

Draft Amendment to Hawkesbury LEP 2012 Updated Planning Proposal



Additional Permitted Uses

Sydney Polo Club, Richmond Lowlands

Submitted to Hawkesbury City Council
Prepared on behalf of Basscave Pty Ltd

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1.0 Introduction

This Updated Planning Proposal has been prepared by JBA on behalf of Basscave Pty Ltd (Basscave) to amend the *Hawkesbury Local Environmental Plan 2012* (Hawkesbury LEP 2012) to allow for a range of additional uses on the Sydney Polo Club site and immediately adjoining land (the site) in the Richmond Lowlands. It also seeks to increase the permissible height on two allotments on the site from 10 metres to 13 metres.

It is requested that Hawkesbury Council (Council) submit the Updated Planning Proposal to the Department of Planning and Environment (Department) for a Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The site is located in the Hawkesbury local government area (LGA) and comprises 23 allotments at Ridges, Cornwells and Powells Lane, Richmond Lowlands and Old Kurrajong Road, Richmond. Richmond (see **Figure 1** below). The majority of the site is currently used for agricultural (grazing) purposes and polo facilities. Two function centres are also located on the site although the consents for these function centres are no longer active. These uses are located on land collectively referred to as the Sydney Polo Club site which is owned by Basscave.

There is also a tourist accommodation facility located in the south-western section of the site on land owned by Huston, and a turf farming use in the centre of the site on land owned by Muscat. All three landowners support this Updated Planning Proposal.

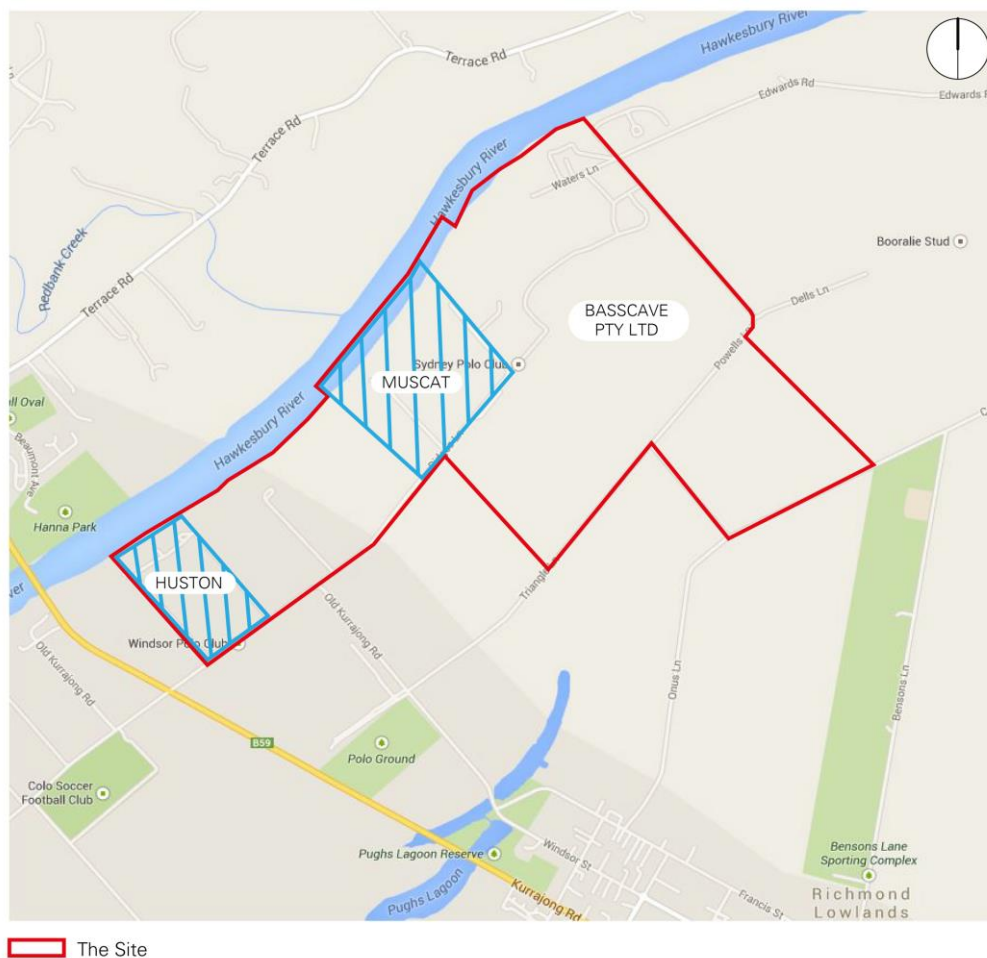


Figure 1 – Location Map
Source: Nearmap

The site is predominantly zoned RU2 – Rural Landscape (see zoning map at **Figure 2** below). A small portion in its southern section is zoned E2 Environmental Conservation and a small portion near the northern boundary is zoned W1 Natural Waterway. This Updated Planning Proposal only applies to the portion of the site owned RU2 – Rural Landscape.

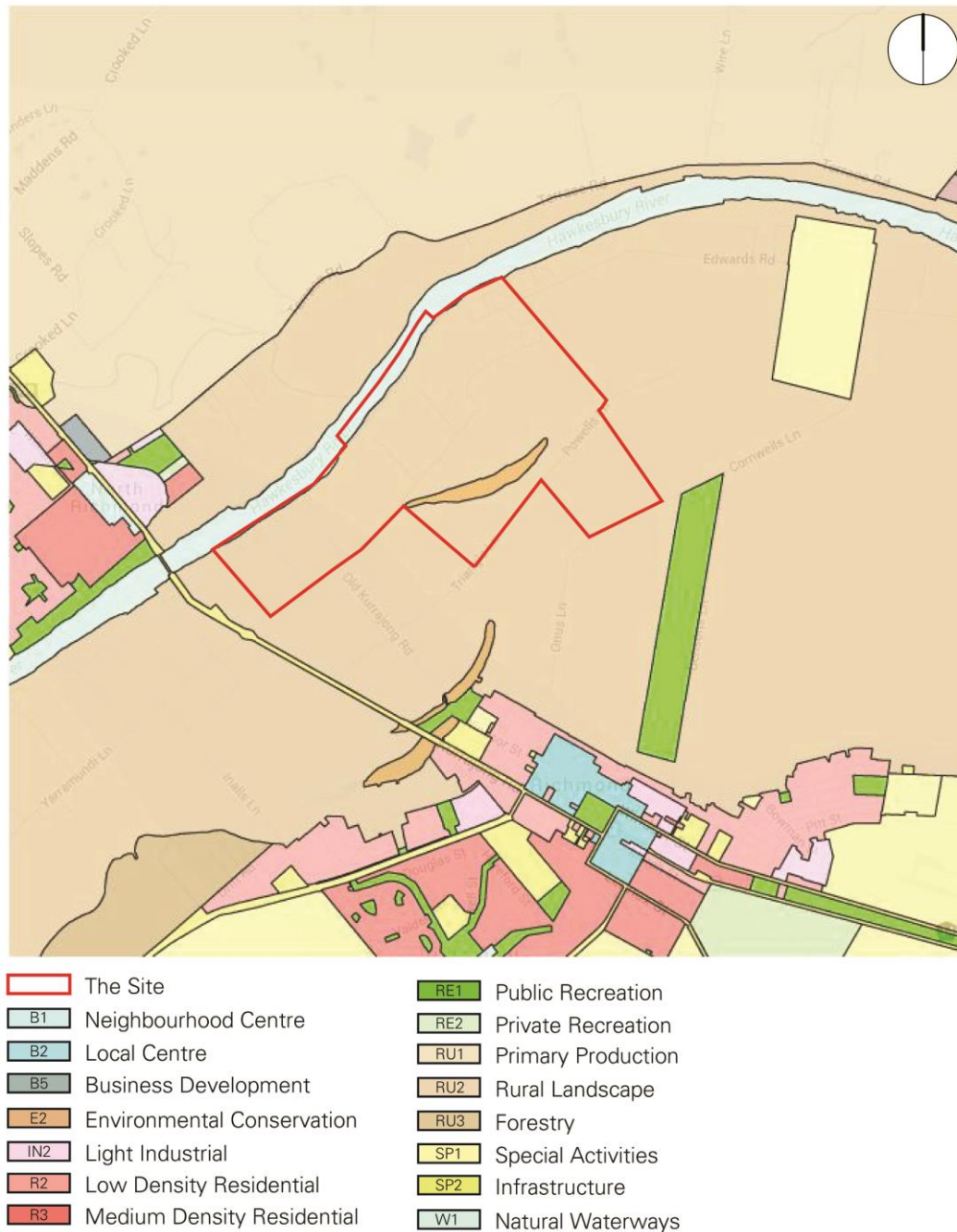


Figure 2 – Current Zoning Map Extract
 Source: Hawkesbury LEP 2012

An Initial Planning Proposal was submitted to Council in September 2015 which sought to allow for a range of additional uses on the site. The Initial Planning Proposal formed part of a process being undertaken by Basscave to facilitate a number of desired future uses that are prohibited in the RU2 zone but are compatible with the zone objectives. Accordingly, it was proposed to include the following uses as additional permitted uses in the RU2-zoned portion of the site under Schedule 1 of the LEP:

- Eco-tourist facilities¹
- Function centres²
- Market³
- Medical centre⁴
- Recreation facility (major)⁵
- Recreation facility (outdoor)⁶
- Sewage reticulation system⁷
- Sewage system⁸
- Sewage treatment plant⁹
- Tourist and visitor accommodation¹⁰
- Veterinary hospital¹¹
- Water supply system¹²

In October 2015, Basscave - together with Destinations NSW - won the rights (against competitors from a number of other countries) to host the international Polo World Cup event in Australia on the Sydney Polo Club site in October 2017. This Updated Planning Proposal will not only facilitate the development and use of the Sydney Polo Club site for this major event, but will also allow for the site's future uses.

A two-storey function centre (known as the 'Hall of Fame') is proposed to be built on the site for the purposes of the Polo World Cup event. Following this event, this function centre

¹ **eco-tourist facility** means a building or place that: (a) provides temporary or short-term accommodation to visitors on a commercial basis, and (b) is located in or adjacent to an area with special ecological or cultural features, and (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

² **function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

³ **market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

⁴ **medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

⁵ **recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks

⁶ **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).

⁷ **sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated: (a) pipelines and tunnels, and (b) pumping stations, and (c) dosing facilities, and (d) odour control works, and (e) sewage overflow structures, and (f) vent stacks.

⁸ **sewerage system** means any of the following:

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

⁹ **sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

¹⁰ **tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following: (a) backpackers' accommodation, (b) bed and breakfast accommodation, (c) farm stay accommodation, (d) hotel or motel accommodation, (e) serviced apartments, but does not include: (f) camping grounds, or (g) caravan parks, or (h) eco-tourist facilities.

¹¹ **veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

¹² **water supply system** means any of the following: (a) a water reticulation system, (b) a water storage facility, (c) a water treatment facility, (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

is intended to be used for ongoing functions and events on the site. Due to the flood constraints on the site and the requirement that all habitable floors be located above the 1 in 100 year flood level, the Hall of Fame building will have a maximum height of 12.828 metres which is above the 10 metre height control that applies to the site. For this reason, this Updated Planning Proposal seeks to amend the height limit on the two allotments on which the Hall of Fame is proposed to be located.

On 24 November 2015, Hawkesbury City Council (Council) wrote to the proponent requesting additional information in relation to the Initial Planning Proposal. The primary issue raised in Council's letter was the potential implications of permitting a 'tourist and visitor accommodation' use on the site given the flood constraints affecting the site. In response, the 'tourist and visitor accommodation' use has been removed from the Updated Planning Proposal.

It is also proposed to include 'light industry'¹³ and an 'industrial retail outlet'¹⁴ in the range of additional permitted uses sought under the Updated Planning Proposal to allow for the production and retailing of craft beer associated with a planned micro-brewery on the site. Other uses proposed to be included as additional permitted uses under the Updated Planning Proposal include; 'advertisement structure', 'food and drink premises', 'car park', 'kiosk', and 'shop'. These uses are described in Section 4 of this Updated Planning Proposal.

A detailed response to Council's letter of 24 November 2015 is provided in **Section 3.3.1** below. This Updated Planning Proposal includes additional information which responds to the issues raised by Council.

This Updated Planning Proposal will enable the future development and future use of the site for polo facilities, function centre uses, low-scale eco-tourist facilities, therapy sessions using horses, veterinary services, markets, a micro-brewery and a range of supporting uses consistent with the RU2 zone objectives. It will also strengthen the existing polo industry in the locality, and allow the site to attract increased visitors and investment to the Hawkesbury LGA.

Importantly, it will allow for the delivery of infrastructure to support the Polo World Cup event in October 2017 including the Hall of Fame. Further detail on this is provided in **Sections 4.1** and **4.2** below.

This Updated Planning Proposal has been prepared in accordance with the requirements of *A Guide for Preparing Planning Proposals* (October 2012) issued by the Department. It considers the constraints and opportunities affecting the site, and demonstrates that the Updated Planning Proposal has strategic merit having regard to relevant strategic and statutory planning documents.

¹³ *light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:*

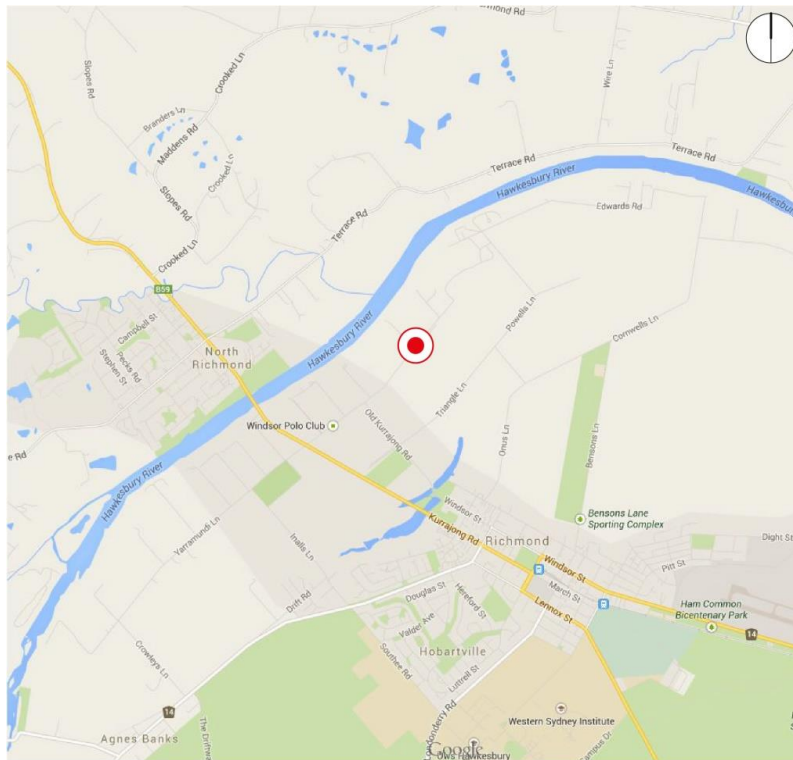
(a) high technology industry,
(b) home industry.

¹⁴ *'Industrial retail outlet' means a building or place that: (a) is used in conjunction with an industry or rural industry, and (b) is situated on the land on which the industry or rural industry is located, and (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located, but does not include a warehouse or distribution centre.*

2.0 The Site and Surrounds

2.1 Location

The site is located within the Richmond Lowlands in the Hawkesbury LGA. It is situated on the south-eastern bank of the Hawkesbury River, some 2km to the north-west of Richmond town centre - the largest commercial centre in proximity to the site and which accommodates the nearest train station. North Richmond is located to the north-west of the site on the northern side of the River and operates as a secondary, smaller town centre. A site location plan is provided at **Figure 3** below.



● The Site

Figure 3 – Site Location Plan
Source: Nearnmap

2.2 Site Details

The site is approximately 209 ha in size, and has frontage of 2.4km to the Hawkesbury River to the north-west. It is comprised of 23 allotments at Ridges, Cornwells and Powells Lane, Richmond Lowlands and Old Kurrajong Road, Richmond. The street addresses of the various lots include the following:

- 1 Powells Lane;
- 7, 33, 62-90, 83, 98 and 106 Ridges Lane;
- 1 and 31 Cornwells Lane; and
- 100, 122 and 136 Old Kurrajong Road.

Table 1 sets out the registered title details and uses currently taking place on each allotment. It should be read with reference to **Figure 4** below.

Table 1 – Site description and ownership

Road Frontage/Access	Lot	DP	Development/Use
Owner: Basscave			
Old Kurrajong Road	1	206104	Dam ; Polo field; Farm buildings
	2	206104	Polo field; Horse yards; Horse training; Farm buildings
Powells Lane	1	70128	Grazing pasture; Wetland, Polo field
	25	1100252	Grazing pasture; Animal training yards; Wetland
	25	663770	Polo fields; Grazing pasture; Dam; Stables; Machinery shed; Dwelling; Farm buildings; Function Centre
Ridges Lane	27	566434	Dwelling; Function Centre; Farm buildings; Grazing pasture; Animal yards
	1	1168610	Polo field; Farm
	2	1168610	Dwelling; Farm buildings; Equine training facilities; Polo fields
	1	659412	Grazing pasture; Polo field
	1	972649	Grazing pasture
	1	120794	Polo fields; Farm buildings; Wetland
	1	997087	Grazing pasture; Farm buildings; Wetlands
	2	997087	Grazing pasture; Farm buildings; Wetland
	3	997087	Grazing pasture; Farm buildings; Wetland
	1	797310	Grazing pasture; Polo field; Wetland
	1	77207	Grazing pasture; Farm building; Wetland
	1	997086	Grazing land; Wetland; Polo field; Farm buildings; Animal yards
Cornwells Land	4	1120860	Polo field
	5	1120860	Polo field; Dam
Edwards Road	A	365391	Dwelling/farm office; Shed
Owner: Muscat			
Ridges Lane	128	1151145	Turf farm; Dwelling, Farm buildings
	129	1151145	Turf Farm; Dwelling; Farm buildings
Owner: Huston			
Old Kurrajong Road	B	89087	Dwelling; Tourist cabins; Polo fields; Horse yards; Various farm buildings
	A	89087	Dwelling; Polo fields; Horse yards; Various farm buildings

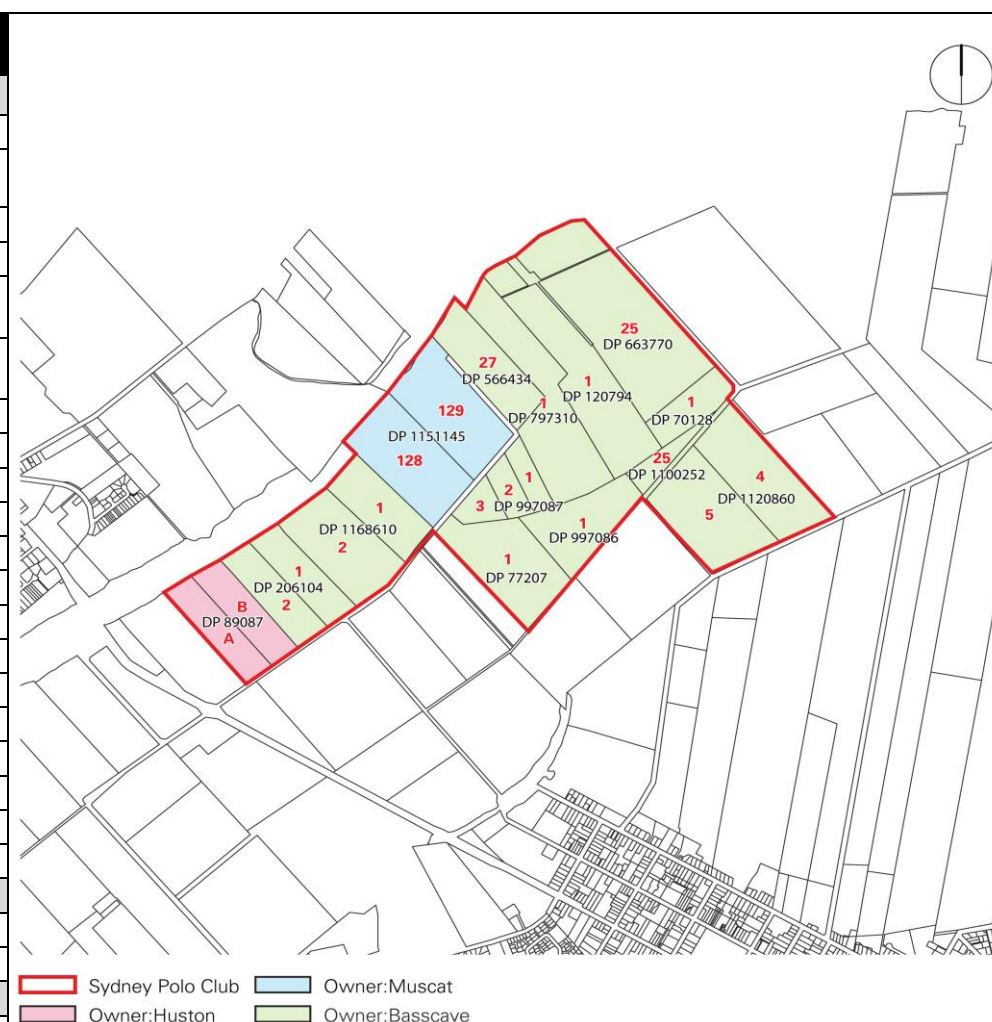


Figure 4 – Aerial photo and lot boundaries
Source: LPI Property Information

2.3 Zoning and Permissible Uses

The portion of the site to which this Updated Planning Proposal relates is zoned RU2 Rural Landscape. The following key uses are permitted with consent in the RU2 zone:

- Animal boarding and training establishments¹⁵
- Farm stay accommodation¹⁶
- Recreation area;¹⁷ and
- Restaurants or cafes.¹⁸

A small portion of the site is zoned E2 Environmental Conservation which permits a limited range of uses including environmental facilities and recreation areas. A small area at the north of the site is zoned W1 Natural Waterway.

2.4 Existing Uses and Development on the Site

The majority of the site is used for agricultural (grazing) purposes and accommodates a range of supporting buildings including stables, animal training yards, and ancillary rural buildings. The site also accommodates a number of residential dwellings.

Seven polo fields are located on the land owned by Basscave. There is also a turf farm in the centre of the site on land owned by Muscat, and a tourist accommodation facility in the south-western section of the site on land owned by Huston. The site also accommodates a wetland in its Environmental Conservation-zoned portion, as well as a former quarry. Two function centres (located in the converted Polo and Sunnybrook Barns) are also located on the site. However, consents for these function centre uses are no longer active.

Figure 5 below shows the land uses currently taking place on the site and photographs of the site are provided at in **Figures 6 to 11** below.

¹⁵ **animal boarding or training establishment** means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

¹⁶ **farm stay accommodation** means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production

¹⁷ **recreation area** means a place used for outdoor recreation that is normally open to the public, and includes: (a) a children's playground, or (b) an area used for community sporting activities, or (c) a public park, reserve or garden or the like, and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

¹⁸ **restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

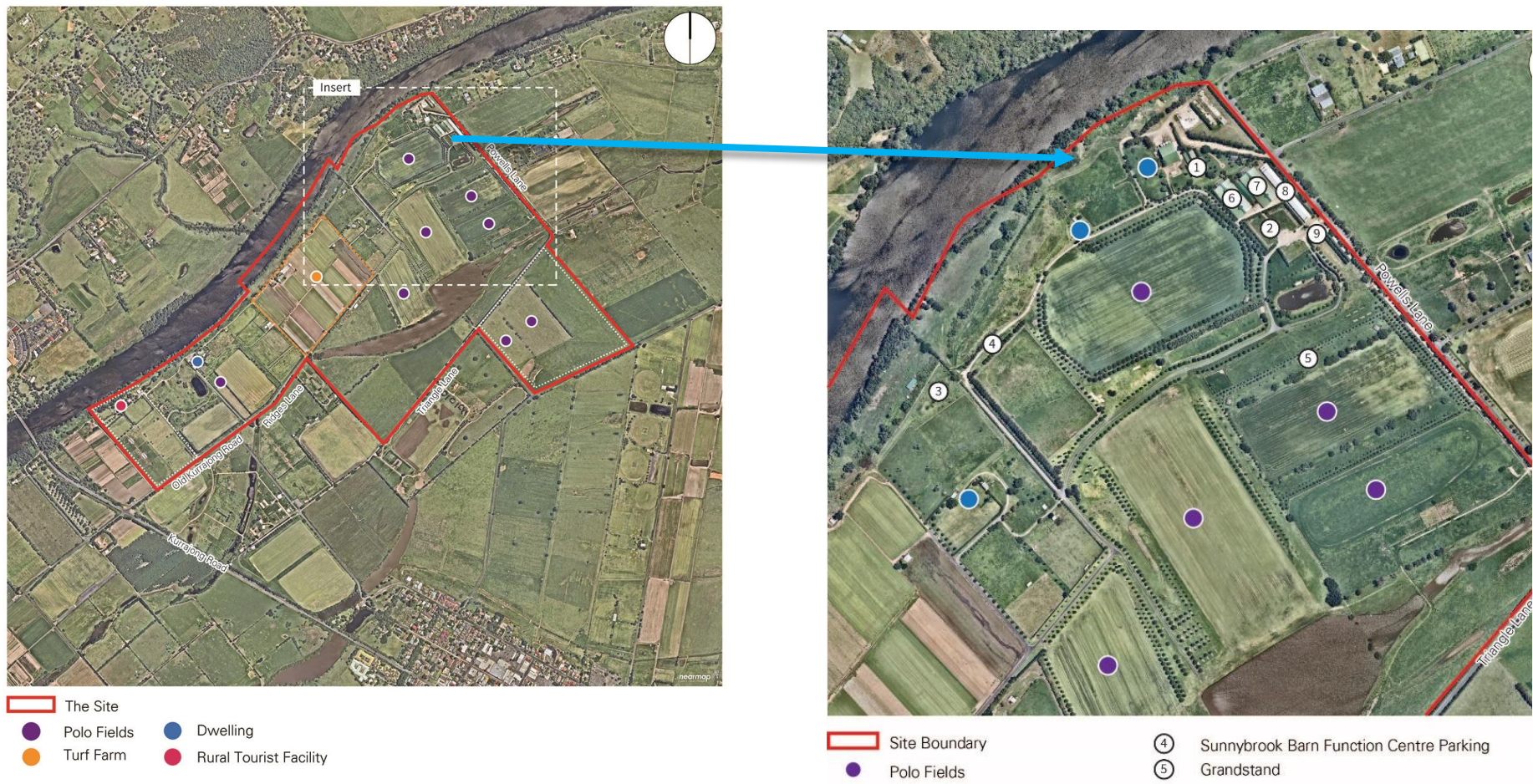


Figure 5 – Map of existing uses on the Site
Source: Nearmap



Figure 6 – Grandstand
Source: Sydney Polo Club



Figure 7 – Amenities Block
Source: Sydney Polo Club



Figure 8 – Arena 1
Source: Sydney Polo Club



Figure 9 – Polo Barn
Source: Sydney Polo Club



Figure 10 – Sunnybrook Barn
Source: Sydney Polo Club



Figure 11 – Stables
Source: Sydney Polo Club

2.5 Environmental Constraints

The site is affected by a number of environmental constraints. The portion of the site fronting the Hawkesbury River, as well as the portion of the site accommodating a wetland and zoned E2 Environmental Conservation, is identified as 'significant vegetation' or 'connectivity between significant vegetation' under the Hawkesbury LEP 2012 (see **Figure 12** below). An Ecological Constraints and Opportunities Analysis is included at **Appendix A**.



Figure 12 – Significant vegetation map

Source: Hawkesbury LEP 2012

The site is also identified as Flood Prone Land and is wholly located within the area of Council's¹⁹ estimated extent of 100 year flood as shown at **Figure 13** below. Further information is provided in the Flood Study prepared in support of this Updated Planning Proposal at **Appendix B**. The flood prone nature of the site does not preclude its development for appropriate uses provided appropriate construction and management mechanisms are in place.

¹⁹ Bewsher Consulting Pty Ltd 2012, *Hawkesbury Floodplain Risk Management Study & Plan – Volume 1 – Main Report*, Hawkesbury City Council

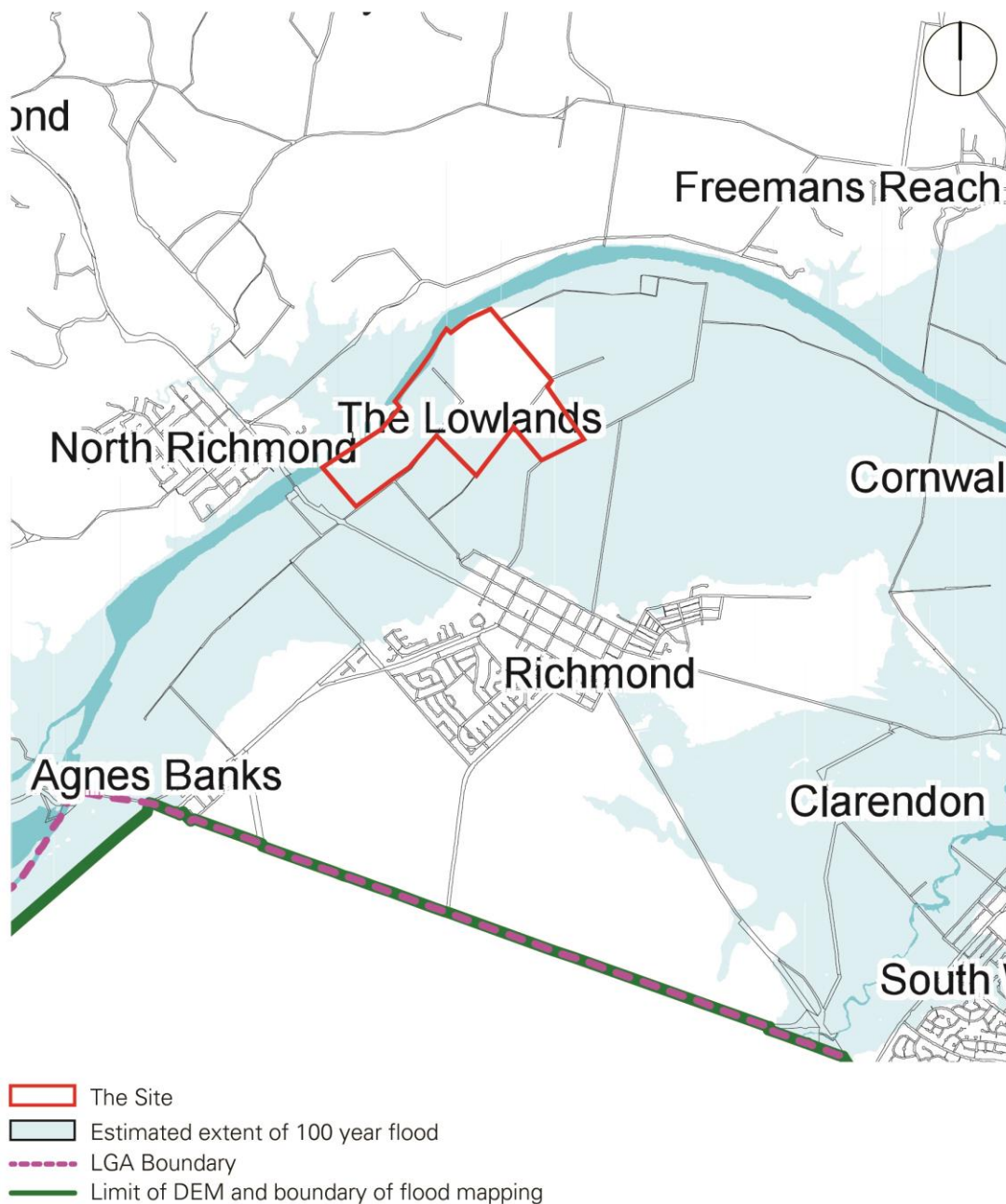


Figure 13 – Hawkesbury Study Area – Flood Map
 Source: Bewsher for Hawkesbury City Council

In addition, the portion of the site fronting the Hawkesbury River borders the southern edge of bushfire prone land (identified as Bushfire Prone Land – Vegetation Buffer – 100m and 30m in **Figure 14** below). However, this constraint is not considered significant particularly as the majority of the site appears to be located outside of the bushfire prone area with the Hawkesbury River acting as a buffer to the north.

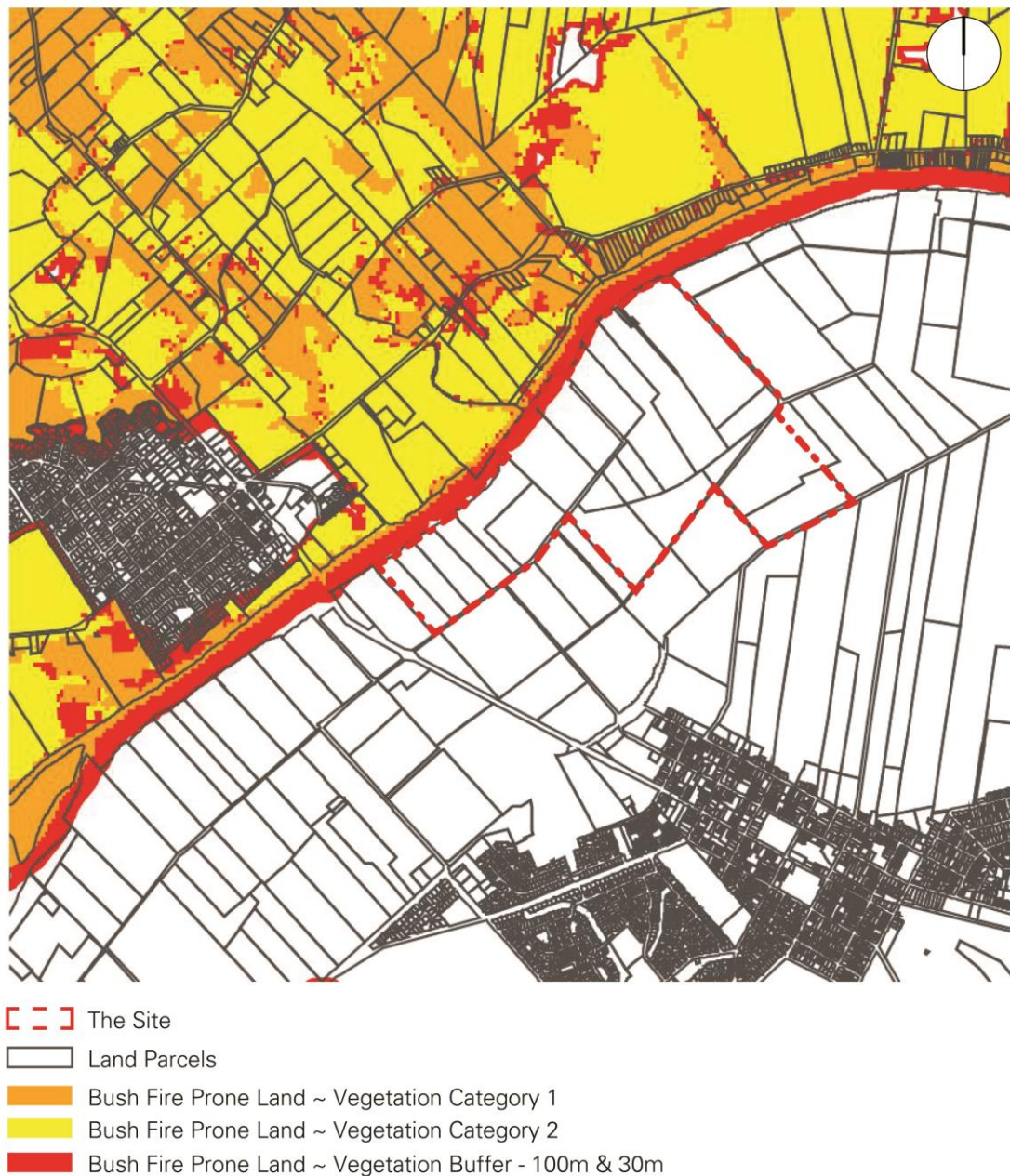


Figure 14 – Bushfire Prone Land
 Source: Hawkesbury City Council

2.6 Access and Transport

Old Kurrajong Road is the main entrance to the site via Kurrajong Road. This State road acts as the main connector road from Windsor to North Richmond, connecting with Bells Line of Road to the west and Hawkesbury Valley Way in the east. Kurrajong Road forms part of the main route from the north-western suburbs of Sydney to the Blue Mountains.

Roads to access the site are local rural roads with low traffic. Roads are also used by pedestrians, cyclists and horses in the local area.

The closest rail station to the site is at Richmond, around 4km walk or drive from the site. A map of local public transport services is provided at **Figure 15** below and further detail is provided in the Traffic Assessment at **Appendix C**. A bus stop is located on either side of Kurrajong Road near the intersection of Old Kurrajong Road. This serves the 668, 680 and 682

bus services which provide services from Richmond to Windsor, Bowen Mountain and Kurrajong respectively.



Figure 15 – Local Public Transport Infrastructure
Source: Transport for NSW

2.7 Surrounding Land Uses

The surrounding area is made up of a mix of agricultural uses, including turf farms and grazing land. Rural residential properties are located to the south and west of the site. Opposite the site, on the northern side the Hawkesbury River are a number of rural residential and large-lot residential properties. In addition the site is surrounded by a number of existing polo facilities (see **Figure 16** below). These include the following:

- Kurri Burri Polo Club, 226 Edwards Road;
- Windsor Polo Club, Lot 303 Old Kurrajong Road;
- Killarney Polo Club, Old Kurrajong Road;
- Riverland Polo Club, Old Kurrajong Road;
- Muddy Flats Polo Club, Triangle Lane;
- Willo Polo, 2 Edwards Road;

- Arunga Polo Club, 42 Triangle Lane; and
- Town and Country Polo Club, 508 Cornwallis Street.

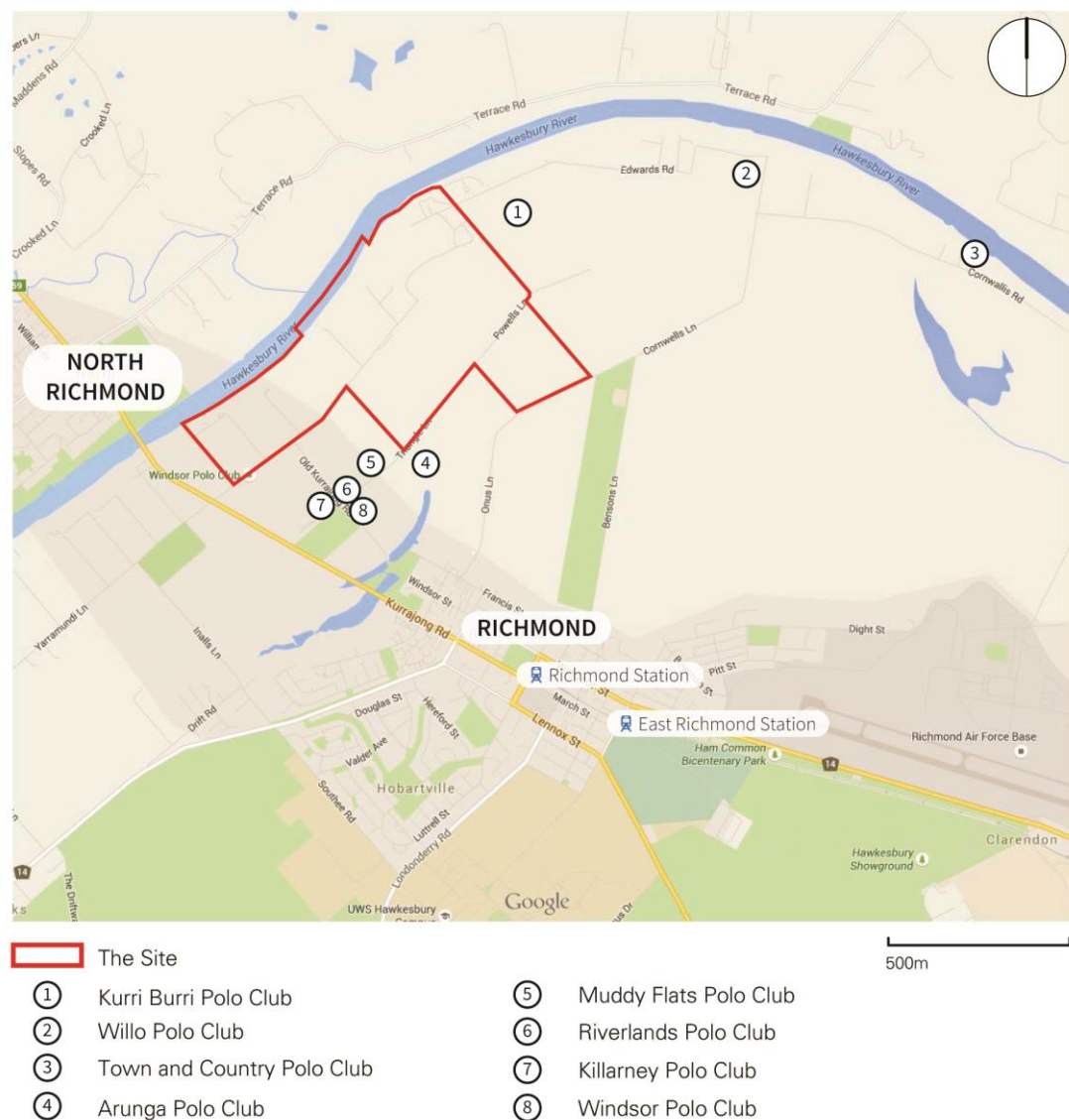


Figure 16 – Surrounding Polo Facilities
 Source: JBA

Immediately to the west of the site is the Kurri Burri Polo Club facility. This site accommodates a dwelling house, tennis court, spa facilities, stables and various rural/agricultural buildings and horse training facilities. The surrounding area is characterised by uses associated with polo facilities, tourist and visitor accommodation and restaurants/function spaces.

3.0 Background

The site has historically been used for a range of horse-related activities. It also accommodates two function centres in converted barns (the Sunnybrook and Polo Barns) although consents for these function centre uses are no longer active. A tourist and visitor accommodation facility is located in the site's south-western portion.

It is envisaged that the range of permitted uses on the site can be expanded to include uses that would ordinarily be permitted in the RU2 zone, and which are consistent with the zone objectives.

This Updated Planning Proposal seeks to ensure that all desired future uses on the site can be included as permissible uses in the zone. A number of these uses have been historically permitted on the site (under previous planning instruments), and in some instances have been identified by Council as appropriate uses in the RU2 zone as part of Council's strategic planning for the LGA.

The incorporation of additional permitted uses on the site will allow for development consent to be obtained for the efficient use and operation of the site.

The Updated Planning Proposal will also allow for the use of the site for the upcoming Polo World Cup event and the delivery of infrastructure associated with this event.

A background on relevant planning approvals, as well as current and historical environmental planning instruments (EPIs) applicable to the site is provided below. Details of consultation undertaken with Council and the Department in preparing this Updated Planning Proposal are also set out below.

3.1 Statutory Planning History

Prior to 2006, the site was zoned Rural 1(b) under the previous *Hawkesbury Local Environmental Plan 1989* (Hawkesbury LEP 1989). In 2006, the Hawkesbury LEP 1989 was amended to rezone the site to Environmental Protection-Agriculture Protection (EPA). In 2012, with the finalisation of the Hawkesbury LEP 2012, the majority of site was rezoned to RU2 Rural Landscape.

Table 2 below compares the range of permissible uses on the site under historical and current EPIs, and demonstrates that the range of permissible uses on the site has significantly narrowed under the current zoning for the site.

In particular, 'Recreation Areas' which includes '*an area used for sporting activities or sporting facilities*' - was previously permissible under the former zoning controls for the site under Hawkesbury LEP 1989. Notably, the definition of 'recreation area' has been modified under the Hawkesbury LEP 2012 (consistent with the Standard LEP template) so that the definition for a 'recreation area' now only includes an '*area used for **community** sporting activities*' [**emphasis added**].

In addition, 'rural tourist facilities' (defined as '*a building or place in a rural area that is used to provide low scale holiday accommodation, recreation or education for the travelling or holidaying public, and may consist of holiday cabins, horse riding facilities, refreshment rooms or the like*') were also previously permissible on the site.

Permitted and prohibited use was set out in a Land Use Matrix in Clause 9 of the Hawkesbury LEP 1989. Clause 9 of the 1989 LEP stated that '*development that is not listed in the Land Use Matrix is prohibited*'.

Whilst 'function centres' were not defined under the LEP or listed in the Land Use Matrix, it is not considered that Council necessarily intended to prohibit 'function centres' in the former Rural 1(b) or EPA zoning for the site. If this interpretation were taken it would mean that the

absence of a 'function centre' use in the Land Use Matrix would have resulted in such a use being prohibited throughout the LGA. Rather it is considered that 'function centres' were not contemplated as a separate land use when the Hawkesbury LEP 1989 was drafted, and that this use has only more recently been recognised as a separately-defined land use term.

Therefore, it is considered that 'function centres' may have been considered an appropriate use on the site under Hawkesbury LEP 1989 and would have fallen under the closest land use definition for 'refreshment rooms' (defined as '*a restaurant, cafe, tea room, eating house or the like*') which were permissible with consent in the Rural 1(b) and EPA zones under the Hawkesbury LEP 1989.

Table 2 – Current and former zoning and permissible uses under relevant EPIs

EPI	Zone	Key Permitted Uses	Key Prohibited Uses
Hawkesbury LEP 1989	Rural 1(b)	- Recreation area²⁰ - Refreshment rooms²¹ - Rural tourist facilities²²	Commercial premises ²³
Hawkesbury LEP 1989 (Amendment 108) gazetted in August 2006	Environmental Protection – Agriculture Protection		
Hawkesbury LEP 2012	RU2 Rural Landscape	- Animal boarding and training establishments - Farm stay accommodation - Recreation area; and - Restaurants or cafes.	- Eco-tourist facilities - Function centres - Market - Medical centre - Recreation facility (major) - Recreation facility (outdoor) - Sewage reticulation system - Sewage system - Sewage treatment plant - Veterinary hospital - Water supply system

3.2 Recent Council Policy Initiatives & Resolutions

3.2.1 Function Centres & Eco-tourist Facilities in the RU2 Zone

At its meeting on 31 March 2015 Council resolved to prepare a Planning Proposal to make several amendments to the Hawkesbury LEP 2012. Of relevance to this Updated Planning Proposal, Council resolved to make 'function centres' and 'eco-tourist facilities' a permissible use in a number of zones including the RU2 zone.

A Gateway Determination for this Housekeeping Planning Proposal was issued on 19 February 2016 and it is understood that Council is currently undertaking consultation with public authorities ahead of public exhibition.

3.2.2 Polo Activities & Related Development in the RU2 Zone

At Council's Ordinary Meeting on 3 February 2015, Council made a policy resolution to:

.. reaffirm its continued support of the emerging polo and related support industries in the Richmond Lowlands and indicate to all stakeholders and the community its unambiguous willingness to work closely and cooperatively with all relevant property owners to resolve

²⁰ **recreation area** means: (a) a children's playground, (b) an area used for sporting activities or sporting facilities, (c) an area used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, and (d) an area used by a body of persons associated together for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes, but does not include racecourses and showgrounds.

²¹ **refreshment room** means a restaurant, cafe, tea room, eating house or the like.

²² **tourist facilities** means a building or place that is used to provide refreshment, accommodation, recreation or amusement facilities for the travelling or holidaying public.

²³ **commercial premises** means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a purpose elsewhere specifically defined in this clause.

quickly and expeditiously current planning provisions and conflict issues relating to permissible land use activities associated with the industry.

The Updated Planning Proposal is consistent with, and aims to facilitate, this Council policy and resolution.

3.3 Preliminary Consultation with Public Authorities

3.3.1 Hawkesbury Council

On 30 March 2015, representatives of Basscave and JBA met with Council's Strategic Planning Manager and Director of Planning and Development to discuss the Planning Proposal. A follow-up email was sent to these Council officers on 7 April 2015 which set out the additional permitted uses proposed to be included under Schedule 1 of the Hawkesbury LEP 2012, as well as the key reports proposed to be submitted with the Planning Proposal. Council's Strategic Planning Manager responded by email on 8 April 2015 and set out a number of additional matters that should be considered in preparing the Planning Proposal.

On 24 November 2015, Council wrote to the proponent requesting additional information in relation to the Planning Proposal. **Table 3** below sets out how the issues raised in Council's letter of November 2015 have been responded to.

A further meeting was held with Council officers on 23 April 2016 at which Council officers were briefed on the proposed changes to the Planning Proposal (as set out in this Updated Planning Proposal report) as well as the additional consultant reports and information that was being prepared in support of the Planning Proposal. Concept designs for the Hall of Fame were also presented to Council at this meeting.

Table 3 – Response to issues raised in Council's letter of 24 November 2015

Council Issue	Response
Proposed Scale and Location of Additional Uses Limited information is provided in the planning proposal regarding the location and scale of the many of the proposed uses. It would be helpful if the proposed location and expected scale (e.g. floor area, number of rooms, height of buildings, number of persons) of the proposed uses could be better explained in the planning proposal. This is particularly important in being able to consider flooding, traffic and servicing matters.	This request predominantly related to the scale and location of the originally envisaged 'tourist and visitor accommodation' use which is sensitive to flooding impacts. This use has now been removed from the Updated Planning Proposal. Therefore, this issue has largely been resolved. Additional information regarding the number of attendees at major polo events is provided at Sections 4.1 and 4.3 below. In addition, the proposed location and preliminary design and capacity for the major function centre (the Hall of Fame) on the site is set out in Section 4.2 below.
Proposed sewage and water supply related uses Certain types of sewage and water supply related uses are permissible within the RU2 Rural Landscape zone by way of the provisions of Part 3 Divisions 18 and 24 of the <i>State Environmental Planning Policy (Infrastructure) 2007</i> . If the provisions of the SEPP are consistent with the uses proposed in the planning proposal then they need not be mentioned in the planning proposal.	To ensure that Basscave have a wide range of planning controls available to it for the delivery of necessary infrastructure on the site it is proposed to retain the sewage and water supply related uses as proposed additional permitted uses in this Updated Planning Proposal.
Former Quarry No details have been provided regarding the location of the former quarry, activities undertaken, period of operation, or the current condition of the affected land. You are requested to provide these details.	Details on the former quarry use are provided in the Preliminary Site Investigation at Appendix E .
Attendance at Major Polo Tournament/Events It is noted that the planning proposal states the annual major polo tournament attracts 2,500 - 3,000 persons to the event whereas GTA's Transport Impact Assessment is based on a maximum of 2,500 persons. No evidence has been provided to	Additional information and expected attendance at the Polo World Cup event is provided at Section 4.1 below, and clarification regarding attendance at more regular major polo events (eg. the annual Gold Cup) is provided at Section 4.3 below.

Council Issue	Response
support these figures. The submission of details of past events and number of attendees would assist.	
ANEF Affection The planning proposal states that the site is not located within the ANEF 20 contour area. You are advised that part of Lot 2 DP 206104 and Lots A and B DP 88087 fall within the ANEF 20-25 area.	Noted. Although part of the site sits within ANEF contour 20-25, all of the proposed additional permitted uses in the Updated Planning Proposal are considered acceptable uses within this ANEF contour in accordance with the <i>Australian Standard 2021 2000 Acoustics - Aircraft Noise Intrusion - Building Siting and Construction</i>
Section 117 Direction Assessment The assessment should be amended to include an assessment with respect to Direction 1.3 Mining, Petroleum Production and Extractive Industries. Direction 4.1 Acid Sulfate Soils would ordinarily require Council to consider an acid sulphate soils study assessing the appropriateness of the proposed land uses given the presence of acid sulfate soils. If this planning proposal is referred to the DP&E for a "gateway" determination advice will be sought regarding the need for such a study.	A consideration of Direction 1.3 is included at Section 7.2.1 below. A Preliminary Site Investigation and Preliminary Acid Sulfate Soils Assessment has been prepared for the Updated Planning Proposal by Martens and is included at Appendix E . The Assessment confirms that acid sulfate soils are likely to be present on the site. It is noted that the Updated Planning Proposal seeks to make permissible various uses which <i>may</i> result in excavation to greater than 2 metres. Consistent with the requirements of the Hawkesbury LEP such development would need to consider impacts of and on acid sulfate soils. However, the Assessment confirms that the likely presence of acid sulfate soils on the site can be readily managed by future development proposals and is not an impediment to the change being sought to the Hawkesbury LEP.
SREP No 20 (No.2- 1997) Schedule 1 of SREP No. 20 identifies part DP 62095, Edwards Road, corner of Powells Lane, Richmond Lowlands as containing items of non-aboriginal heritage being a farm building and fence. It is believed that DP 62095 is now known as Lot 25 DP 663770, 1 Powells Lane, Richmond Lowlands. You are requested to provide evidence or otherwise of these items existing on Lot 25 DP 663770.	GML Heritage undertook a site inspection on 31 March 2016 to confirm the existence of the two items of non-Aboriginal heritage, being a farm building and fence, listed in Schedule 1 of SREP (Item no. 20). The resulting advice is included at Appendix F . The advice notes the presence of a farm building constructed c1900-1910s 60 metres west of the Polo Barn. GML note that the farm building appears to be heavily altered and in dilapidated condition. The advice also notes the presence of a timber fence approximately 20 metre to the south-west of the farm building; however it is unclear whether this is the fence identified as part of the SREP listing, or a modern addition. The Updated Planning Proposal seeks to add a range of additional permitted uses on the site. However, it does not seek the demolition of any existing buildings or structures on the site. Should a development application for development within the immediate vicinity of these potential heritage items be made, a detailed heritage assessment will be carried out.
Assessment against Department of Planning and Environment Guidelines The assessment of the guidelines in the planning proposal is based on the guidelines published in July 2009. These guidelines have since been superseded by guidelines published in October 2012. This section is to be amended to be consistent with the current guidelines.	This reference has been updated in the Updated Planning Proposal which has been prepared consistent with the current guidelines.
BG&E's Direction 4.3 Flood Prone Land Assessment, August 2015	
Risk to Property Much the land subject to the planning proposal is within an "Extreme" flood risk area as defined by the Hawkesbury Floodplain Risk Management Study and Plan (HFRMS&P). A relatively small part of the land is within a "High" risk flood area. Accordingly, it is appropriate that due consideration be given to the appropriateness of permitting further	The Updated Planning Proposal has been amended to remove the proposed 'tourist and visitor accommodation' as an additional permitted use. This use was considered to be the land use that was most sensitive to potential flood impacts. 'Eco-tourist facilities' and 'function centres' are proposed to remain additional permitted uses in the Updated Planning Proposal. This is consistent with Council's

Council Issue	Response
development within such risk areas. This would typically involve consideration of the scale of such development, the capital investment associated with such development, and expected annual average damages due to flooding. No such information has been provided to assist Council with such an assessment. By way of general comment it is considered that, with the exception of the polo fields, the temporary use of the land for function centres as approved by Development Consents DA0156/15 and DA0157/15, and possibly the markets, the proposed additional uses are not suitable in the "Extreme" flood risk area. Furthermore particular concern is raised regarding the proposed tourist and visitor accommodation being located in either the "Extreme" or "High" risk flood areas.	Housekeeping LEP - which has now received a Gateway Determination – and which seeks to make these uses permissible on the site in any case. An updated Flood Study is provided at Appendix B which addresses Section 117 Direction 4.3 Flood Prone Land. It is considered that this Study appropriately addresses the Section 117 Direction having regard to the fact that the Updated Planning Proposal seeks to add a range of additional permitted uses which are considered suitable for the site (despite its flood prone nature) and are in some cases (eg. 'eco-tourist facilities' and 'function centres') proposed to be made permissible uses on the site under Council's Housekeeping LEP.
Risk to Life The flooding assessment provides no indication of the number of persons expected to be evacuated from the site in times of flood nor the capacity of the local and regional flood evacuation routes to cater for such evacuation. The HFRMS&P recognises flood evacuation as a fundamental constraint to future development in the Richmond area and describes the current evacuation risk as being intolerable/unacceptable	The Updated Planning Proposal will be referred to the State Emergency Services (SES) for comment following Gateway Determination and prior to community consultation occurring (see Section 9.1 below) and any response received from the SES regarding evacuation infrastructure can be taken into account.
Section 117 Direction 4.3 Flood Prone Land In response to part 6 a) of the Section 117 direction it is stated that "existing and future development is not located within the Hawkesbury River floodway". No evidence is provided to support this claim. The Floodplain Development Manual, April 2005 defines a floodway as: <i>Those areas of the floodplain where a significant discharge of water occurs during floods.</i> <i>They are often aligned with naturally defined channels. Floodway's are areas that, even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels.</i> In response to part 6 b) and c) of the Section 117 direction it is stated that "Any further development will be minor and is not expected to result in a significant increase in the development of the site". As previously mentioned limited information has been provided in the planning proposal regarding the location and scale of the various proposal developments. The response to part 6 d) of the Section 117 does not consider additional flood related infrastructure and services that may be required by the proposed development. In particular, flood evacuation is a service provided by the NSW Government and is reliant on infrastructure provided by both State and local government.	Additional information is also provided on the potential location and scale of future development on the site - in particular for the proposed main function centre (Hall of Fame) and the Polo World Cup event (see Sections 4.1 and 4.2 below). Detailed flood assessments will accompany all future applications for development on the site. Design development has already commenced for the Hall of Fame function centre. Preliminary discussions with Council have been undertaken to determine appropriate finished floor levels having regard to flood constraints. The application for the Hall of Fame will be accompanied by a detailed flood risk assessment and preliminary flood evacuation management plan.
BG&E Existing Services Statement BG&E's commentary with respect to sewer reticulation states that on-site treatment of effluent is recommended due to the large distance to the nearest Sydney Water main and the high cost	The nearest sewer connection is located on Francis Street near the intersection with Old Kurrajong Road. Connecting to this network would require connection piping some 2km long and is likely to be cost prohibitive. Details for on-site effluent disposal will be

Council Issue	Response
associated with a sewer main extension and possible upgrade of existing Sydney Water infrastructure. Council's usual practise where development is proposed within the vicinity of Sydney Water's sewerage system is to require connection to the system. In order for Council to consider BG&E's recommendation you are requested to provide details regarding the extent and cost of extending and upgrading Sydney Water's infrastructure and well as an assessment regarding the suitability of the land to cater for on-site effluent disposal.	provided with all future applications. In particular, a detailed assessment of this aspect of the proposal is being carried out for the proposed Hall of Fame function centre and will be submitted with the application.

3.3.2 Department of Planning and Environment

On 29 February 2016, the project team met with officers from the Department's Sydney Region West Planning Services team and provided a briefing on the Updated Planning Proposal. Additional information has since been provided to the Department via email in relation to the progress of the Updated Planning Proposal, and in regards to some of the details of the Polo World Cup event in 2017 (these details are provided in **Section 4.1** below).

3.3.3 Service Providers

Limited consultation with service providers was also undertaken in preparing the Existing Services Statement which is provided at **Appendix D**.

4.0 Proposed Development

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

Table 4 – Proposed additional uses for the site

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

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

4.1 Polo World Cup Event 2017

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

4.1.1 Duration of event & expected attendance

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

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

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

4.1.2 Infrastructure for Event

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

- **Polo Fields** – three existing Polo Fields will be maintained and improved for the event as follows:
 - Field 1 (International Field) - where the main polo matches are played including finals;
 - Field 2 (Supremo Field); and
 - Field 3 (Practice Field).

Each polo field will have a number of associated permanent and temporary fixtures including:

- Scoreboards;
 - Grandstands;
 - Horse and player shelters; and
 - Horse ambulance areas.
- **Hall of Fame** – this will be the primary function space for the event and will be located to the west of Field 1. It will be constructed as a two level function space able to accommodate up

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

- **Helipad** – a helipad will be located to the immediate north-west of the Hall of Fame.
- **Four car parking areas** – there will be four separate car parking areas:
 - General car park - approximately 1050 spaces;
 - VIP car park – approximately 500 spaces;
 - Staff car park – approximately 180 spaces; and
 - Official and competitor car park – approximately 180 spaces.
- **Horse training and stabling areas** – a horse training and stabling area will be located in the south-east corner of the site and will accommodate approximately 360 horse stalls, horse exercise areas and temporary accommodation for horse trainers, vets and groomsman. There will also be an indoor practice area in the existing stables area to the east of Field 2.
- **Exhibition and hospitality areas** including:
 - An equine trade exhibition area;
 - Hospitality area;
 - Exhibition stands;
 - Merchandise area;
 - Gourmet village;
 - Champagne village;
 - Children’s village;
 - Corporate area; and
 - Car boot picnic area.
- **An event promotions area** will be located in the existing Polo Barn in the north-eastern corner of the site and in the immediately surrounding area.
- **Toilets** – a number of portable toilets will be brought on to the site for the event.

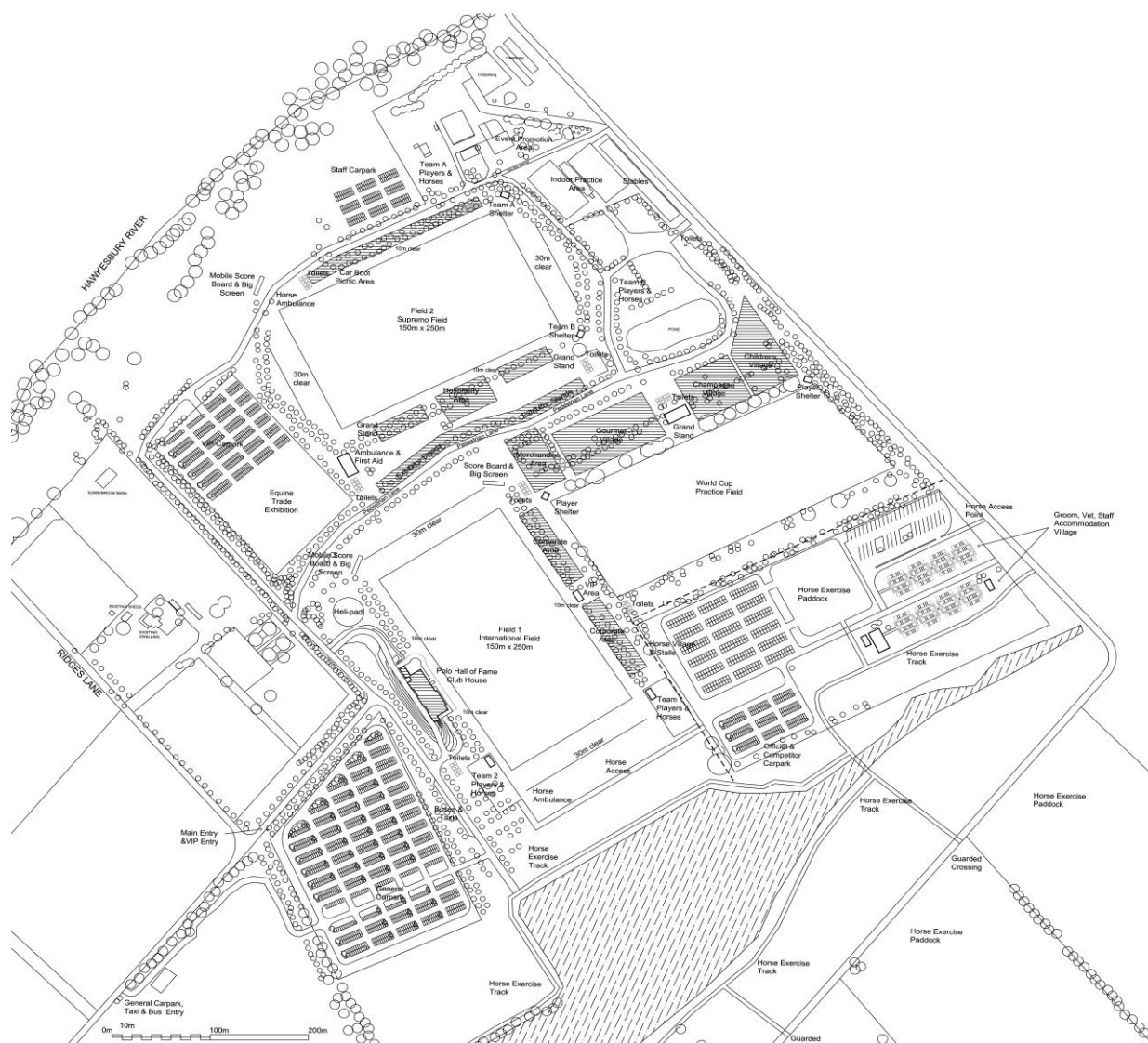


Figure 17 – Polo World Cup Event Layout

Source: DDC Architects

4.2 Hall of Fame Function Centre

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

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

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



Figure 18 – Hall of Fame location plan
Source: JBA

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

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

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

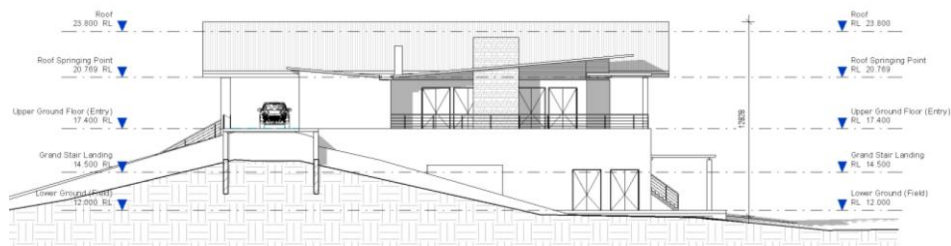


Figure 19 – Hall of Fame southern elevation
Source: DDC Architects

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

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

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



Figure 20 –

Hall of Fame
Source: DDC Architects



Figure 21 – Hall of Fame
Source: DDC Architects

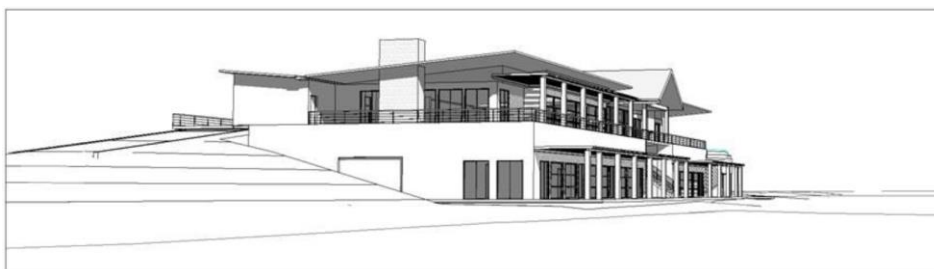


Figure 22 – Hall of Fame
Source: DDC Architects



Figure 23 – Hall of Fame
Source: DDC Architects



Figure 24 – Hall of Fame
Source: DDC Architects

4.3 Future use of the site

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

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

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

5.0 Proposed LEP Amendments

The following section sets out the relevant amendments sought to Hawkesbury LEP to facilitate the proposed development set out in **Section 4.0** above.

5.1 Objectives and intended outcomes of the proposed instrument

This Updated Planning Proposal seeks to add a number of additional permitted uses to the site under Schedule 1 of the Hawkesbury LEP and to increase the maximum permitted height limit on the part of the site on which the Hall of Fame is proposed to be located to 13 metres.

The objective of this Updated Planning Proposal is to permit a range of uses that are compatible with the objectives of the RU2 Rural Landscape zone, and which will support the evolution of the site to provide a range of uses that support the tourism economy (particularly that associated with polo operations) in the Hawkesbury area.

It is intended that the Updated Planning Proposal will not only facilitate delivery of infrastructure to support for the upcoming Polo World Cup Event, but will also allow for the use of the site for polo, tourist and function centre uses, as well as a range of other compatible uses consistent with the site's zoning and rural setting. This will support increased economic activity and tourism in the Hawkesbury region.

5.2 Explanation of the provisions that are to be included in the proposed instrument

This subsection provides an explanation of the proposed amendments to the Hawkesbury LEP sought as part of this Updated Planning Proposal.

5.2.1 Land to which the plan will apply

The Updated Planning Proposal will apply to the RU2-zoned portions of the following allotments:

- Lot 1 and 2 DP206104;
- Lot 1 DP70128;
- Lot 25 DP663770;
- Lot 1 DP77207;
- Lot 27 DP566434;
- Lot 1 – 3 DP997087;
- Lot 1 and 2 DP1168610;
- Lot 1 DP997086;
- Lot 25 DP1100252;
- Lot 1 DP120794;
- Lot A DP365391;
- Lot 1 DP659412;
- Lot 1 DP972649;
- Lot A and B DP89087;
- Lot 128 and 129 DP1151145;
- Lot 1 in DP797310; and

■ Lots 4 and 5 in DP1120860

It is proposed to amend the 'Additional Permitted Uses Map' under the LEP to include the above parts of the site zoned RU2 Rural Landscape as shown in **Figure 25** below. The map has been prepared to include sufficient detail to show the extent of the application of the additional permitted uses in Schedule 1 for the site.



Figure 25 – Additional Permitted Uses
Source: JBA

5.2.2 Amendment to Schedule 1 of the LEP

It is proposed to amend the Hawkesbury LEP to include the following additional clause in Schedule 1 of the LEP

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

(1) *This clause applies to land zoned RU2 Rural Landscape at Ridges Lane, Triangle Lane, Cornwells Lane, Powells Lane, Old Kurrajong Road and Edwards Road, Richmond being part of Lot 1 and 2 DP206104, Lot 1 DP70128, Lot 25 DP1100252, Lot 25 DP663770, Lot 27 DP566434, Lot 1 and 2 DP1168610, Lot 1 DP659412, Lot 1 DP972649, Lot 1 DP120794, Lot 1 – 3 DP997087, Lot 1 in DP797310, Lot 1 DP77207, Lot 1 DP997086, Lot 4 and 5 DP112860, Lot A DP365391, Lot 128 and 129 DP1151145, Lot A and B DP89087, identified as area '7' on the Additional Permitted Uses Map.*

(2) *Development for the purposes of advertisement, advertising structure, car park, food and drink premises, eco-tourist facilities, function centres, industrial retail outlet, light industry, kiosk, market, medical centre, recreation facility (major), recreation facility (outdoor), sewage reticulation system, sewage system, sewage treatment plant, shop, veterinary hospital, water supply system is permitted with consent.*

5.2.3 Amendment to maximum height control

It is proposed to increase the permissible height on Lot 1 in DP 797310 and Lot 1 in DP 120794 to 13 metres to facilitate the development of the Hall of Fame on this part of the site. A revised maximum height control map is provided at **Figure 26** below.

The map has been prepared to include sufficient detail to show the application of height increase on the site.

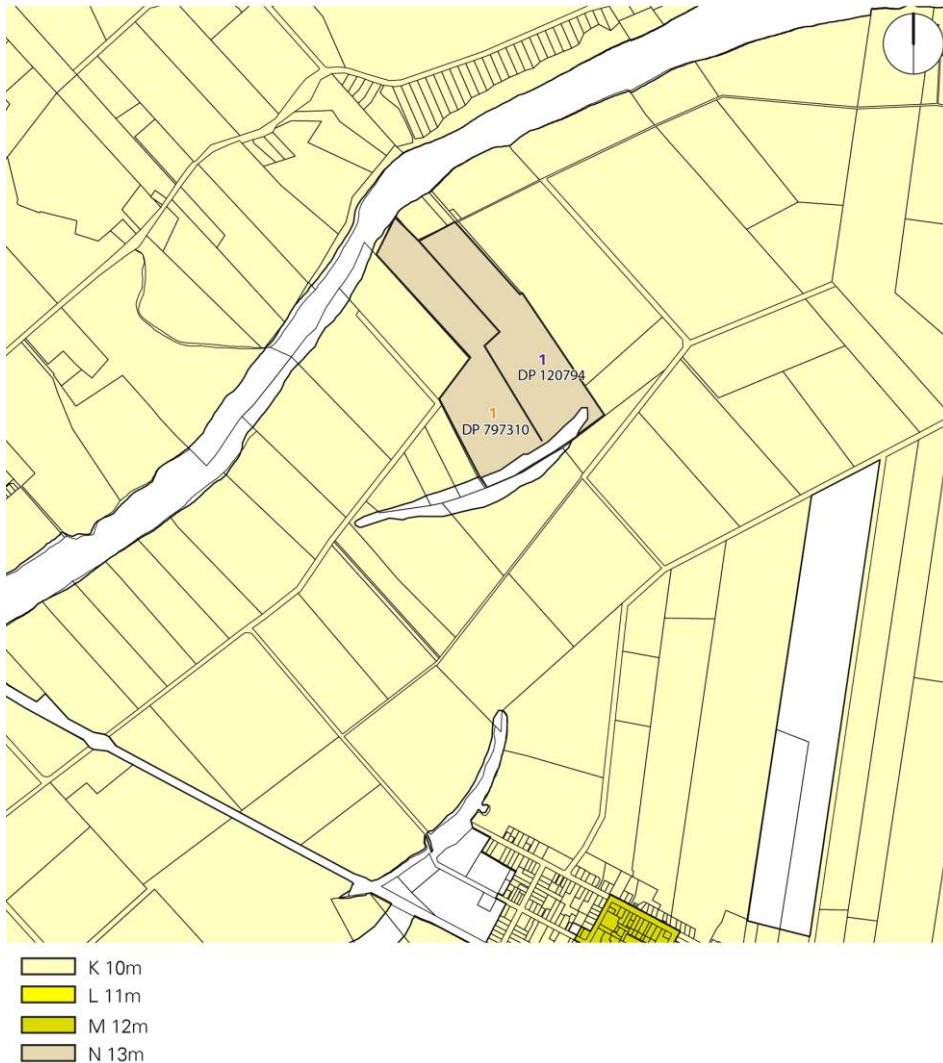


Figure 26 – Proposed maximum height control map
Source: JBA

6.0 Assessment against provision of Hawkesbury LEP 2012

The Updated Planning Proposal is assessed against the key controls under the Hawkesbury LEP 2012 as set out below.

6.1 Zoning and Permissible Uses

6.1.1 RU2 Rural Landscape Zone

The majority of the site is zoned RU2 Rural Landscape. Bed and breakfast accommodation, environmental protection works, extensive agriculture and home occupations are permitted without consent within the RU2 zone. The following uses are permitted with consent in the zone, and all other uses are prohibited:

- Agriculture;
- Animal boarding or training establishments;
- Dwelling houses;
- Educational establishments;
- Entertainment facilities;
- Environmental facilities;
- Farm buildings;
- Farm stay accommodation
- Helipads;
- Landscaping material supplies;
- Plant nurseries;
- Recreation areas;
- Restaurants or cafes;
- Roadside stalls;
- Rural industries;
- Rural supplies; and
- Rural workers dwellings.

As the amendments to the RU2 zone proposed under the Planning Proposal are to be included as "Additional Permitted Uses" in Schedule 1, the objectives of the RU2 zone are not relevant to those additional permitted uses on the site.

6.1.2 E2 Environmental Conservation Zone

The portion of the site accommodating a wetland is zoned E2 Environment Conservation to which the following objectives apply:

- 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.

Only a limited range of uses are permitted in this zone as follows:

- Environmental facilities;
- Environmental protection works;
- Flood mitigation works;
- Recreation areas;
- Roads; and
- Water storage facilities.

No change to this zone is proposed as part of this Updated Planning Proposal.

6.1.3 W1 Natural Waterways Zone

A small portion of the site is located in the Hawkesbury River and is zoned W1 Natural Waterways. The following objectives apply to the W1 zone:

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

No change is proposed to this zone as part of this Updated Planning Proposal.

6.2 Built Form Controls

The following subdivision and heights controls apply to the site under the Hawkesbury LEP. This Updated Planning Proposal seeks to increase the height limit on the portion of the site on which the Hall of Fame is to be located to 13 metres. This is necessary to allow for the first floor of the Hall of Fame to be located above the 1 in 100 year flood level. The height increase is not expected to have any adverse visual or amenity impact as the Hall of Fame is located away from any immediately neighbouring properties and will not overshadow any surrounding development.

Table 6 – Hawkesbury LEP Built Form Controls

Development Standard	Control
Building Height	Maximum 10m
Lot Size	Minimum 10ha

6.3 Terrestrial Biodiversity

Land fronting the Hawkesbury River, and the wetland area is identified as having 'significant vegetation' and 'connectivity between significant vegetation' (see **Figure 12** above). Clause 6.4 of Hawkesbury LEP applies to Terrestrial Biodiversity and aims to maintain terrestrial biodiversity by:

- protecting native fauna and flora, and*
- protecting the ecological processes necessary for their continued existence, and*
- encouraging the conservation and recovery of native fauna and flora and their habitats.*

Before determining a DA on land affected by this constraint, the consent authority must consider the following:

- whether the development:*
 - is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*

- (ii) *is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - (iii) *has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
 - (iv) *is likely to have any adverse impact on the habitat elements providing connectivity on the land.*
- (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

These factors will be taken into account as part of any future DA for the site. It is not considered that the proposed amendments to the Hawkesbury LEP 2012 to increase the range of permitted uses on the site would have an adverse environmental impact as these uses are compatible with the RU2 zone objectives and can occur on those parts of the site unaffected by ecological constraints.

An Ecological Constraints and Opportunities Analysis is provided at **Appendix A**. Further detail is provided in **Section 7.2.3** below.

6.4 Flood Prone Land

The site is identified as Flood Prone Land and is at or below the flood planning level (see **Appendix B** and **Figure 13** above). Clause 6.3 of the Hawkesbury LEP sets out the following relevant flood planning controls for the Site:

- (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.*

The above provisions will be taken into account as part of any future DA for the site. A Flood Study has been prepared for the Updated Planning Proposal (see **Appendix B**) which considers the proposal against Section 117 Direction 4.3 Flood Prone Land and confirms that the site is capable of being developed for the proposed range of land uses despite its flood prone status (see **Section 7.2.1** below).

6.5 Wetlands

The site accommodates a designated wetland as identified in the relevant map to the Hawkesbury LEP 2012 (see extract at **Figure 27** below). Clause 6.5 of the Hawkesbury LEP aims 'to ensure that wetlands are preserved and protected from the impacts of development'.

Before determining a development application, the consent authority must consider:

- (a) *whether or not the development is likely to have any significant adverse impact on the following:*
 - (i) *the condition and significance of the existing native fauna and flora on the land,*
 - (ii) *the provision and quality of habitats on the land for indigenous and migratory species,*
 - (iii) *the surface and groundwater characteristics of the land, including water quality, natural water flows and salinity,*

- (iv) *the growth and survival of native fauna and flora,*
- (v) *any wetlands in the vicinity of the development, and*
- (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Additionally, before granting consent, the consent authority must also be satisfied that

- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The majority, if not all, of the wetland is located within the E2 zone and is not affected by the Updated Planning Proposal. The proposed amendments to the Hawkesbury LEP 2012 would not inhibit the ability to develop the site in a manner that satisfies the above provisions as the proposed uses can be located on parts of the site that do not affect the integrity of the existing wetland.



Figure 27 – Wetland map
Source: Hawkesbury LEP 2012

6.6 Acid Sulfate Soils

The site accommodates Class 4 and Class 5 Acid Sulfate Soils as shown in **Figure 28** below. The portion of the site that extends into the Hawkesbury River is classified as Class 1 Acid Sulfate Soils.

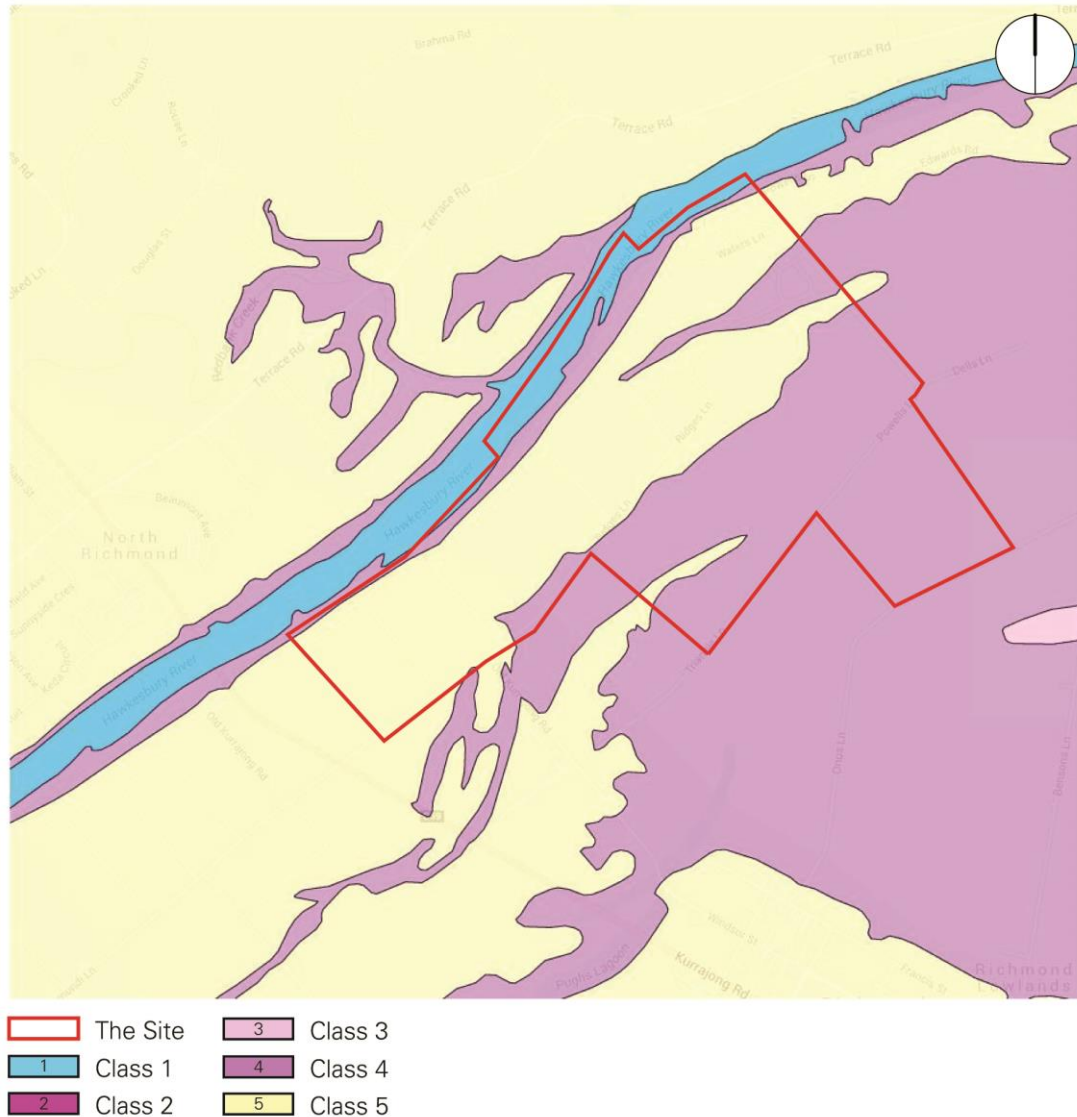


Figure 28 – Acid Sulfate Soils Map
Source: Hawkesbury LEP 2012

Development consent is required for works on land identified as Class 4 Acid Sulfate Soils where works more than 2 metres below the natural ground surface are proposed, or for works by which the water table is likely to be lowered more than 2 metres below the natural ground surface. On Class 5 land consent is required for works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum (AHD), and by which the water table is likely to be lowered below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land. An acid sulfate soils management plan must accompany any such DA.

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

6.7 Development in Areas Subject to Aircraft Noise

The site is located approximately 2km to the north-west of the RAAF Base Richmond (see site location plan at **Figure 3** above).

Where development is proposed in close proximity to the air force base (or within an ANEF contour of 20 or greater) the consent authority must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and whether proposed development will comply with relevant Australian Standards for development affected by aircraft noise.

Part of Lot 2 in DP 206104 and Lots A and B in DP 88087 fall within the ANEF 20-25 area as shown in **Figure 29**. The presence of the ANEF contour 20-25 does not preclude any of the proposed uses from occurring and will be taken into account as part of any future DA for the site

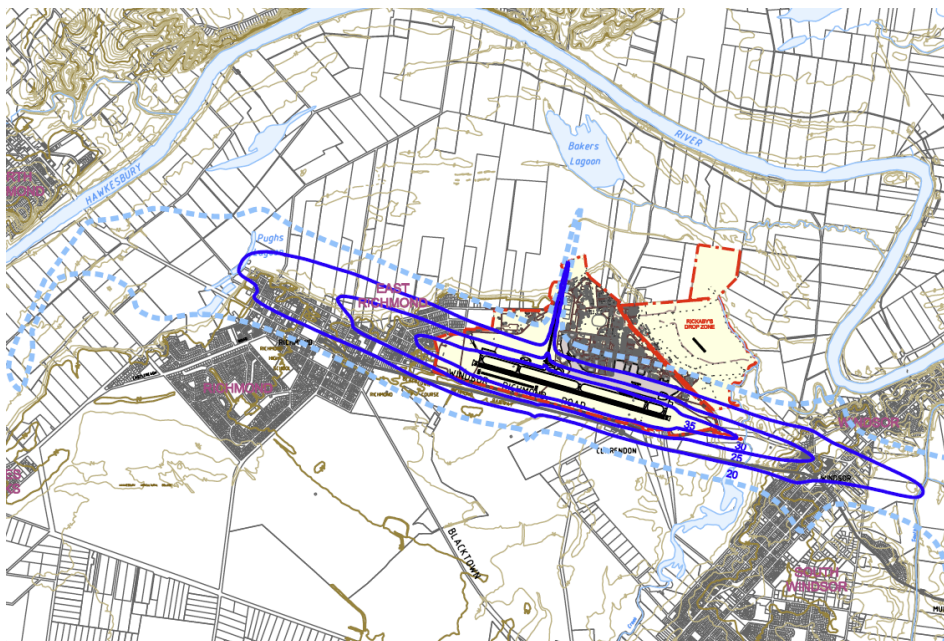


Figure 29 – RAAF Base Richmond 2014 ANEF
Source: Department of Defence

6.8 Essential services

Clause 6.7 of the LEP states that development consent must not be granted to development unless the consent authority is satisfied that the following essential services are available to the property:

- the supply of water,
- the supply of electricity,
- the disposal and management of sewage,
- stormwater drainage or on-site conservation,
- suitable road access.

A services report is included at **Appendix D** which demonstrates that appropriate servicing arrangements are in place to support the range of additional land uses proposed. Further detail is provided in **Section 8.4** below.

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

7.1.1 Metropolitan Strategy

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

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

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

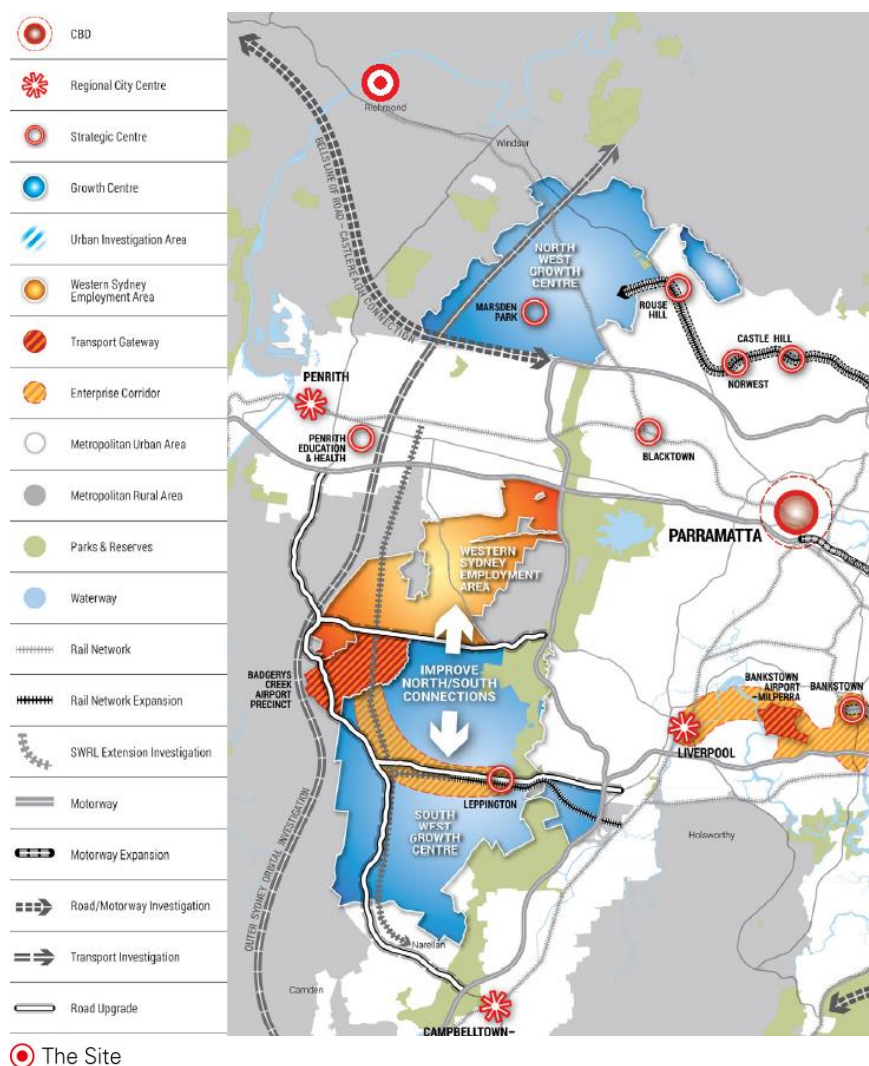


Figure 30 – Metropolitan Strategy Extract
 Source: A Plan for Growing Sydney

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

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

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

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

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

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

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

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

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

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

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

7.1.2 North West Region Draft Subregional Strategy

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

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

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

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

7.1.3 Hawkesbury Employment Lands Strategy

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

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

7.1.4 Hawkesbury Community Strategic Plan

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

The following goals are relevant for the Updated Planning Proposal:

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

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

7.2 National, State & Regional Planning and Environmental Controls

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

7.2.1 Environmental Planning & Assessment Act 1979

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

Direction 1.2 Rural Zones

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

This Direction states that a Planning Proposal must:

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

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

Direction 1.3 Mining, Petroleum Production and Extractive Industries

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

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

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

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

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

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

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

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

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

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

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

Direction 2.1 Environment Protection Zones

This Direction requires as follows:

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

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

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

Direction 2.3 – Heritage Conservation

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

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

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

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

Direction 3.5 – Development near Licenced Aerodromes

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

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

Direction 4.1 Acid Sulfate Soils

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

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

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

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

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

Direction 4.2 – Mine Subsidence and Unstable Land

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

Direction 4.3 Flood Prone Land

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

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

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

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

Direction 4.4 Planning for Bushfire Protection

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

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

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

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

Provision	Planning Proposal's Compliance
Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with, (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for firefighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area.	no additional residential development is envisaged. Furthermore, only the northern edge of the site is identified as bushfire prone which can be easily addressed through appropriate mitigation measures.

Direction 6.3 Site Specific Provisions

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

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

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

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

Direction 7.1 - Implementation of the Metropolitan Strategy

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

7.2.2 Water Management Act 2000

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

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

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

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

The findings of the study are summarised below:

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

7.2.4 State Environmental Planning Policies

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

SEPP 19 – Bushland in Urban Areas

Clause 10 of this SEPP requires the Council to have regard to the aims of the SEPP when preparing a draft LEP for any land to which the SEPP applies, other than rural land. It also requires Council to give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.

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

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

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

The specific aims of the SEPP are:

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

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

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

SEPP No 44 - Koala Habitat Protection

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

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

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

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

SEPP No 55 – Remediation of land

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

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

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

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

Relevant type under subclause 6(4) of SEPP 55	Relevant to site
Land that is within an investigation area.	The site is not in an investigation area.
Land on which development for a purpose referred to in Table 1 to the Contaminated Land Planning Guidelines is being, or is known to have been, carried out.	Table 1 of the Contaminated Land Planning Guidelines sets out the following activities that may cause contamination: ▪ acid/alkali plant and formulation ▪ agricultural/horticultural activities ▪ airports ▪ asbestos production and disposal ▪ chemicals manufacture and formulation ▪ defence works ▪ drum re-conditioning works ▪ dry cleaning establishments ▪ electrical manufacturing (transformers) ▪ electroplating and heat treatment premises ▪ engine works ▪ explosives industry ▪ gas works ▪ iron and steel works ▪ landfill sites ▪ metal treatment ▪ mining and extractive industries ▪ oil production and storage ▪ paint formulation and manufacture ▪ pesticide manufacture and formulation ▪ power stations ▪ railway yards ▪ scrap yards ▪ service stations ▪ sheep and cattle dips ▪ smelting and refining ▪ tanning and associated trades ▪ waste storage and treatment ▪ wood preservation The site has been used for agricultural activities in the past and is currently used for agricultural purposes. As eco-tourist facilities are proposed as an additional permitted use on the site, a Preliminary Site Investigation has been prepared in support of the Updated Planning Proposal (see Appendix E). Its findings are set out below.
To the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital: ▪ in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the Contaminated Land Planning Guidelines has been carried out, and ▪ on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).	The Updated Planning Proposal seeks to add 'recreation facility (major)' and 'recreation facility (outdoor)' as additional permitted uses on the site. Therefore, a Preliminary Site Investigation has been prepared in support of the Updated Planning Proposal (see Appendix E). Its findings are set out below.

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

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

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

SEPP (Infrastructure) 2007

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

SREP No. 20 – Hawkesbury – Nepean River

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

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

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

Table 10 – Specific planning policies and recommended strategies

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

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

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

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

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

Planning Policies and strategies	Compliance
(d) Consider the availability of, or need to provide, land for vehicle parking and for suitable access (including access for cars and buses), for boat service areas and for water, electricity and sewage disposal.	As detailed in the Traffic Assessment at Appendix C , no additional parking areas are required for the additional permitted uses.
(e) Consider the environmental impact of ancillary services for recreation and tourist developments, such as amenities blocks and vehicle parking.	Ancillary services are not expected to cause environmental impact.
(f) Consider the visual impact of development on the surrounding area.	Some of the proposed additional permitted use are already occurring on the site or in the surrounding area and do not require the development of bulky or substantial buildings. No adverse visual impacts are expected to result from the Updated Planning Proposal.
(12) Metropolitan strategy Policy: Development should complement the vision, goal, key principles and action plan of the Metropolitan Strategy.	
The Metropolitan Strategy has been considered at Section 7.1.1 of this report.	
Schedule 1 - Items of non-Aboriginal Heritage Farm building and fence, part D.P. 62095, Edwards Road, corner of Powells Lane, Richmond Lowlands	A site visit was undertaken by GML Heritage to determine whether or not these items still exist on the site. Their report is provided at Appendix F and is summarised at Section 8.4.1 of this report.

8.0 Environmental, Economic and Social Analysis

This section of the report considers the potential economic, social and environmental impacts and benefits of the proposed additional uses facilitated by the Updated Planning Proposal.

8.1 Economic Impacts and Benefits

The development that will be facilitated by this Updated Planning Proposal is not expected to have any significant adverse economic impact. Rather, it is expected that the Updated Planning Proposal will generate increased economic activity in the locality and increased employment opportunities.

The polo operation will attract increased visitors to the area, particularly during major events. This will support increased economic activity within the tourism industry in the locality including accommodation and restaurants, and will also support surrounding service and retail industries (eg. hairdressers and clothing stores). It will also support horse-related industries such as vets and horse trainers.

The future function centre use on the site will also support the tourism economy in the area as well as supporting industries (eg flowers, catering etc). There is also (anecdotally) an undersupply of tourism and visitor accommodation in the local area, and the ability to provide additional eco-tourist accommodation on the site will not only support the ongoing function centre and polo facility uses on the site, but will also benefit the broader community.

The concept of providing a local market on the site will also provide an opportunity for local traders to sell their goods.

Under the draft North West Subregional Strategy 3,000 jobs are to be accommodated in the Hawkesbury LGA by 2031. As detailed above, development that will be facilitated on the site will generate employment on the site and assist in achieving these jobs targets in the short term.

Hawkesbury Council's Employment Lands Strategy identifies the following employment characteristics:

- A high proportion of residents (greater than 50%) work within the LGA. This compares with a figure of approximately 30% for the Penrith LGA. Only 3% of the workforce travels to Sydney CBD.
- Key industries include the RAAF base, mushroom farming, the University of Western Sydney, the equestrian industry and agriculture. There is also a high level of self-employment.
- The LGA has a strong network of villages and town centres. North Richmond and Richmond are typified by retail and industrial uses.

The proposed additional permitted uses are consistent with the employment characteristics of the area and will further support the equestrian and agriculture industries in the area. Functions and polo events also generate a number of hospitality related jobs.

8.2 Traffic and Transport Impacts

A Transport Impact Assessment to support the Updated Planning Proposal has been undertaken by GTA Consultants and is included at **Appendix C**.

The key traffic generating uses proposed as a result of the additional permitted uses are the function centres and the annual major polo event. GTA modelled three scenarios based on this, including; typical operation with no functions or polo events (Scenario 1), two functions occurring simultaneously (Scenario 2) and the annual polo event (Scenario 3). The other

proposed uses are low traffic generators and would generally operate outside the site and the road network peak periods.

The site is expected to generate around 274 vehicle movements in the morning peak period and 353 vehicle movements in the afternoon peak period during the annual polo event. However the more frequent traffic generator – the function centre use - is expected to generate approximately 73 vehicle movements each during the peak hour (Friday 3:30pm to 4:30pm) or a total of 146 movements if two functions occur simultaneously. For the typical operation of the site it is estimated that traffic generation would be in the order of 20 vehicle movements per hour.

The results of the traffic study on the operation of the Kurrajong Road / Old Kurrajong Road and the Old Kurrajong Road / Ridges Lane intersections are set out in the table below.

Table 11 – Traffic Study results for key intersections

Kurrajong Road / Old Kurrajong Road							
Peak	Scenario	Worst Movement <15vph			Worst Movement > 15vph		
		Avg Delay (sec)	Level of Service (LOS)	Movement / Vehicles per hour (vph)	Avg Delay (sec)	Level of Service (LOS)	Movement / Vehicles per hour (vph)
Friday PM	1. Typical	52	D	Yarramundi Lane (T) – 1vph	15	B	Kurrajong Road North (R) - 192vph
	2. Functions	63	E	Yarramundi Lane (T) – 1vph	19	B	Kurrajong Road South (R) - 29vph
Saturday AM	1. Typical	154	F	Old Kurrajong Road (R) – 11 vph	13	A	Kurrajong Road North (R) - 279vph
	3. Polo Event	>100	F	Old Kurrajong Road (T) - 9vph	>100	F	Kurrajong Road South (R) - 35vph
Saturday PM	1. Typical	32	C	Old Kurrajong Road (T) - 11vph	12	A	Kurrajong Road North (R) - 185vph
	3. Polo Event	43	D	Old Kurrajong Road (T) - 11vph	15	B	Kurrajong Road North (R) - 185vph
Old Kurrajong Road / Ridges Lane							
Peak	Scenario	Avg Delay (sec)		Level of Service (LOS)		Movement	
Friday PM	1. Typical	6		A		Old Kurrajong Road South (L)	
	2. Functions	6		A		Old Kurrajong Road South (L)	
Saturday AM	1. Typical	6		A		Ridges Lane (L)	
	3. Polo Event	7		A		Old Kurrajong Road South (LR)	
Saturday PM	1. Typical	6		A		Ridges Lane (L)	
	3. Polo Event	6		A		Old Kurrajong Road South (R) Ridges Lane (L)	

Notably, the operation of the site for functions or for a major polo event will not have an adverse impact on the Old Kurrajong Road/Ridges Lane intersection which will continue to operate at Level of Service (LOS) A. The impact on the Kurrajong Road/Old Kurrajong Road intersection during functions and major polo events will result in this intersection operations at LOS E (at capacity) and F (exceeds capacity) respectively. However, the Transport Impact Assessment notes that the movements that experience the greatest delays are low volume (less than 15 vehicles per hour) which reduces the overall impact and severity of delays at this intersection.

Given the peak generators from the Updated Planning Proposal are not proposed to be regular events, GTA conclude that there is adequate capacity in the surrounding road network to cater for the additional traffic. Therefore the proposal does not warrant any major upgrade works. The report also concludes that the car parking associated with the proposed additional uses would be accommodated on-site in the vicinity of each use.

8.3 Environmental & Amenity Considerations

This Updated Planning Proposal does not seek to amend the terrestrial biodiversity, wetland, or environmental conservation land provisions of Hawkesbury LEP 2012 as they apply to the site. Only a small portion of the site is identified as environmentally significant, and appropriately zoned E2 Environmental Conservation. No change to this zoning is proposed. Nor are there any changes proposed to the part of the site that is zoned W1 Natural Waterways.

An appropriate design for development on the site that does not impact on its environmental significance can be prepared at the DA stage. The site's environmental significance will not affect its ability to be developed for recreation or associated tourism or hospitality related uses particularly as areas of significance are isolated to the south of the site, and the site is already largely used for the proposed additional uses.

It is not considered that any of the proposed uses would result in any adverse amenity impacts. In particular, the function centre use is not expected to result in any adverse noise impacts provided appropriate noise mitigation measures are included at the DA stage for function centre uses on the site. Refer to the Acoustic Statement at **Appendix H** for further detail on how it is proposed to address noise management issues on the site in the later stages of the development.

8.4 Heritage

8.4.1 Non-Aboriginal Heritage

Schedule 1 of SREP 20 identifies a farm building and fence as being items of non-Aboriginal Heritage located on the site. GML Heritage was engaged to confirm the existence of these items on this site. This advice is provided at **Appendix F**. During a site visit on 31 March 2016 GML found the following:

- A farm building constructed c1900-1910s was identified approximately 60 metres west of the Polo Barn function centre. The building is constructed with a weatherboard and fibrous cement façade and corrugated metal roof. It appears to have been heavily altered and be in a dilapidated condition. At the time of the site visit it was not possible to undertake an interior inspection.
- A timber fence was located approximately 20 metres to the south-west of the farm building. However GML were unsure if this was the fence identified in the original listing or if it is a modern addition. The fence encloses a grazing pasture, and is a simple agricultural style fence with timber rails connected by timber posts. There is no timber fence in the immediate vicinity or directly associated with the farm building, nor is there any evidence of a previously removed fence.

No specific development is proposed within the immediate vicinity of these potential heritage items. Further heritage investigations will be undertaken should a DA be lodged for development near these items.

8.4.2 Aboriginal Heritage

GML Heritage was also engaged to identify whether or not the site possesses or has the potential to possess Aboriginal heritage sites, places, objects and/or values, in accordance with the Office of Environment and Heritage (OEH) guidelines for due diligence. This assessment is provided at **Appendix G** and is summarised below.

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

GML note one site of particular relevance to the proposal is site 45-5-0814. This site is located 3.5km northwest of the subject site and provides evidence of raw stone extraction, knapping and artefact utilisation. The quarry site is significant as a local source of stone material for artefact manufacture, evidenced by the cluster of 'open camp sites' surrounding it. Materials from the quarry site could have been transported to the subject site.

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

GML recommend that the Updated Planning Proposal proceeds without the need for an Aboriginal Heritage Impact Permit subject to following the best practice Aboriginal heritage approach prior to future development. This should involve:

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

8.5 Services and Infrastructure

The Existing Services Statement (**Appendix D**) has been updated to support the Updated Planning Proposal. It provides an assessment of the existing infrastructure at the site and their capacities to service the potential development of the proposed additional permitted uses.

Existing services at the site include:

- Water – Sydney Water supply is located in close proximity to the site and could be extended to service both the existing and any future proposed development should it be required. This can be addressed in any future DA for the site. Existing buildings are currently supplied by:
 - Stock supply: directly from the Hawkesbury River and distributed via irrigation lines from a pumping station;
 - Toilet water: supplied from tanks filled with river water;
 - Potable water for residents and staff: rainwater tanks; and

- Potable water for visitors and events: bottled water.
- Sewer – The site is not connected to Sydney Water’s sewer network. Existing buildings are serviced by several on-site treatment systems including:
 - Septic tanks within older buildings; and
 - Envirocycles for newer buildings.

Future development would continue to implement similar on-site treatment of sewage due to the small population and the expense and distance required to connect to the nearest Sydney Water main.

- Electricity – The site is serviced by Endeavour Energy by overhead power lines. Future development may require upgrades to the electrical assets depending on future demand.
- Telecommunications – Telstra infrastructure currently services the site which is expected to be adequate for any future development.
- Gas – There is no connection to Jemena’s gas reticulation network, however it is not considered that this is necessary as the site can be serviced by bottled gas should it be required.

It is considered that the existing services at the site are adequate to support the future development of the site for the proposed additional permitted uses, with any upgrades required able to feasibly be undertaken at the DA stage. As noted in **Section 3.3.1**, it is not considered feasible from a cost perspective to connect to existing Sydney Water sewage infrastructure.

8.6 Public Interest

The Updated Planning Proposal is considered to be in the public interest. There are positive social and economic effects arising from these additional proposed uses. Further Council has recognised the importance of the emerging polo and related supporting industries in the Richmond area, and is a strong supporter of the local tourism industry

As set out above, The Updated Planning Proposal will have a number of employment benefits, and will result in a variety of positive economic outcomes through enabling the different complementary uses on the site, which will contribute to the community. It will not have any unacceptable economic impact on surrounding centres and will provide additional tourism and hospitality related uses which will provide additional employment for the local residents.

9.0 Project Timeline & Proposed Consultation

9.1 Consultation with State and Commonwealth Public Authorities

As detailed in **Section 3.3** above, preliminary consultation with Council and the Department was undertaken in preparing the Updated Planning Proposal. Initial enquiries have also been made with service providers in prepared the Existing Services Statement (**Appendix D**). Further consultation with the following public authorities is proposed once a Gateway Determination has been received but prior to community consultation taking place:

- Hawkesbury – Nepean Catchment Management Authority;
- Sydney Metropolitan Catchment Management Authority;
- Office of Environment and Heritage;
- NSW Department of Primary Industries – Minerals and Petroleum;
- NSW Rural Fire Service;
- Transport for NSW – Roads and Maritime Services;
- State Emergency Services; and
- Sydney Water.

9.2 Community Consultation

The Sydney Polo Club is an integral part of the Hawkesbury community. The Updated Planning Proposal will ensure that activities on the site are able to continue to support the local economy in the Hawkesbury area. The Polo World Cup event in particular will deliver a significant boost to the local services, retail and tourism economy and it is expected that it will be supported by the majority of the local community.

A range of strategic engagement processes are being considered for the project which will seek to highlight the benefits of the project, not only for the local community, but for the Australian and International Polo industry.

In addition to the formal community consultation process that will be undertaken by Council, Basscave may also undertake more informal consultation with the community through on-site events and local and social media.

9.3 Timeframe

The Polo World Cup event is due to take place in October 2017. The key piece of infrastructure that needs to be constructed for the World Cup event is the Hall of Fame. In order to deliver the Hall of Fame in time for the October 2017 World Cup event, early works on the site need to commence in September 2016. The following approximate timeframe is proposed for the Updated Planning Proposal and associated DAs.

Table 12 – Proposed Time Frame

Month/Year	Planning Proposal	Hall of Fame DA	Other Applications
April 2016	Updated Planning Proposal lodged	-	-
May 2016	Updated Planning Proposal Adopted by Council and forwarded to Department for Gateway Determination	-	-
June 2016	Gateway Determination issued	-	-

Month/Year	Planning Proposal	Hall of Fame DA	Other Applications
June/July	Technical information updated if required		
July 2016	Consultation with public authorities	DA lodged	-
August 2016	Public exhibition	Public exhibition	-
August 2016	Public hearing (if required)		
September 2016	Consideration of submissions and Assessment	Assessment	-
October 2016	Adoption by Council	Assessment	-
November 2016	Finalisation of Updated Planning Proposal by Department or RPA	Approval	DAs for all other works associated with the World Cup event lodged
November 2016	RPA forwards the Proposal to the Department (if delegated)		

10.0 Assessment of Planning Proposal against NSW Department of Planning and Environment Guidelines

The following section includes an assessment against the requirements in *A guide to preparing planning proposals* published by the Department in October 2012.

10.1.1 Need for a Planning Proposal

Q1 – Is the planning proposal a result of any strategic study or report?

Updated The Updated Planning Proposal is consistent with the findings of the Hawkesbury Employment Lands Strategy, adopted by Council in December 2008. The Strategy recognises the strength of agriculture and the importance to the community of tourism activities and ancillary uses such as cafes, eco-tourist accommodation and restaurants.

The Strategy makes a recommendation that Council investigate the nature of employment activities on non-employment zoned lands and with contribution to agriculture and tourism sectors.

As noted earlier, Council has also recently recognised the contribution of polo and related support industries Council's Ordinary Meeting on 3 February 2015, where Council made a policy resolution to:

... reaffirm its continued support of the emerging polo and related support industries in the Richmond Lowlands and indicate to all stakeholders and the community its unambiguous willingness to work loosely and cooperatively with all relevant property owners to resolve quickly and expeditiously current planning provisions and conflict issues relating to permissible land use activities associated with the industry.

The Updated Planning Proposal is consistent with and aims to facilitate Council's policy position.

In addition, Council has prepared its own Planning Proposal to include eco-tourist facilities and function centres as permissible uses in the RU2 zone.

Q2 – Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Updated Planning Proposal is the best and most appropriate means of achieving the desired future redevelopment of this land. It will rezone the site to permit a broader range of uses including recreation and eco-tourist development which are compatible with the RU2 Rural Landscape zone.

As stated in **Section 5.1**, the objective of this Updated Planning Proposal is:

is to permit a range of uses that are compatible with the objectives of the RU2 Rural Landscape zone, and which will support the evolution of the site to provide a range of uses that support the tourism economy (particularly that associated with polo operations) in the Hawkesbury area.

This Updated Planning Proposal will allow for the development of a viable and diverse range of uses on the site that will provide appropriate tourism and recreational services to the Hawkesbury Region, and employment opportunities to the surrounding population.

10.1.2 Relationship to strategic planning framework

Q3 – Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Updated Planning Proposal is consistent with relevant State-level strategic planning policies as set out in **Sections 7.0** above.

Q4 - Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The Updated Planning Proposal is consistent with Council's strategic planning policies as set out in **Sections 7.0** above.

Q5 – Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Updated Planning Proposal is consistent with applicable SEPPs as set out in **Section 7.0** above.

Q6 – Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Updated Planning Proposal is consistent with the relevant Section 117 Directions as set out in **Section 7.0** above.

10.1.3 Environmental, social and economic impact

Q7 – 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 Updated Planning Proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats. As detailed in **Section 8.3** above, no unacceptable impacts on Environmentally Significant Land are expected to result from the development which will be facilitated by the Updated Planning Proposal.

Q8 – Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

An assessment of the environmental impacts of the Updated Planning Proposal has been undertaken and is detailed in this report. Where further mitigation measures may be required these are capable of being addressed at the development application stage. For example the preparation of Acid Sulfate, Vegetation and Wetland management plans or the like.

Q9 – Has the planning proposal adequately addressed any social and economic effects?

The economic and social impacts of the development facilitated by the Updated Planning Proposal are considered in **Section 8.1** above. The proposal will not have any unacceptable economic impacts and will have a net community benefit.

10.1.4 State and Commonwealth Interests

Q10 – Is there adequate public infrastructure for the planning proposal?

The Site is located in an existing rural area which is surrounded by a range of recreational and tourism related development. The site has access to a range of existing services as detailed in **Section 8.4** and the existing road infrastructure can cope with expected traffic generated by potential development of the site as detailed in **Section 8.2**. Further investigations will be

undertaken as part of the preparation of the future DA to determine whether any upgrade of existing facilities is required.

Q11 – What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with Council officers has already been undertaken in relation to the proposal and we understand they are generally supportive of Lodgement of the Updated Planning Proposal so that it can be appropriately assessed by Council and the NSW Department of Planning and Environment.

Further consultation with the agencies referred to in Section 9.1 will take place after Gateway Determination. No commonwealth agencies are required to be consulted.

10.1.5 Matters to be considered

Attachment 1 – Step 2: Matters to be considered on a case by case basis

Table 13 – Matters to be considered

Planning Matters or Issues	Considered?	Comment
Strategic Planning Context		
Demonstrated consistency with relevant Regional Strategy	Yes	Refer to Section 7
Demonstrated consistency with relevant Sub-Regional strategy	Yes	Refer to Section 7
Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	Yes	Refer to Section 7
Demonstrated consistency with Threshold Sustainability Criteria	N/A	This criterion is relevant to the rezoning of urban release areas.
Site Description/Context		
Aerial photographs	Yes	Refer to Section 2
Site photos/photomontages	Yes	Refer to Sections 2 and 4.2 and various accompanying consultants reports
Traffic and Transport Considerations		
Local traffic and transport	Yes	Refer to Section 8.1 and Appendix C
TMAP	No	Proposal can be accommodated in existing road network without requiring road upgrades.
Public transport	Yes	Refer to Section 2.7
Cycle and pedestrian movement	Yes	Refer to Section 2.7
Environmental Considerations		
Bushfire hazard	Yes	Refer to Section 7.2.1 – Direction 4.4 Planning for Bushfire Protection
Acid Sulphate Soil	Yes	Refer to Section 7.2.1 and Appendix E
Noise impact	Yes	Refer to Section 6.7 – Aircraft Noise and Section 7.2.1 - Direction 3.5 – Development near Licenced Aerodromes. Also Appendix H .
Flora and/or fauna		Refer to Section 7.2.3 and Appendix A
Soil stability, erosion, sediment, landslip assessment, and subsidence	N/A	Physical aspects of the site remain unaffected by the Updated Planning Proposal. These issues would be addressed in detail with any future development application. The site is not located in a mine subsidence area and is not identified as unstable land

Planning Matters or Issues	Considered?	Comment
Water quality	Yes	Refer to Section 7.2.2 – discussion on <i>Water Management Act 2000</i>
Stormwater management	N/A	There is no change to the existing stormwater management systems proposed as part of the Updated Planning Proposal. Appropriate stormwater control measures will be provided with all future applications for development on the site.
Flooding	Yes	Refer to Sections 6.4 and 7.2 and Appendix B
Land/site contamination (SEPP55)	Yes	Refer Section 7.2.4 and Appendix E
Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	Yes	Refer Sections 7.2.1 and 7.2.4 – Direction 1.2 Rural Zones, SREP 20 – Hawkesbury Nepean River
Sea level rise	N/A	The Site is located inland.
Urban Design Considerations		
Existing site plan (buildings vegetation, roads, etc)	Yes	Refer Section 2.4
Building mass/block diagram study (changes in building height and FSR)	N/A	The Updated Planning Proposal proposes a minor change to the maximum height control so as to accommodate the Hall of Fame building. This is discussed further in Section 4.2
Lighting impact	N/A	The Updated Planning Proposal does not propose any new buildings or lighting. This level of detail will be provided in future development applications
Development yield analysis (potential yield of lots, houses, employment generation)	N/A	The Updated Planning Proposal does not propose any residential or employment generating land uses.
Economic Considerations		
Economic impact assessment	Yes	Refer Section 8.1
Retail centres hierarchy	Yes	A market is being contemplated on the site however this will not impact on the retail centres hierarchy.
Employment land	N/A	The Updated Planning Proposal does not affect any employment lands.
Social and Cultural Considerations		
Heritage impact	Yes	Refer Section 8.4
Aboriginal archaeology	Yes	Refer Section 8.4 and Appendix G
Open space management	N/A	No open space is affected by the Updated Planning Proposal.
European archaeology	Yes	Refer to Appendix F
Social & cultural impacts	Yes	Refer to Sections 8.1 and 8.6
Stakeholder engagement	Yes	Refer to Sections 3.3, 9.2 and 9.3
Infrastructure Considerations		
Infrastructure servicing and potential funding arrangements	Yes	Refer to Section 8.5 and Appendix D
Miscellaneous/Additional Considerations		
N/A		

11.0 Conclusion

This Updated Planning Report has been prepared in response to a letter from Council dated 24 November 2015 requesting additional information to assist in the assessment of the proposal.

The Updated Planning Proposal has been updated accordingly and seeks to amend the Hawkesbury LEP 2012 to allow for a range of additional permitted uses on the site which will support its use for polo facilities and function centres, as well as allow for the addition of eco-tourist facilities and other uses compatible with the RU2 zoning. The proposed amendments will support the polo and equine industry in the locality, and will have positive economic and social impacts for the Hawkesbury LGA and broader region.

The Updated Planning Proposal will also support the upcoming Polo World Cup event on the site. It seeks to increase the maximum height limit on the part of the site on which the proposed Hall of Fame is to be located so that all habitable floor areas in this main function centre can be located above the 1 in 100 year flood level.

The Updated Planning Proposal has been considered against relevant strategic and statutory planning policies and is considered to be consistent with the planning framework. In particular, it is consistent with Council's policy to support the polo industry and its own Updated Planning Proposal to allow 'function centres' and 'eco-tourist facilities' in the RU2 zone.

An environmental, social and economic analysis of the Updated Planning Proposal has been undertaken. This report (and attached consultant reports) demonstrates that this site is capable of accommodating the proposed additional uses without resulting in any significant adverse impacts.

It is therefore requested that Council support the Updated Planning Proposal and forward it to the Department for a Gateway Determination.