



# EXTRAORDINARY MEETING

---

Date of meeting: 16 December 2024  
Location: Council Chambers  
Time: 6:00 PM

**BUSINESS PAPER**



**EXTRAORDINARY MEETING**

**Table of Contents**

**Meeting Date: 16 December 2024**

**Table of Contents**

**1. WELCOME ..... 5**

**2. APOLOGIES AND LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS..... 5**

**3. DECLARATIONS OF INTERESTS ..... 5**

**4. AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS ..... 7**

**5. MAYORAL MINUTES..... 7**

**6. NOTICES OF MOTION..... 9**

6.1.1. RM - Planning Proposal LEP002/24 - Kemsley Park, 322 Grose Vale Road, Grose Vale (95498, 124414) 9

**EXTRAORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 16 December 2024

## EXTRAORDINARY MEETING

### 1. WELCOME

Meeting Date: 16 December 2024

### 1. WELCOME

a) **Acknowledgement of Indigenous Heritage**

The Mayor, Councillor Les Sheather will acknowledge the Indigenous Heritage.

b) **General Manager's Matters for Mention**

The General Manager will address the Council meeting, mentioning:

- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones

### 2. APOLOGIES AND LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS

The Mayor will ask for any Apologies or Leave of Absence Requests to be noted.

#### Attendance

Attending Councillors and Council staff members will be noted for the purposes of the Minutes.

### 3. DECLARATIONS OF INTERESTS

The Mayor will ask for any Declaration of Interests from the attending Councillors. These will then be addressed at the relevant item.

#### Statement of Ethical Obligations

On 15 October 2024 in accordance with Section 233A of the Local Government Act 1993, Councillors took an oath or made an affirmation of office to undertake the duties of the office of Councillor in the best interests of the people of the Hawkesbury City Council Local Government Area and the Hawkesbury City Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in Councillors under the Local Government Act 1993 or any other Act to the best of their ability and judgment.

Council's Code of Conduct requires Councillors to disclose and appropriately manage conflicts of interest.

**EXTRAORDINARY MEETING**

**1. WELCOME**

**Meeting Date:** 16 December 2024

THIS PAGE INTENTIONALLY LEFT BLANK

**EXTRAORDINARY MEETING**

**4. AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**

**Meeting Date:** 16 December 2024

**4. AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**

**5. MAYORAL MINUTES**

There was no Mayoral Minute at the time of preparing this Business Paper.

Notwithstanding the above, pursuant to Clauses 9.6-9.9 of Council's Code of Meeting Practice, the Mayor may submit a Mayoral Minute to the meeting without notice in relation to any matter or topic that:

- Is within the jurisdiction of the Council
- Council has official knowledge of.

However, a Mayoral Minute must not be put without notice if it relates to a routine or non-urgent matter.

A matter is considered to be urgent when it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

**EXTRAORDINARY MEETING**

**4. AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**

**Meeting Date:** 16 December 2024

THIS PAGE INTENTIONALLY LEFT BLANK



**EXTRAORDINARY MEETING**

**6. NOTICES OF MOTION**

**Meeting Date:** 16 December 2024

**6. NOTICES OF MOTION**

**6.1.1. RM - Planning Proposal LEP002/24 - Kemsley Park, 322 Grose Vale Road, Grose Vale (95498, 124414)**

---

**Submitted by:** Councillor Mary Lyons-Buckett  
Councillor Danielle Wheeler  
Councillor Nathan Zamprogno

**RESCISSION MOTION:**

That Resolution 238 from the Ordinary Meeting of Council on 10 December 2024, being the resolution from Item 10.1.1., Planning Proposal LEP002/24 - Kemsley Park, 322 Grose Vale Road, Grose Vale, be rescinded.

**NOTE BY MANAGEMENT**

Resolution 238 from the Ordinary Meeting of Council on 10 December 2024 regarding the Planning Proposal LEP002/24 - Kemsley Park, 322 Grose Vale Road Grose Vale was as follows:

*"That:*

- 1. Council support Planning Proposal (LEP002/24) Kemsley Park, 322 Grose Vale Road, Grose Vale and forward the Planning Proposal to the Department of Planning, Housing and Infrastructure for a Gateway Determination.*
- 2. The Flood Evacuation and Bushfire Safety Report be updated."*

A copy of the report relating to Item 10.1.1. - CP - Planning Proposal LEP002/24 - Kemsley Park, 322 Grose Vale Road, Grose Vale considered by Council at its meeting on 10 December 2024, is attached as Attachment 1. The Attachments 1 to 20 that were attached to the report relating to Item 10.1.1 have previously been distributed with the Council Meeting Business Paper for the meeting on 10 December 2024 and are available on Council's website.

**ATTACHMENTS**

**AT - 1** Item 10.1.1. - CP - Planning Proposal LEP002/24 - Kemsley Park, 322 Grose Vale Road, Grose Vale - Council Meeting 10 December 2024.

## EXTRAORDINARY MEETING

### 6. NOTICES OF MOTION

Meeting Date: 16 December 2024

#### Attachment 1 - Item 10.1.1. - CP - Planning Proposal LEP002/24 - Kemsley Park, 322 Grose Vale Road, Grose Vale - Council Meeting 10 December 2024

## ORDINARY MEETING

### 10. REPORTS FOR DETERMINATION

Meeting Date: 10 December 2024

### 10. REPORTS FOR DETERMINATION

#### 10.1. PLANNING DECISIONS

10.1.1. CP - Planning Proposal LEP002/24 - Kemsley Park, 322 Grose Vale Road, Grose Vale (95498, 124414)

Directorate: City Planning

#### PLANNING PROPOSAL INFORMATION

<b>File Number:</b>	<b>LEP002/24</b>
<b>Property Address:</b>	322 Grose Vale Road, Grose Vale
<b>Applicant:</b>	Redbank Communities
<b>Owner:</b>	MCPB Investments Pty Ltd
<b>Date Received:</b>	21 August 2024
<b>Current Minimum Lot Size:</b>	200 Hectares
<b>Proposed Minimum Lot Size:</b>	R2 - 375m <sup>2</sup> R5 - 1,500m <sup>2</sup>
<b>Current Zone:</b>	RU4 Primary Production Small Lots
<b>Site Area:</b>	35.41 Hectares

<b>Key Issues:</b>	<b>Identify Key Issues</b>
<b>Strategic</b>	<ul style="list-style-type: none"><li>Consistency with the Greater Sydney Region Plan and Western City District Plan including</li><li>Metropolitan Rural Area Classification</li><li>Infrastructure capacity of the area</li><li>Hawkesbury-Nepean flood evacuation modelling and isolation during a major flood event.</li></ul>
<b>Site Specific</b>	<ul style="list-style-type: none"><li>Integration into existing Redbank Development, and North Richmond community.</li></ul>

#### PURPOSE OF THE REPORT

The purpose of this report is to present Planning Proposal (LEP002/24) for a site known as Kemsley Park, Grose Vale, and consider a report recommending that Council supports forwarding the Planning Proposal to the Department of Planning, Housing, and Infrastructure for a Gateway Determination.

#### EXECUTIVE SUMMARY

Council is in receipt of a new applicant initiated Planning Proposal associated with the property known as Kemsley Park, Grose Vale which seeks to amend the Hawkesbury Local Planning Environmental Plan 2012 to achieve between 300 to 350 new dwellings.

The Planning Proposal seeks to achieve this proposed outcome by rezoning the subject site from RU4 Primary Production Small Lots to R2 Low Density Residential, R5 Large Lot Residential, and RE1 Public Recreation. The Planning Proposal also seeks to amend the Minimum Lot Size provisions to 375m<sup>2</sup> for the proposed R2 Low Density Residential zoned land, and 1,500m<sup>2</sup> for the proposed R5

## EXTRAORDINARY MEETING

### 6. NOTICES OF MOTION

Meeting Date: 16 December 2024

## ORDINARY MEETING

### 10. REPORTS FOR DETERMINATION

Meeting Date: 10 December 2024

Large Lot Residential zoned land. The Planning Proposal also seeks to amend the Urban Release Area Map in order to include the subject site within the Redbank Urban Release Area, and to also to provide for dual occupancies as an additional permitted use over the subject site.

As per Ministerial Direction, advice was sought from the Hawkesbury Local Planning Panel at its Meeting on 21 November 2024 ahead of the Planning Proposal being presented to Council to consider whether to submit the Proposal to the Department of Planning, Housing and Infrastructure for a Gateway Determination. The Hawkesbury Local Planning Panel advice was that the strategic planning rationale and site-specific merit of the Planning Proposal as set out in the Planning Proposal and the report to the Panel has sufficient merit to proceed in the assessment process.

This report provides an assessment of the Planning Proposal and recommends that the Proposal be forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

#### RECOMMENDATION

That Council support Planning Proposal (LEP002/24) Kemsley Park, 322 Grose Vale Road, Grose Vale and forward the Planning Proposal to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

#### BACKGROUND

On 21 August 2024, Council received an applicant-initiated Planning Proposal - Kemsley Park. The Planning Proposal seeks to amend the Hawkesbury Local Planning Environmental Plan 2012 to facilitate urban residential development and achieve between 300 to 350 new dwellings in addition to approximately 4.8 Hectares of open space and drainage land.

The Planning Proposal seeks to amend the Hawkesbury Local Environmental Plan 2012 in the following manner:

1. Rezone the subject site from RU4 Primary Production Small Lots to partly R5 Large Lot Residential, R2 Low Density Residential and RE1 Public Recreation.
2. Amend the Minimum Lot Size provision to apply a minimum lot size of 375m<sup>2</sup> to the R2 Low Density Residential zoned land and 1,500m<sup>2</sup> for the R5 Large Lot zoned land.
3. Amend the Urban Release Area Map to include the subject site within the Redbank urban release area.
4. Inclusion on the Additional Permitted Uses Map and related amendment to Schedule 1 to allow an additional permitted use over the subject site for dual occupancies provided lot requirements are met.

A suite of technical reports has been provided to support the Planning Proposal which are included as Attachments 1-18. Amongst other reports, these supporting reports include:

- Master Plan
- Aboriginal Heritage Due Diligence Assessment
- Housing Demand Assessment
- Traffic Impact Assessment
- Water Cycle Management Study

## EXTRAORDINARY MEETING

### 6. NOTICES OF MOTION

Meeting Date: 16 December 2024

## ORDINARY MEETING

### 10. REPORTS FOR DETERMINATION

Meeting Date: 10 December 2024

- Preliminary Site Investigation
- Biodiversity Development Assessment Report
- Bushfire Assessment Report
- Flood Evacuation Report
- Geotechnical and Salinity Report
- Riparian Assessment
- Non-Indigenous Heritage Assessment
- Economic Impact Assessment
- Utility Servicing Assessment.

#### DISCUSSION

##### Subject Site and Locality:

The subject site is located at 322 Grose Vale Road, North Richmond and is legally described as Lot 260 DP 123271, and has historically been known as 'Kemsley Park'. The subject site has an area of 35.41 hectares with a 590m frontage to Grose Vale Road and adjoins the existing Redbank Estate which is an emerging community at North Richmond.

The subject site has been predominantly used for agricultural and rural residential purposes, and contains a single storey residential dwelling, detached garage, freestanding machinery shed, three earth formed dams, rural style timber post fencing and significantly cleared land with a long driveway traversing across the subject site from the dwelling to Grose Vale Road.

The topography of the subject site varies from 86m AHD in the southwestern corner down to 46m AHD in the northwest, with the land graded to direct water into three existing dams. The majority of the subject site has been cleared of vegetation for the recent rural and agricultural land uses, being subject to extensive grazing. Vegetation present on the subject site is partly characterised by Cumberland Shale Plains Woodland with planted native vegetation along the driveway and more exotic species planted around the dwelling house. Figure 1 below illustrates the subject site and surrounding development.

**EXTRAORDINARY MEETING**

**6. NOTICES OF MOTION**

**Meeting Date:** 16 December 2024

**ORDINARY MEETING**

**10. REPORTS FOR DETERMINATION**

**Meeting Date:** 10 December 2024



Source: Nearmap, June 2024

**Figure 1 - Subject Site and Surrounds**

As shown in Figure 2, the subject site adjoins the Redbank Estate which surrounds the subject site to the northwest and southeast. The emerging Redbank Estate is delivering a variety of housing from low density to medium density including seniors housing based on an earlier rezoning in 2013. The current Redbank Estate has a dwelling cap of 1,400 dwellings and is currently approaching the delivery of approximately 1,000 lots. The Redbank Estate represents an extension of North Richmond which is located further to the east of Redbank. The North Richmond Bridge provides access across the Hawkesbury River to Richmond.

**EXTRAORDINARY MEETING**

**6. NOTICES OF MOTION**

**Meeting Date:** 16 December 2024

**ORDINARY MEETING**

**10. REPORTS FOR DETERMINATION**

**Meeting Date:** 10 December 2024



**Figure 2 - Subject site and Surrounding Redbank Development**

*Indigenous Heritage*

Artefact has prepared an Aboriginal Heritage Due Diligence assessment for the subject site. The study area did not record any items listed on the AHIMS register, with the closest item being recorded approximately 160 meters northeast of the study area. Some of these items were previously recorded as part of the rezoning of the surrounding Redbank Estate. One new site was identified during a visual inspection of the site. The inspection confirmed the potential for further Aboriginal objects to be present, such as sub-surface deposits and scarring or carved trees.

*Non-Indigenous Heritage:*

The surrounding Redbank development site is listed on the State Heritage Register (Item No. 01826) as 'Yobarnie Keyline Farm' which includes the innovative 'Yeoman's Keyline Irrigation System' that was designed and installed to advance farm irrigation technologies. The surrounding development has retained dams and incorporated these elements into the development, reflecting the historical significance of the land's association with agriculture and production. Figure 3 below identifies the site in relation to the original Yobarnie System.



**EXTRAORDINARY MEETING**

**6. NOTICES OF MOTION**

**Meeting Date:** 16 December 2024

**ORDINARY MEETING**

**10. REPORTS FOR DETERMINATION**

**Meeting Date:** 10 December 2024

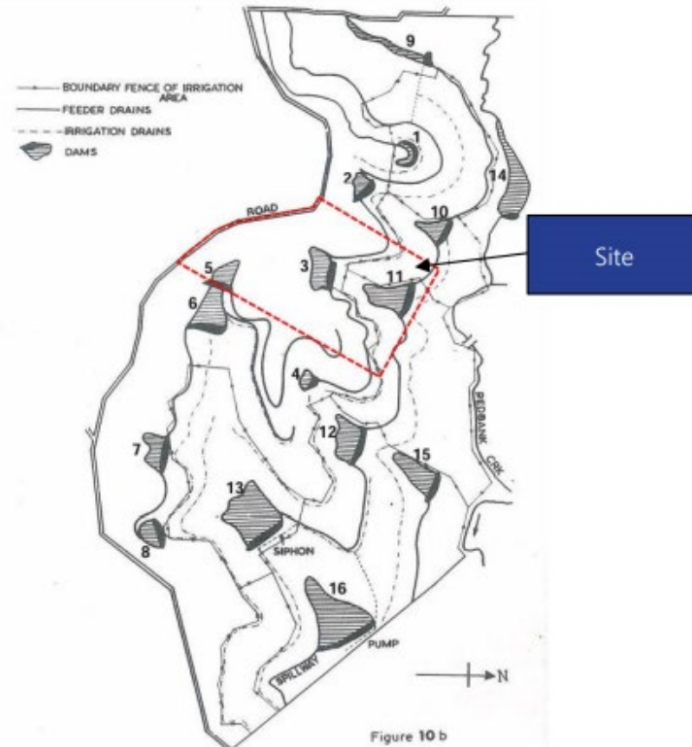


Figure 10 b Plan of the original Yobarnie showing the placement of the original dams, feeder, and irrigation swales. Approximate Kemsley Park lot boundary is indicated.

Source: Urbis, 2023

**Figure 3 - Yobarnie Keyline Farm**

*Biodiversity:*

The subject site contains areas of Cumberland Plain Woodland in the Sydney Region Basin Bioregion (PCT 3320), of low to degraded quality, that is identified as a Threatened Ecological Community under the BC Act. The subject site also contains suitable habitat for the Green and Golden Bell Frog, Square-Tailed Kite, Southern Myotis as well as the Matted Bush Pea. The BC Act requires that for the purposes of the Biodiversity Offsets Scheme, offsets to compensate for impacts on biodiversity values must only be taken after measures are taken to avoid or minimise those impacts first. The extent of Cumberland Plain Woodland on the Site is mapped at Figure 4 below.

**EXTRAORDINARY MEETING**

**6. NOTICES OF MOTION**

**Meeting Date:** 16 December 2024

**ORDINARY MEETING**

**10. REPORTS FOR DETERMINATION**

**Meeting Date:** 10 December 2024



Source: ESEA, 2024

**Figure 4 - Extent of Cumberland Plain Woodland on subject site**

**Flooding:**

The subject site is above 1% AEP and PMF flood events. However, the locality does get isolated during an extreme flood event due to the closure of the North Richmond bridge. Figure 5 below illustrates the PMF levels which does not affect the subject site.



**EXTRAORDINARY MEETING**

**6. NOTICES OF MOTION**

**Meeting Date:** 16 December 2024

**ORDINARY MEETING**

**10. REPORTS FOR DETERMINATION**

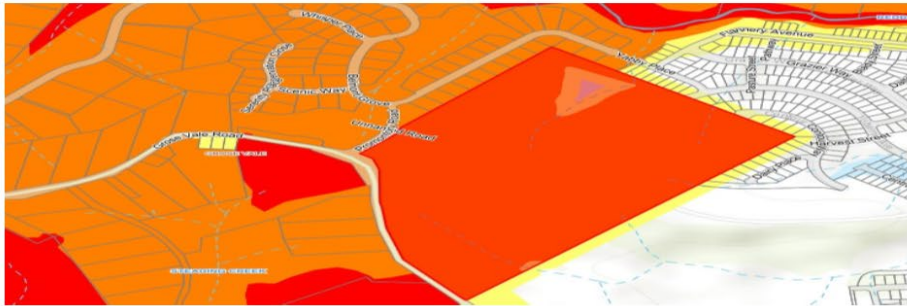
**Meeting Date:** 10 December 2024



Source: Hawkesbury Spatial Viewer  
**Figure 5 - Probable Maximum Flood Level**

**Bushfire:**

The subject site has Category 3 bushfire affectation as shown in Figure 6. The Planning Proposal states that the subject site can accommodate a suitable Asset Protection Zone within the boundaries of the subject site.



**Figure 6 -Bushfire Mapping**

**Current Hawkesbury Local Environmental Plan 2012 Provisions:**

<b>Zone</b>	<b>RU4 Primary Production Small Lots</b>
Minimum Lot Size	200 hectares
Height of Buildings	10m
Terrestrial Biodiversity	Partly Endangered Ecological Communities and Connectivity with remnant vegetation.
Flood	Not Affected but locality can be isolated during

**EXTRAORDINARY MEETING**

**6. NOTICES OF MOTION**

**Meeting Date:** 16 December 2024

**ORDINARY MEETING**

**10. REPORTS FOR DETERMINATION**

**Meeting Date:** 10 December 2024

<b>Zone</b>	<b>RU4 Primary Production Small Lots</b>
	flood events due to the closure of the current North Richmond Bridge which has a very low flood immunity
Heritage	Not Affected but adjoins State Heritage Listed Yobarnie Keyline Farm site (current Redbank Estate).

**Planning Proposal:**

On 21 August 2024, Council received an applicant-initiated Planning Proposal - Kemsley Park. The Planning Proposal seeks to amend the Hawkesbury Local Planning Environmental Plan 2012 to facilitate urban residential development and achieve between 300 to 350 new dwellings in addition to approximately 4.8 Hectares of open space and drainage land. The Planning Proposal seeks to amend the Hawkesbury Local Environmental Plan 2012 in the following manner:

1. Rezone the subject site from RU4 Primary Production Small Lots to partly R5 Large Lot Residential, R2 Low Density Residential and RE1 Public Recreation.
2. Amend the Minimum Lot Size provision to apply a minimum lot size of 375m<sup>2</sup> to the R2 Low Density Residential zoned land and 1,500m<sup>2</sup> for the R5 Large Lot zoned land.
3. Amend the Urban Release Area Map to include the subject site within the Redbank urban release area.
4. Inclusion on the Additional Permitted Uses Map and related amendment to Schedule 1 to allow an additional permitted use over the subject site for dual occupancies provided lot requirements are met.

A suite of technical reports has been provided to support the Planning Proposal which are included as Attachments 1-18.

**Urban Design and Master Planning of Kemsley Park:**

The masterplan for the subject site is shown at Figure 7 and 8 below.

**EXTRAORDINARY MEETING**

**6. NOTICES OF MOTION**

**Meeting Date:** 16 December 2024

**ORDINARY MEETING**

**10. REPORTS FOR DETERMINATION**

**Meeting Date:** 10 December 2024



Source: Inspire, 2024

**Figure 7 – Kemsley Park Master Plan**



**EXTRAORDINARY MEETING**

**6. NOTICES OF MOTION**

**Meeting Date:** 16 December 2024

**ORDINARY MEETING**

**10. REPORTS FOR DETERMINATION**

**Meeting Date:** 10 December 2024



**Figure 8 - Kemsley Park Master Plan blended with Redbank Development**

As detailed in the Planning proposal, the key features of the master plan include:

- A development footprint that responds to the areas of significant terrestrial biodiversity positioned across the southwestern edge of the site and continuing through the spine of the subject site
- Capacity for approximately 300 to 350 residential lots to provide for a range of housing and land options including:
  - Primarily R2 Low Density Residential lots
  - R5 Large Lot Residential lots on the northwestern perimeter
- Commitment towards affordable housing to be delivered in partnership with a Community Housing Provider through dual occupancy typologies
- Delivery of a local road network consistent with the adjoining Redbank development, comprising three access points via new local roads, with no additional access points to Grose Vale Road proposed
- Open space network aimed at meeting the daily active and passive recreation needs of the community and contribution to higher order active open space facilities off-site
- Location of open space to maximize appreciation of the subject site's landform and views
- Opportunities to maximize tree canopy via future street tree planting, embellishment of open spaces and drainage corridors

**EXTRAORDINARY MEETING**

**6. NOTICES OF MOTION**

**Meeting Date:** 16 December 2024

**ORDINARY MEETING**

**10. REPORTS FOR DETERMINATION**

**Meeting Date:** 10 December 2024

- Use of road positions and lot depths to manage bushfire planning considerations
- Utilization of planned capacity within water, sewer and power networks.

The proposed Structure Plan provided at Figure 9 supplements the Urban Design and Masterplan Report. This masterplan has been used to determine the proposed land use zoning of R2 Low Density Residential, R5 Large Lot Residential and RE1 Public Recreation in a manner consistent with the existing Redbank community



Source: Inspire Planning, 2024

**Figure 9 - Indicative zoning layout of Kemsley Park subdivision**

**EXTRAORDINARY MEETING**

**6. NOTICES OF MOTION**

**Meeting Date: 16 December 2024**

**ORDINARY MEETING**

**10. REPORTS FOR DETERMINATION**

**Meeting Date: 10 December 2024**

**Strategic and Site-Specific Merit**

The surrounding Redbank Community was rezoned in 2013, with Kemsley Park not included in the previous planning proposal despite Council support in the 2011 Residential Land Strategy. The Planning Proposal details that the subject site serves as a logical example of infill development, as it is bounded by Redbank on three sides and Grose Vale Road, which runs along a natural ridgeline delineating the property from large rural zoned lots to the southwest.

In 2018, the NSW Planning Framework changed with the commencement of the Greater Sydney Region Plan, A Metropolis of Three Cities, and the Western City District Plan, which included the introduction of the Metropolitan Rural Area.

**Metropolitan Rural Area:**

The Hawkesbury Local Government Area is classified as a Metropolitan Rural Area (except for the Vineyard Precinct in the Northwest Growth Area) under the Greater Sydney Region Plan - A Metropolis of Three Cities, and the Western City District Plan. Objective 29 of the Greater Sydney Region Plan states that land use in the Metropolitan Rural Area will be influenced by local demand to live and work in rural towns or villages. It also states that urban development is not consistent with the values of the Metropolitan Rural Area. Furthermore, it indicates that Greater Sydney has sufficient land to meet its housing needs within the current urban area boundaries, including existing growth areas and urban investigation areas associated with the development of the Western Sydney Airport.

The Planning Proposal introduces urban zones (R2 Low Density Residential and R5 Large Lot Residential) in the Metropolitan Rural Area to meet the local demand for living and working in the area. The Greater Sydney Region Plan states that rural-residential development is not an economic value of the district's rural areas and generally does not support further rural-residential development. Limited growth of rural-residential development could be considered where there are no adverse impacts on the local area's amenity and where the development provides incentives to maintain and enhance the environmental, social, and economic values of the Metropolitan Rural Area. Given that the Planning Proposal seeks to achieve 300-350 residential lots on the subject site, it is not considered to be a limited growth of rural-residential development.

Urban expansion or encroachment on rural areas, particularly rural lands within the Greater Sydney Region Plan, causing the loss of agricultural land, is not generally supported by the Department of Planning, Housing, and Infrastructure and other relevant government agencies. The Department of Planning, Housing, and Infrastructure is currently reviewing the Greater Sydney Region Plan and the Western City District Plan, with clear policy signals indicating the need to deliver more housing within Sydney. Discussions with the Department to date have indicated that significant changes to the Greater Sydney Region Plan regarding the Metropolitan Rural Area objectives are not expected.

**Hawkesbury Local Housing Strategy:**

The Hawkesbury Local Housing Strategy, adopted by the Council in December 2020, assesses local housing needs in the Local Government Area to accommodate population growth through 2036. The strategy emphasizes that the existing Redbank release area is projected to accommodate a substantial portion of future housing growth, with up to 1,400 additional dwellings. It identifies that the North Richmond Centre has the potential capacity to accommodate an additional 683 dwellings, while other existing centres have relatively limited capacity for significant growth, particularly due to the limited capacity of flood evacuation routes and the viability of medium-density housing. While the existing zoned capacity of the release areas and urban centres was considered adequate, there is a projected shortfall of housing beyond 2031. The Hawkesbury Local Housing Strategy emphasizes a place-based approach for determining rezonings that would not jeopardize the productivity of the rural environment.

The report notes that consideration needs to be given to the appropriateness of the Metropolitan Rural Area designation for the subject site, especially given the limited development opportunities

**EXTRAORDINARY MEETING**

**6. NOTICES OF MOTION**

**Meeting Date: 16 December 2024**

**ORDINARY MEETING**

**10. REPORTS FOR DETERMINATION**

**Meeting Date: 10 December 2024**

throughout the Local Government Area due to environmental constraints such as flood risk. It is considered that there is merit in investigating the subject site for urban residential purposes.

The Planning Proposal states that the Hawkesbury Local Housing Strategy notes that the NSW Government’s population projections for the Hawkesbury Local Government Area suggest a demand for an additional 8,000 dwellings (around 400 dwellings per year) between 2016 and 2036, which is more than double the average historical rate prior to 2016. The completion rate for dwellings across the Local Government Area in the five years to June 2023 averaged 179 dwellings per year. The Hawkesbury Local Housing Strategy instead recommends that an additional 10,000 dwellings will be needed by 2036, highlighting issues in locating these dwellings outside flood-prone areas. The majority of growth is anticipated in existing urban centers as well as the Vineyard Precinct within the Northwest Growth Area.

Furthermore, the housing target for Hawkesbury between 2016 and 2021 was set at 1,150 dwellings to address the housing demand from a projected population of 77,048 by 2036. After reviewing development approvals, dwelling completions, and dwellings under construction, it was identified that the dwelling supply in the Local Government Area was slightly below the 2016-2021 target. This shortfall was largely due to market forces, despite an adequate supply of zoned land to meet the target. The Hawkesbury Local Housing Strategy provided a table of dwelling supply status in the Hawkesbury LGA based on the 1,150 dwellings housing target, as illustrated below.

Timeframe	District Plan target	Status
0-5 years (2016–2021)	1,150 dwellings	Dwellings completed 2016- 2019: 659 dwellings* Dwellings in pipeline 2019 to 2021: 385 dwellings**
20 years	No target stated	Suggested target of around 4,000 additional dwelling 2016- 2036 based on an average completion of 200 dwellings per annum.

Source: \*DPIE housing activity database 1 July 2016- 30 June 2019; \*\*Cordell Connect projects with completion dates listed 1 July 2019- 30 June 2019

Source: Hawkesbury Local Housing Strategy 2020

The Hawkesbury Local Government Area had capacity to meet its dwelling target of 1,150 from development in the Vineyard (Stage 1) Precinct - 2,500 dwellings, Redbank development -1,400 dwellings and the Jacaranda development -580 dwellings. Additionally, the Department of Planning, Housing and Infrastructure has released new housing targets, which for the Hawkesbury Local Government Area is 1,300 dwellings for 2024- 2029. This target has cascaded from the National Housing Accord which includes an aspirational housing target of 1.2 million new well-located homes agreed by the Australian Government with the states and territories, local governments, institutional investors and the construction sector in supply purposes.

**Hawkesbury Local Strategic Planning Statement:**

The Planning Proposal states that the proposed Kemsley Park development is consistent with the planning priorities of the Hawkesbury Local Strategic Planning Statement. It aligns with and will be supported by the existing infrastructure of the Redbank Development. The proposal aims to deliver a range of housing types, from low-density residential to larger lot housing, to meet local demand. Predominantly, the demand for housing in the area is for detached dwellings, and the proposed variety of lot sizes would accommodate different housing needs for various demographics. The Planning Proposal also intends to amend the Additional Permitted Use provisions to allow dual occupancy development within the Kemsley Park development, enabling affordable housing while maintaining the local character of the area.

The Planning Proposal states that the development will protect and promote Aboriginal heritage through a concurrent development application process involving an Aboriginal Cultural Heritage



## EXTRAORDINARY MEETING

### 6. NOTICES OF MOTION

Meeting Date: 16 December 2024

## ORDINARY MEETING

### 10. REPORTS FOR DETERMINATION

Meeting Date: 10 December 2024

Assessment Report and associated consultation. The adjoining State Heritage Listed Yobarnie Keyline Farm dams, identified as of European heritage significance, will be protected through the retention of native vegetation clusters along ridgelines, the retention and reshaping of farm dam 11, and the delivery of the drainage and open space corridor.

The Planning Proposal states that the subject site is not classified as prime agricultural land, and using the land for intensive agriculture would create a land use conflict with the adjoining residential uses at the Redbank development. Given the location and classification of the subject site, there is no economic or environmental benefit to retaining it for rural purposes. The Kemsley Park development represents a relatively small expansion of the existing North Richmond/Redbank Township. The subject site serves no functional purpose from a tourism or rural industry perspective. The proposed development and additional population will contribute to the social and economic viability of nearby local centres, including North Richmond.

The Planning Proposal states that the subject site is not situated on flood-prone land and can be designed to mitigate and respond to bushfire risks and climate change, consistent with the surrounding Redbank Estate. The proposal involves rezoning land for public recreation purposes to maintain tree canopy and biodiversity outcomes, contributing to the Council's broader 'green grid'. The subject site contains a series of first-order watercourses identified on hydro line mapping. These watercourses have since been ground-truthed for formation, vegetation, and function. Where applicable, deemed watercourses are proposed to be protected and rehabilitated as part of a riparian corridor zoned RE1 Public Recreation. Should the Planning Proposal be supported and the LEP Amendment made, it is expected that a Vegetation Management Plan will be prepared at the Development Application stage to support revegetation outcomes.

The Planning Proposal states that the subject site is not situated on flood-prone land and can be designed to mitigate and respond to bushfire risks and climate change, consistent with the surrounding Redbank Estate. The proposal involves rezoning land for public recreation purposes to maintain tree canopy and biodiversity outcomes, contributing to the Council's broader 'green grid'. The subject site contains a series of first-order watercourses identified on hydro line mapping. These watercourses have since been ground-truthed for formation, vegetation, and function. Where applicable, deemed watercourses are proposed to be protected and rehabilitated as part of a riparian corridor zoned RE1 Public Recreation. Should the Planning Proposal be supported and the LEP Amendment made, it is expected that a Vegetation Management Plan will be prepared at the Development Application stage to support revegetation outcomes.

#### **Hawkesbury Rural Lands Strategy:**

The Hawkesbury Rural Lands Strategy states that 86.1% of land use in the rural lands of the Hawkesbury Local Government Area is rural residential. A settlement hierarchy has been developed based on the services and facilities provided in each settlement, which is a factor of its size. This hierarchy is aligned with the Western District Plan prepared by the Greater Sydney Commission and further categorizes local centres into towns, villages, and rural localities. The purpose of the hierarchy is to acknowledge that some settlements, due to their lack of services and facilities, are not able to grow through either infill or expanding the boundaries of their urban zoned land. Additionally, there is an RU4 Primary Production Small Lot zone, which is mostly used for rural residential purposes with a small number of intensive agricultural uses.

The Strategy further states that urban expansion into the surrounding rural landscape can only occur in accordance with the settlement hierarchy and the recommendations of the Hawkesbury Local Housing Strategy. The Western City District Plan identifies that rural areas contain large areas that serve as locations for people to live in a rural or bushland setting. Rural-residential development is not an economic value of the District's rural areas and is generally not supported. Limited growth of rural-residential development could be considered where there are no adverse impacts on the local area's amenity and where the development provides incentives to maintain and enhance the environmental, social, and economic values of the Metropolitan Rural Area. This could include the creation of



## EXTRAORDINARY MEETING

### 6. NOTICES OF MOTION

Meeting Date: 16 December 2024

## ORDINARY MEETING

### 10. REPORTS FOR DETERMINATION

Meeting Date: 10 December 2024

protected biodiversity corridors, buffers to support investment in rural industries, and the protection of scenic landscapes.

#### Hawkesbury Development Control Plan:

The draft masterplan provides a macro-level arrangement of intended land uses, including the higher-order road network, residential uses, open space, water cycle management, and connection with the surrounding Redbank development. It places particular focus on connectivity with adjoining vegetation communities and the State Heritage-listed Yobarnie Keyline Farm. The Planning Proposal intends to amend the Hawkesbury Development Control Plan to incorporate the subject site and extend the same provisions for continuity, as the subject site is positioned between existing Redbank developments currently being developed in accordance with Chapter 8 of the Hawkesbury Development Control Plan.

#### Infrastructure Provision

The Planning Proposal represents an expansion of the Redbank Estate in a consistent manner to how that estate has been developed in terms of local infrastructure provision. On a wider scale, the following major infrastructure project should also be noted:

- Richmond Bridge Duplication Project (Transport for NSW) - the Australian Government and NSW Government have committed \$500 million for traffic improvements including a new bridge over the Hawkesbury River between Richmond and North Richmond. This project has progressed to detailed design stage following completion of the corridor investigations, and with the funding already committed it is expected that delivery will commence on a staged basis in the relatively near future.
- Grose River Bridge (to be delivered as part of existing Redbank Voluntary Planning Agreement) - Council has recently completed assessment of an application to construct a new road that will connect Grose River Road at Grose Wold with Springwood Road at Yarramundi, including a new bridge across the Grose River (1:100 flood immunity). Following completion of acquisitions by Transport for NSW, it is expected that this key piece of infrastructure will be delivered in 2026. This item is included as a deliverable under the current Redbank Voluntary Planning Agreement.
- Richmond System Wastewater Upgrade project has commenced which includes a new wastewater pumping station and the construction of a new seven kilometre main which is expected to transfer wastewater from North Richmond to Richmond.

Also relevant to this Planning Proposal is the consideration of a Voluntary Planning Agreement or the provision of a Section 7.11 Contribution Plan, which requires contributions towards local infrastructure in the area. This could include drainage services, public roads, public open space, streetscape and other public domain improvements, as well as community and recreational facilities. Negotiations in this respect will be guided by the NSW Government's Planning Agreements Practice Note (February 2021) and the Council's Voluntary Planning Agreements Policy.

#### Strategic and Site-Specific Merits:

It is considered that the Planning Proposal provides for an expansion of existing North Richmond/Redbank development that doesn't compromise Metropolitan Rural Area principles and assists in meeting longer term housing targets and diversity of product.

Furthermore, there is infrastructure delivery occurring in the locality that supports the provision of additional dwellings, but if approved any development will need to deliver further infrastructure (Voluntary Planning Agreement).

## EXTRAORDINARY MEETING

### 6. NOTICES OF MOTION

Meeting Date: 16 December 2024

## ORDINARY MEETING

### 10. REPORTS FOR DETERMINATION

Meeting Date: 10 December 2024

It is considered that the Proposal provides for the logical extension of the Redbank development, ensuring consistency of built form and delivery.

#### **Hawkesbury Local Panel Advice:**

As required by Ministerial Direction, the advice from the Hawkesbury Local Planning Panel is to be included as part of the report to Council.

The Hawkesbury Local Planning Panel considered this Planning Proposal at its Meeting on 21 November 2024, and provided the following advice:

#### *Panel Discussion:*

The Panel was addressed by staff and representatives of the applicant in a closed session after the public meeting in order to provide additional explanation of the Planning Proposal and answer questions from the Panel.

The Panel notes that the applicant is committed to the construction of the new bridge over the Grose River as the planning approvals are now in place.

The Panel encourages this to occur in the quickest possible time noting that the construction of the bridge underpins the traffic assessment for this site, and the Redbank development generally.

The Panel is of the opinion that the strategic planning rationale and site-specific merit of the Planning Proposal as set out in the Planning Proposal and the report to the Panel has sufficient merit to proceed in the assessment process.

The Panel understands that the Planning Proposal is ready for submission to the Department of Planning subject to Council's approval.

#### *Panel Advice:*

The Panel's advice to the Council is that the Planning Proposal LEP002/24 – Kemsley Park, Grose Vale should proceed to the next step of applying to the Department of Planning, Housing and Infrastructure for a Gateway Determination and as part of this process the Panel suggests that consideration be given to whether the Molino Stewart report in relation to Flood and Bush Fire, Safety Evaluation August 2009 should be updated.

#### **Applicant's Response to Panel Advice:**

The applicant has not updated the report for this Planning Proposal as the conditions and issues relating to Kemsley Park have not changed since 2009, nor have they improved.

The Molino Stewart report in 2009 included the subject site Kemsley Park in the safety evaluation report for the whole of Redbank and a senior's living development for rezoning.

#### *Flooding*

The Molino Stewart report provided a summary of historical flooding including 1:100 year flood levels and Probable Maximum Flood (PMF) within the Hawkesbury River catchment.

There has been no change to that catchment from 2009 to 2024, and Kemsley Park is still situated above the Probable Maximum Flood level, and as such not affected by any direct flooding.

#### *Government Policy*

There has been subsequent inquiries and reviews into various flood policies in NSW and the Hawkesbury since 2009 and these recent policy reviews and changes affect lands below the Probable

## EXTRAORDINARY MEETING

### 6. NOTICES OF MOTION

Meeting Date: 16 December 2024

## ORDINARY MEETING

### 10. REPORTS FOR DETERMINATION

Meeting Date: 10 December 2024

Maximum Flood level.

The policy for urban development within a floodplain (below Probable Maximum Flood) is to not support such development, however for land situated above the Probable Maximum Flood level there are no such restrictions from a floodplain management perspective.

#### *State Emergency Services*

State Emergency Services objects to urban development below the Probable Maximum Flood level, whereas Kemsley Park is situated above the Probable Maximum Flood level.

State Emergency Services do not have a policy to evacuate any residents/houses located above the Probable Maximum Flood level west of the Hawkesbury River. These residents are safe to remain in place and if required can transit via Bells Line of Road to Lithgow or the Great Western Highway.

#### *Direct and Indirect Flood Impacts*

The 2009 Molino Stewart report refers to direct and indirect impacts from flooding which in summary are:

- Direct (Riverine and local flooding) - None of Kemsley Park is impacted by riverine flooding
- Indirect (Riverine) - with respect to localities above the Probable Maximum Flood level the State Emergency Services policy position has remained unchanged since 2009. North Richmond is considered as accessible by road, and this has not changed from 2009 to 2024.

#### *Road Access*

Whilst bridges at Richmond and Windsor can close during flooding, North Richmond has road access available during flood events via Bells Line of Road, which has not changed since 2009.

The proposed Grose River Bridge will provide greater road access choice for North Richmond residents once completed via Springwood Road.

#### *Electricity*

During extreme events the electricity supply can be affected. Since 2009 there has been no change to this scenario except that more residents have solar panel systems in 2024 than 2009, particularly in the new Redbank housing estate.

#### *Telecommunication*

Since the 2009 Molino Stewart report there have been significant upgrades to mobile phone coverage and NBN Networks, and it is unlikely that telecommunications would be lost during a flood event in comparison to 2009.

#### *Water*

In the 2009 report the water supply from North Richmond was from the North Richmond Treatment Plant which services North Richmond and towns east of the Hawkesbury River including Windsor and Richmond.

In the event of power failure or a water main impacted in the floodplain, the towns east of the Hawkesbury River are at risk of losing water supply.

Since the 2009 report, two high level reservoirs have been built at Redbank providing gravity water supply to Redbank, Kemsley Park and greater North Richmond.

The chance of losing water supply in a flood event in 2024 is negligible and far less than in 2009.

## EXTRAORDINARY MEETING

### 6. NOTICES OF MOTION

Meeting Date: 16 December 2024

## ORDINARY MEETING

### 10. REPORTS FOR DETERMINATION

Meeting Date: 10 December 2024

#### *Sewerage System*

The original 2009 Molino Stewart reports assessed the Redbank and Kemsley Park land as being serviced by a pumping system. The proposal is now for gravity.

Additionally, the North Richmond Sewerage Treatment Plant is currently under refurbishment and reconfiguration to send flows to the Richmond Sewerage Treatment Plant via a new sewer main. The line will be serviced with a pump that is well above the 1:100 flood level.

This system is considered superior when compared to 2009.

#### *Medical Services*

There has been no change since 2009 with respect to accessing medical services in times of flood. Access by road is still available during flood to Lithgow and Nepean hospitals. In major emergencies airflight retrieval is available, which is the case with or without flood impact. In summary the current situation in 2024 is considered superior than in comparison to 2009, therefore it was not considered necessary to update the 2009 Molino Stewart report.

#### **Consistency with the State Environmental Planning Policies (SEPPs):**

The Planning Proposal is mostly consistent with the State Environmental Planning Policies. Attachment 19 provides a detailed assessment of the Planning Proposal against the individual SEPPs.

#### **Consistency with the Planning Directions:**

The Planning Proposal is mostly consistent with the Planning Directions. Attachment 20 provides a detailed assessment of the Planning Proposal against the individual Focus Areas of the Planning Directions.

#### **COMMUNITY ENGAGEMENT**

Should the Planning Proposal be supported by Council, and subsequently a Gateway Determination issued by the Department of Planning, Housing and Infrastructure to proceed, then the issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. This will occur based on the requirements contained within a Gateway Determination.

#### **CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042**

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

#### Great Place to Live

- 1.3 Increase the range of local partnerships and plan for the future.
- 1.5 Provide the right places and spaces to serve our community.

#### Protected Environment and Valued History

- 2.1 Value, protect and enhance our historic built environment as well as our relationship to Aboriginal and non-Aboriginal history.

#### Strong Economy

## EXTRAORDINARY MEETING

### 6. NOTICES OF MOTION

Meeting Date: 16 December 2024

## ORDINARY MEETING

### 10. REPORTS FOR DETERMINATION

Meeting Date: 10 December 2024

3.4 Support the revitalisation of our town centres and growth of our business community.

#### Reliable Council

4.7 Encourage informed planning, balanced growth and community engagement.

4.8 Facilitate the delivery of infrastructure through relevant agencies and Council's own works.

#### **FINANCIAL IMPACT**

There are no financial implications applicable to this report.

#### **RISK MANAGEMENT CONSIDERATIONS**

There are both political and reputational risks associated with consideration of Planning Proposals, particularly associated with additional residential development west of the Hawkesbury River. Council has a statutory responsibility to consider new Planning Proposals within timeframes established by the Department of Planning, Housing and Infrastructure and through the Ministerial Statement of Expectations Order.

#### **PLANNING DECISION**

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

#### **ATTACHMENTS**

There are no supporting documents for this report.

AT – 1 - Planning Proposal Kemsley Park (Distributed under separate cover).

AT - 2 - Masterplan and Urban Design Report (Distributed under separate cover).

AT – 3 - Aboriginal Heritage Due Diligence Assessment (Distributed under separate cover).

AT – 4 - Housing Demand Assessment (Distributed under separate cover).

AT – 5 - Traffic Impact Assessment (Distributed under separate cover).

AT – 6 - Water Cycle Management Report (Distributed under separate cover).

AT – 7 - Preliminary Site Investigation Report (Distributed under separate cover).

AT – 8 - Biodiversity Development Assessment Report (Distributed under separate cover).

AT – 9 - Bushfire Assessment Report (Distributed under separate cover).

AT – 10 - SES Comment (Distributed under separate cover).

AT – 11 - Flood Evacuation and Bushfire Safety Report (Distributed under separate cover).

AT – 12 - Geotechnical and Salinity Assessment Report (Distributed under separate cover).

**EXTRAORDINARY MEETING**

**6. NOTICES OF MOTION**

**Meeting Date:** 16 December 2024

**ORDINARY MEETING**

**10. REPORTS FOR DETERMINATION**

**Meeting Date:** 10 December 2024

AT – 13 - Riparian Assessment Report (Distributed under separate cover).

AT – 14 - Non-Indigenous Heritage Assessment Report (Distributed under separate cover).

AT – 15 - Economic Impact Assessment Report (Distributed under separate cover).

AT – 16 - Utility Servicing Assessment Report (Distributed under separate cover).

AT – 17 - Social Infrastructure Scoping Report (Distributed under separate cover).

AT – 18 - Redbank Stormwater Management Strategy (Distributed under separate cover).

AT – 19 – Consistency with the State Environmental Planning Policies (SEPPs)

AT – 20 – Consistency with the Planning Directions

oooO END OF REPORT Oooo



# Extraordinary Meeting

# End of Business Paper

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.