception of the following:

2.1 ENVIRONMENTAL PROTECTION ZONES

The objective of this direction is to protect and conserve environmentally sensitive areas.

Land zoned E2 Environmental Conservation is found along Rickabys Creek which runs along the eastern boundary of the subject land. Mapped freshwater wetlands as shown on the Wetlands Map - Sheet WET_008DA are also located within this portion of the subject site.

A flora and fauna study, submitted as an attachment to the planning proposal, concludes that the proposed paint ball facility is unlikely to have a significant impact on any threatened species, populations, EECs or their habitats.

The proposal is not considered inconsistent with this direction as no changes are proposed to the development standards for this site, however, consultation with the Office of Environment and Heritage is recommended as a determination condition.

4.1 ACID SULFATE SOILS

The subject site is identified as Class 5 on Council's Acid Sulfate Soil Map - Map tile ASS_008DA. Class 5 is considered the least constrained class of acid sulfate soil and the planning proposal does not seek to significantly intensify the use on the land.

Further, the existing clause 6.1 'Acid Sulfate Soils' in Hawkesbury LEP 2012 provides controls to ensure development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

While it is not anticipated that the proposal will involve a significant intensification of land uses on land identified as having a probability of containing acid sulfate soils, to satisfy the direction, it is recommended that, given the above circumstances, any inconsistency with the direction is of minor significance.

4.3 FLOOD PRONE LAND

The land is identified as flood prone land, affected in the 1 in 100 year flood event. The site would be entirely inundated by flood waters during a 1 in 100 year flood event.

The subject site varies in height from approximately 5.0m AHD to 15.5m AHD, with the higher ground generally located adjacent to Racecourse Road. From this higher ground the land generally falls in a south-easterly direction towards Rickabys Creek.

A Flood Prone map is not included in the planning proposal, accordingly, it is recommended that a Flood Prone map identifying the subject site be included in the planning proposal prior to public exhibition.

The NSW Flood Prone Land Policy recognises that flood prone land should not be sterilised and where possible should be subject to a merit based assessment.

Council has indicated that the proposal is acceptable as outdoor recreational facilities are compatible with flood hazard and that any future development on the site will be subject to Clause 6.3 Flood planning of the Hawkesbury LEP 2012.

It should also be noted that the proposal does not contain residential development, does not seek to change the zone, nor does the proposal change existing flood planning controls.

A flood impact study has not been included in the planning proposal and it is recommended that a Flood Impact Study be prepared prior to public exhibition, the findings of which should be included in the planning proposal prior to public exhibition.

It is noted that a planning proposal may be justifiably inconsistent with the direction should: (a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005

In view of the need for a flood impact study, it is considered prudent that Council further reviews the matter in light of the findings of the recommended study and, if necessary, seeks to justify any inconsistency with this direction, during the process.

Additionally, as the land is located within the area being assessed by the Hawkesbury-Nepean Floodplain Risk Management Taskforce (The Taskforce) it is considered that consultation with Infrastructure NSW and the SES should occur during public exhibition of the proposal. Recommended accordingly.

4.4 PLANNING FOR BUSHFIRE PROTECTION

The land is partially identified as bushfire prone land on the Hawkesbury LGA Bushfire Prone Land Map. Consultation with the Rural Fire Service is recommended prior to

public exhibition, in accordance with this direction.

6.3 SITE SPECIFIC PROVISIONS

The planning proposal is considered inconsistent with this direction, however the inconsistency with the direction is considered of minor significance.

The proposal seeks to add 'recreation facility (outdoor)' to Schedule 1 as a permissible use to a 20 hectare portion of a larger 617 hectare site (Lot 3 DP 1105163) in a SP1 Special Activities zone.

This use is not a prohibited use in the Standard Instrument - Principal Local Environmental Plan and the inclusion of this use to a portion of the site is considered a preferable option to rezoning, as rezoning may have wider implications.

It is considered that any inconsistency can be justified on the basis the inconsistency is of minor significance.

STATE ENVIRONMENTAL PLANNING POLICIES AND STATE REGIONAL ENVIRONMENTAL POLICIES

The planning proposal is consistent with the relevant SEPPs and SREPs with the exception of the following:

SEPP NO. 44 - KOALA HABITAT PROTECTION

A flora and fauna assessment was submitted as part of the proposal. The report indicates that it is likely that the site has been entirely cleared in the past. The report has considered the requirements of this SEPP and has determined that the site does not comprise core or potential koala habitat, demonstrating compliance with this SEPP.

Additional information will be required to ensure the proposal is consistent with the following SEPPs:

SEPP NO. 55 - REMEDIATION OF LAND

The site has previously been used as agricultural land, primarily for grazing stock. Potentially the site may be contaminated owing to previous agricultural activities. It is recommended that a preliminary contamination report be prepared to ensure compliance with Clause 6 of this SEPP. Recommended accordingly.

SREP NO. 20 - HAWKESBURY - NEPEAN RIVER

The aim of this SREP is to protect the the environment of the Hawkesbury-Nepean River system by ensuring the impacts of future land uses are considered in the regional context.

The subject site contains mapped wetlands which are located along Rickabys creek. The proposal seeks to add 'recreational facility (outdoor)' as an permissible land use to facilitate the future development of a paintball centre.

The planning proposal is considered to be generally consistent with the aim of the plan as set out in clause 3 and the general planning considerations set out in clause 5, and the specific planning policies and related recommended strategies set out in clause 6 of this Sydney Regional Environmental Plan No. 20.

The findings of a flora and fauna assessment submitted as part of this proposal indicate that the proposed paintball facility is unlikely to have a significant impact on any threatened species, populations, EECs or their habitats.

However, the proposal does not include details of the proposed paintball centre, such as the location of any proposed structures or playing fields.

It is recommended that details of the proposed layout of the paintball facility be

175 Blacktown Road, Richmond - Part Lot 3 DP 1105163 - Inclusion of an additional permitted use - recreation facility (outdoor)

included to the planning proposal prior to public exhibition and a copy be included with the proposal to be forwarded to the Department of Primary Industries - Office of Water for comment. Conditioned accordingly.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council indicates that the planning proposal will be forwarded to a number of relevant public authorities for comment prior to community consultation. The Gateway determination will contain conditions to this effect.

An exhibition period of 14 days is considered sufficient for this planning proposal.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **August 2016**

Comments in relation to Principal LEP : **Hawkesbury Local Environmental Plan commenced on 21 September 2012.**

Assessment Criteria

Need for planning proposal : **An additional permitted use is proposed to be included to Schedule 1 Additional permitted uses of the Hawkesbury LEP 2012. A planning proposal is the the only way to achieve the intention.**

175 Blacktown Road, Richmond - Part Lot 3 DP 1105163 - Inclusion of an additional permitted use - recreation facility (outdoor)

Consistency with strategic planning framework :

A PLAN FOR GROWING SYDNEY

The planning proposal has suitably addressed A Plan for Growing Sydney and is generally consistent with the objectives in the strategy.

The proposal is specifically consistent with the following goals:

GOAL 1: A competitive economy and world-class services and transport

Department comment:

The proposal seeks to allow an additional permitted use for 'recreation facility (outdoor)' on land currently owned by the University of Western Sydney. This presents an opportunity to increase employment at a small local scale on land that may otherwise remain under utilised.

GOAL 4: Sydney's sustainable and resilient environment

4.1 Protect our natural environment and biodiversity

Department comment:

The proposal seeks to allow the addition permitted use 'recreation facility (outdoor)' to the subject site to facilitate the future development of a paintball centre. The proposal does not seek to significantly intensify development on the site and the proposal has taken into account the existing natural environment and areas of sensitivity.

4.2.2 Complete and implement the Hawkesbury-Nepean Valley Floodplain Management Review.

Department comment:

The site is identified as flood prone land, affected in the 1 in 100 year flood event. The site would be entirely inundated by flood waters during a 1 in 100 year flood event. The council has indicated that 'recreation facility (outdoor)' are compatible with flood hazard and it is recommended that this proposal be forwarded to Infrastructure NSW for comment regarding flooding.

Environmental social economic impacts :

ENVIRONMENTAL

FLORA AND FAUNA

A Flora and Fauna assessment, was submitted as part of this planning proposal. The assessment concluded that the proposal is unlikely to result in significant impacts to any threatened species, populations or EECs or their habitats. It is recommended that council consults with the Office of Environment and Heritage as a condition of the Gateway determination.

WETLANDS

Rickabys Creek is located on the eastern boundary of the subject site and requires protection under SREP 20. It is recommended that Council consults with the NSW Department of Primary Industries - Office of Water, as a condition of the Gateway determination.

FLOODING

As discussed previously, the subject site is flood prone land, subject to the 1 in 100 year event. To promote the management of flooding it has been recommended that consultation with Infrastructure NSW occurs as a condition of consent.

SOCIAL AND ECONOMIC

The proposal is anticipated to have positive social and economic benefits by allowing 'recreation facility (outdoor)' to be an permitted additional use on the site, which will allow the university to make better use of this undeveloped land.

The proposal will also facilitate the potential future development of a paintball centre which which result in the creation of a small number of additional jobs for this area.

175 Blacktown Road, Richmond - Part Lot 3 DP 1105163 - Inclusion of an additional permitted use - recreation facility (outdoor)

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
State Emergency Service
Transgrid
Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Flooding

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
1. Cover Letter.pdf	Proposal Covering Letter	Yes
2. Planning Proposal - Part 1 - 175 Blacktown Road Richmond.pdf	Proposal	Yes
2. Planning Proposal - Part 2 - 175 Blacktown Road Richmond.pdf	Proposal	Yes
3. Council Report and Resolution.pdf	Proposal	Yes
4. Request for Delegation of Plan Making Functions.pdf	Proposal	Yes
5. Flora and Fauna Assessment_Part 1.pdf	Proposal	Yes
5. Flora and Fauna Assessment_Part 2.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.1 Environment Protection Zones**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 6.1 Approval and Referral Requirements**

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Additional Information :

SECTION 117 DIRECTIONS

it is considered that any inconsistencies with section 117 Directions: 4.1 Acid Sulfate Soils and 6.3 Site Specific Provisions are of minor significance, and it is recommended that the delegate of the Secretary agrees to allow the proposal to proceed.

Any inconsistency with section 117 direction: 4.3 Flood Prone Land, is subject to Council's consideration of a flood impact study and consultation with State Emergency Service and Infrastructure NSW. This matter is addressed in the covering letter.

DELEGATED OF PLAN MAKING FUNCTION

Hawkesbury City Council has requested delegation of the plan-making function in relation to this proposal. Given the minor nature of the proposal, it is considered appropriate for the authorisation to be issued in this instance.

RECOMMENDATION

It is recommended that the planning proposal proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to:
amend Part 2 – Explanations of Provisions of the planning proposal to include:
 - * correct address details; and
 - * clarify the extent of the site proposed for the additional use.
2. Prior to undertaking public exhibition Council is required to:
(a) include a flood planning area map highlighting the subject site; and,
(b) undertake and include a flood impact study supporting the proposal.
3. Prior to undertaking public exhibition in relation to s117 Direction 4.4 Planning for Bushfire Protection, Council is required to forward the planning proposal to the Rural Fire Service, for comment.
4. Council is to undertake a preliminary contamination report to address previous agricultural activities and amend the planning proposal accordingly.
5. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013) and must be made publicly available for a minimum of 14 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
6. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Transgrid;
 - Department of Primary Industries – Office of Water;
 - Office of Environment and Heritage;
 - Rural Fire Service;
 - Infrastructure NSW - the Hawkesbury-Nepean Flood Management Taskforce; and,

175 Blacktown Road, Richmond - Part Lot 3 DP 1105163 - Inclusion of an additional permitted use - recreation facility (outdoor)

- State Emergency Service.

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

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

8. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons : The planning proposal is supported as it seeks to offer employment opportunities and a recreational experience for the community, while utilising flood liable land in an appropriate manner.

Signature:



Printed Name:

T DORAN

Date:

5/9/16

