



Hawkesbury Local Planning Panel

Date of meeting: 21 November 2024
Location: By audio-visual link
Time: 10:00 AM

BUSINESS PAPER

HAWKESBURY LOCAL PLANNING PANEL

Meeting Date: 21 November 2024

Table of Contents

1. PROCEDURAL MATTERS 4

 Welcome 4

 Attendance 4

 Declaration of Interest..... 4

2. REPORTS FOR DETERMINATION 5

 2.1.1. HLPP - DA0421/22 - 457 Bells Line of Road, Kurmond..... 5

3. REPORTS FOR ADVICE..... 29

 3.1.1. CP - LEP002/24 - Kemsley Park, Grose Vale (144940, 96329) 29

1. PROCEDURAL MATTERS

Welcome

The Chairperson will acknowledge the Indigenous Heritage and address the Hawkesbury Local Planning Panel meeting, mentioning:

- Recording of the Hawkesbury Local Planning Panel Meeting
- Statement regarding people addressing the Meeting

Attendance

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

Declaration of Interest

The Chairperson will ask for any Declaration of Interests from the attending Panel Members. These will then be addressed at the relevant item.

2. REPORTS FOR DETERMINATION

2.1.1. HLPP - DA0421/22 - 457 Bells Line of Road, Kurmond

Directorate: City Planning

DEVELOPMENT INFORMATION

Development Application No.	DA0421/22
Date Received	23/11/2022
Proposal	Demolition of existing structures, remediation of land, tree removal, subdivision of 1 into 4 rural lots and construction of an access way
Estimated Cost	\$173,300.00
Legal Description	Lot 31 DP 7565
Property Address	457 Bells Line of Road, Kurmond, NSW, 2757
Area	2.37 Ha
Zoning	RU1 Primary Production, SP2 – Infrastructure
Applicant	McKinlay Morgan & Associates Pty Ltd
Owner	Robert M Attard Marilyn A Attard Brenton M Dawson Jennifer R Ross Lyndal M Attard
Exhibition Dates	08/02/2023 – 22/02/2023
Submissions	Nil
Recommendation	Approval subject to conditions

EXECUTIVE SUMMARY

Reason for Consideration by Local Planning Panel

In accordance with the Environmental Planning and Assessment Act 1979, Section 9.1 - Directions by the Minister, this application is reported to the Hawkesbury Local Planning Panel for determination, as the Developer has offered to enter into a Planning Agreement.

Proposal

The application seeks consent for demolition of existing structures, remediation of land, tree removal, subdivision of one (1) into four (4) rural lots and construction of an access way. More specifically:

- Demolition of a dilapidated weatherboard cottage and an underground septic tank.
- Removal of seven (7) locally native trees, the total is of native canopy and other native vegetation removal equates to 0.577ha.

- Retention of 21 significant trees.
- Remediation of contaminated land to facilitate subdivision; and
- Subdivision one lot into four rural lots with an access road. The proposal will result in four new rural lots, each with building and effluent disposal areas.

Proposed Lot Sizes:

- Lot 21: 5,497 m² (vacant)
- Lot 22: 5,542 m² (vacant)
- Lot 23: 5,670 m² (vacant)
- Lot 24: 7,118 m² (vacant)

All access to these lots will be from Bells Lane to avoid traffic stopping and turning from Bells Line of Road. Lots 21-24 will have shared access points to Bells Lane, with reciprocal rights of way allowing access over each other's paths and a central driveway constructed. This driveway will be approximately 152m long and 4m wide (with 4.5m access easement on both sides of the driveway). However, the proposal seeks to retain the existing driveway access as an emergency exit to Bells Line of Road to satisfy NSW RFS requirement.

Permissibility

The subject site is currently zoned as RU1 Primary Production under the Hawkesbury Local Environmental Plan 2012 and the proposal is permissible with consent.

Consultation

In accordance with Council's Community Participation Plan 2019, the Development Application was notified from 8 February 2023 to 22 February 2023. No submissions have been received by Council during this period.

RECOMMENDATION

Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979:

That the Hawkesbury Local Planning Panel, exercising the function of the consent authority, grant development consent for DA0421/22 for demolition of existing structure, remediation of land, tree removal, Torrens Title subdivision creating four (4) lots and construction of an access way at 457 Bells Line Road, Kurmond, for the following reasons:

1. The proposed development is permissible in Clause 2.6 of the Hawkesbury Local Environmental Plan 2012 and satisfies the requirements of all applicable planning controls.
2. The proposed development would retain the prevailing landscape values of the Kurmond locality and would enhance the inherent rural character which is noted to exhibit a distinctive agricultural context.
3. This application has obtained the General Terms of Approval from the NSW Rural Fire Service to establish appropriate Bushfire Protection Measures to be implemented in future residential development.

4. The proposed development has been designed to ensure that vegetation will be conserved under a Positive Covenant on the property title that will guarantee the long-term maintenance and support of the vegetation.
5. The proposed development is subject to a Voluntary Planning Agreement which has been adopted by Council and ensures the provision of public infrastructure and services.
6. The development would not create unreasonable demands for the provision or extension of public amenities and services; and
7. For the reasons given above, approval of the application is in the public interest.

BACKGROUND

2. Site Description & Conditions

The subject site is legally known as Lot 31 DP7565, 457 Bells Line of Road, Kurmond. The site encompasses a total site area of 2.37 hectares and has dual access from Bells Line road and Bells lane. The site currently contains an existing old weatherboard cottage and septic tank. There are scattered native trees exist across the lot. The site is an irregular shape allotment and has a slope from northwest to southwest corner of approximately 30 metres over 252 metres. The site is zoned as RU1 Primary Production and SP2 Infrastructure- Classified Road and is surrounded by other sites currently zoned as RU1 Primary Production, R2 Low Density Residential properties in the locality. It's surrounded by mostly rural lands and remnant bushland. The site is approximately 300m of the Kurmond Village Shopping Centre.

To clarify the location of the application site and specifically that of the subject site, refer to the aerial image in figures 1 below.

The subject site is not to be within an area prone to flooding. However, the site is categorised to be within an area of bushfire prone and with terrestrial biodiversity values under Hawkesbury Local Environmental Plan 2012. Minor areas of biodiversity are mapped on the lot. For further details, please refer to Section 7.2 of this report.



Figure 1. Site location map.

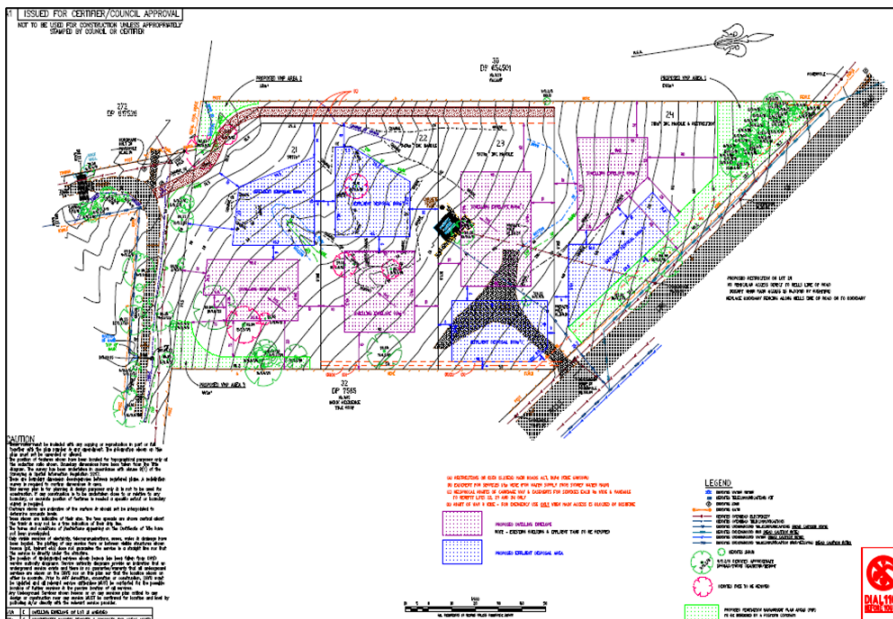


Figure 4. Proposed subdivision Plan

3. Relevant Site History

The site was subject to the following applications:

Application ID	Determined	Comments
LEP002/15 Planning Proposal	26 October 2021	The planning proposal was adopted by Council to amend the lot size map under Hawkesbury Local Environmental Plan 2012.

4. The Proposal

The proposed development seeks the approval for the demolition of existing structures, remediation of land, tree removal, subdivision of 1 into 4 rural lots and construction of an access way. More specifically:

- Demolition of an old, dilapidated weatherboard cottage and an underground septic tank
- Removal of seven (7) locally native trees, the total area of native canopy and other native vegetation removal equates to 0.577ha.
- Retention of 21 significant trees
- Remediation of contaminated land to facilitate subdivision
- Subdivision one lot into four rural lots with an access road. The proposal will result in four new rural lots, each with building and effluent disposal areas.

Proposed Lot Sizes:

- Lot 21: 5,497 m² (vacant)
- Lot 22: 5,542 m² (vacant)
- Lot 23: 5,670 m² (vacant)

HAWKESBURY LOCAL PLANNING PANEL

Meeting Date: 21 November 2024

- Lot 24: 7,118 m² (vacant)

All access to these lots will be from Bells Lane to avoid traffic stopping and turning from Bells Line of Road, even though an existing access is currently being used. Lots 21-24 will have shared access points to Bells Lane, with reciprocal rights of way allowing access over each other's paths and a central driveway constructed. This driveway will be approximately 152m long and 4m wide (with 4.5m access easement on both sides of the driveway). However, the proposal seeks to retain the existing driveway access as an emergency exit to Bells Line of Road to satisfy NSW RFS requirement.

5. Relevant Application History

Date	Comments
18/11/2022	Application lodged on the NSW Planning Portal.
08/02/2023	Notification commences
21/03/2023	Additional information requested by Council
15/05/2023	Applicant submitted additional information to address issues raised by Council
17/10/2023	Applicant submitted further additional information
25/06/2024	Applicant submitted amended subdivision plan and other relevant documents to address issues raised by Council
26/08/2024	Additional information requested by Council
20/09/2024	Applicant submitted updated BDAR report to address issues raised by Council

6. Referrals

Stakeholder	Comments
Engineering	Supported subject to the imposition of conditions
Regulatory	Supported subject to the imposition of conditions
SMF	Supported subject to the imposition of conditions
Ecologist	Supported subject to the imposition of conditions
Arborist	Supported subject to the imposition of conditions
External Referrals	
Rural Fire Service	Supported subject to the imposition of conditions
Transport for NSW	Supported subject to the imposition of conditions

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application are:

- Rural Fires Act 1997;
- State Environmental Planning Policy – (Biodiversity & Conservation) 2021;
- State Environmental Planning Policy (Resilience & Hazards) 2021;
- State Environmental Planning Policy (Transport & Infrastructure) 2021;
- Hawkesbury Local Environmental Plan 2012 (LEP 2012); and

- Hawkesbury Development Control Plan 2002 (HDCP 2002) & 2023 (HDCP 2023).

7.2 Rural Fires Act 1997

Section 100B of the Rural Fires Act 1997 requires that a bush fire safety authority for a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes, or development of bush fire prone land for any 'special fire protection purpose'.

The Site is mapped as bushfire prone land. The application seek approval for a Bushfire Management Strategy which proposes to establish the APZs for future residential development. Therefore, this application seeks General Terms of Approval from the NSW Rural Fire Service (RFS).

The Bushfire Hazard Assessment Report and a letter was prepared by Control Line Consulting dated 22 May 2022 and 3 April 2023. This report and letter investigate the impacts of bushfire on the future residential use. The primary bushfire sources are located along the northern boundary and to a lesser degree along the southern boundary (vegetation within the existing lot).

The Report and letter conducted a review of the APZ and Bushfire Attack Levels to ensure compliance with the current *Planning for Bush Fire Protection 2019* (PBP 2019). The Bushfire Hazard Assessment report and the letter submitted demonstrates the capability of future development to implement appropriate Bushfire Protection Measures as required by PBP 2019.

This application was referred to RFS seeking seeks General Terms of Approval to establish appropriate Bushfire Protection Measures to be implemented in future residential development. It is noted that on the 13 June 2023, the RFS provided Conditions.

7.3 State Environmental Planning Policy – Biodiversity and Conservation 2021.

The State Environmental Planning Policy (Biodiversity & Conservation) 2021 applies to the site. The aims of the plan are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of the non-rural areas of the State through the preservation of trees and other vegetation.

The subject site is located on the biodiversity values map. As such, a biodiversity impact assessment report (BDAR) has been prepared to assess the impact on biodiversity because of tree removal and clearing of vegetation.

In the BDAR report, it is noted that the proposed subdivision will require the removal of a minimum of seven (7) locally native trees (see Figure 5 below) and the total area of native canopy and other native vegetation removal equates to 0.577ha. The following trees are being removed,

Tree No.	Botanical Name	Landscape significance
3	<i>Cinnamomum Camphora</i>	Low
6	<i>Eucalyptus Tereticornis</i>	High
8	<i>Eucalyptus Tereticornis</i>	High
14	<i>Eucalyptus Tereticornis</i>	Medium
15	<i>Eucalyptus Tereticornis</i>	Low
17	<i>Eucalyptus Tereticornis</i>	High
27	<i>Ceratopetalum Apetalum</i>	Medium

These 7 trees are highlighted in the figure below.

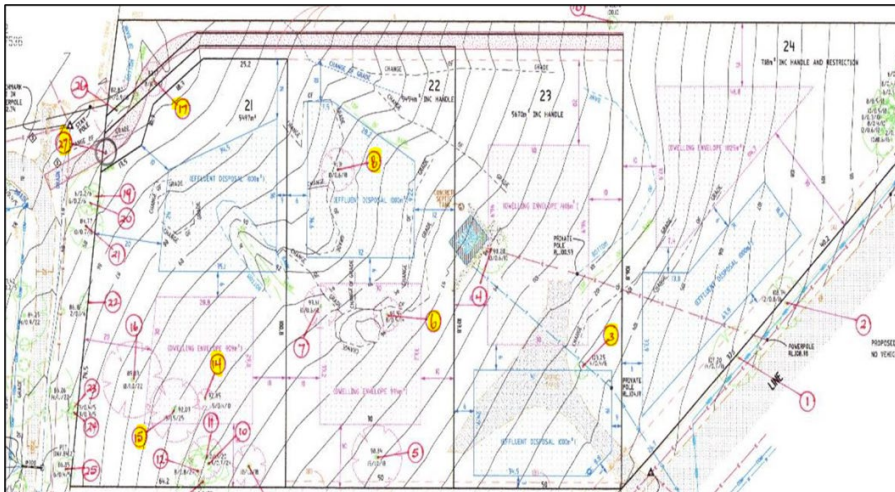


Figure 5: Tree removal plan

However, this is not considered significant compared to the 21 native trees that will be retained, protected, and enhanced through a future Vegetation Management Plan (VMP). The subdivision design includes the provision of three (3) VMP areas (see Figure 6 below), where all vegetation will be conserved under a Positive Covenant on the property title, in accordance with the Conveyancing Act 1919. This covenant ensures the long-term maintenance and support of the vegetation. The VMP zones aim to protect habitat corridors and prevent fragmentation of vegetated areas. A separate VMP report will be provided prior to the release of the subdivision certificate, detailing the vegetation management strategies.



Figure 6 Plan showing proposed VMP areas

Council's external ecologist has reviewed the application and is in support of the development subject to any development on the land to be always carried out in line with the approved BDAR report and under the constant supervision of a qualified Ecologist.

7.4 State Environmental Planning Policy – Resilience and Hazards 2021

The requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021 apply to the subject site. In accordance with Chapter 4 of the SEPP, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

The applicant has submitted a Remediation action plan (RAP) as part of the application, which presents the work strategies and framework to be implemented during the remediation of the identified contamination and the validation of the site.

Based on the previous combined preliminary and detailed site investigation report (prepared by Sydney Environmental Group Pty Ltd), asbestos and stockpile contamination has been identified in shallow surface soils.

The Remediation action plan provides for the land to be remediated to a residential standard under National Environment Protection Measure 2013 Guidelines. It also recommends that after the investigation and remediation activities, a site validation report should be prepared in line with the NSW Environment Protection Authority 2020 Guidelines for Consultants Reporting on Contaminated Sites. The purpose of the validation report is to verify the effectiveness of the remediation and ensure that the resultant condition of the site is suitable for the proposed future subdivision and residential uses.

Council's Regulatory section has reviewed the RAP and other submitted materials and is in support of the development subject to the imposition of conditions.

7.5 State Environmental Planning Policy – Transport and Infrastructure 2021.

The relevant matters to be considered under Chapter 2 of the SEPP for the proposed development outlined below:

Clause	Comment
Clause 2.48 – Electricity Infrastructure	The proposed development is not considered to be within the vicinity of any electricity infrastructure under clause 2.48 (1).
Clause 2.98 – Development Adjacent to rail corridors	The proposed development does not adjoin in, around or on top of any rail corridors.
Clause 2.119 – Frontage to a classified road	<p>The proposed development fronts a classified road.</p> <p>Although the development fronts the classified road (Bells Line of Road), vehicular access for Lot 21 - 24 are from Bells Lane which is not a classified road. The existing driveway access from Bells Line of road (classified road) is being retained as an emergency exit to Bells Line of Road to satisfy NSW RFS requirement.</p> <p>The application was reviewed by TfNSW where it was supported subject to the imposition of conditions.</p>
Clause 2.120 – Impact of road noise or vibration on non-road development	The subject site does adjoin a classified road. A condition will be imposed for the dwellings to not exceed LAeq levels as per 3 (a) and (b) of Clause 2.120 of SEPP (Transport & Infrastructure) 2021.

8. Hawkesbury Local Environmental Plan 2012

The relevant matters considered under the HLEP 2012 for the proposed development are outlined below:

8.1. Clause 1.2 Aims of plan.

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts:

- *To provide the mechanism for the management, orderly and economic development and conservation of land in Hawkesbury,*
- *To provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production*
- *To protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways*
- *To protect and enhance the natural environment in Hawkesbury and to encourage ecologically sustainable development*
- *To conserve and enhance buildings, structures and sites of recognised significance that are part of the heritage of Hawkesbury for future generations*
- *To provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups in Hawkesbury*
- *To encourage tourism-related development that will not have significant adverse environmental effects or conflict with other land uses in the locality.*

The proposed development is considered to align with the aims of the plan.

8.2. Clause 2.3 Zone objectives and Land use table.

The site is zoned RU1 – Primary Production under the Hawkesbury Local Environmental Plan 2012. The aims and objectives for the RU5 zone in clause 2.3 zone objectives are as follows:

- *To enable sustainable primary industry production by maintaining and enhancing the natural resource base,*
- *To maintain the rural landscape character of the land*
- *To provide for a range of compatible land uses, including extensive agriculture*
- *To minimise the fragmentation and alienation of resource lands*
- *To minimise conflict between land uses in the zone and land uses in adjoining zones*
- *To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways*
- *To ensure that development retains or enhance existing landscape values including a distinctive agricultural component.*

- *To preserve the river valley systems, scenic corridors and wooded ridges, escarpments, environmentally sensitive areas and other features of scenic quality*
- *To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.*

The proposed development would retain the prevailing landscape values of the Kurmond locality and would enhance the inherent rural character which is noted to exhibit a distinctive agricultural context. The proposed development preserves the rural character and aligns with the RU1 zoning objectives through site responsive design in limiting tree removal, identifying the optimal layout and density of new structures that reflect the prevailing rural aesthetic and maintaining the distinctive agricultural feel of the Kurmond locality.

The proposal also seeks to avoid fragmentation by creating larger rural lots rather than multiple smaller parcels, which would facilitate the viability of the land for future agricultural use. Additionally, sustainable land remediation processes ensure that water quality and soil integrity are preserved. Together, these measures support a balanced approach that supports both the agricultural heritage and natural resources of the area, keeping the rural landscape intact while allowing compatible future residential use.

8.3 Permissibility

The proposed development is characterised as a 'subdivision' for the purposes of creating four (4) Torrens title allotments.

The term subdivision is defined under the Environmental Planning and Assessment Act 1979 as follows:

“Subdivision of land means the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected—

- *by conveyance, transfer or partition, or*
- *by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition”.*

The proposed subdivision is considered permissible pursuant to Clause 2.6 (1) of the Hawkesbury Local Environmental Plan 2012. Moreover, the proposed subdivision would result in four (4) lots which is consistent with the maximum number of lots for the subject site as prescribed in Clause 4.1G of the Hawkesbury Local Environmental Plan 2012.

8.4 Development Provisions

Clause	Comment
	Part 4 – Principal development standards
Clause 4.1 Minimum subdivision lot size Control: 4000sqm.	All lots are in excess of 4,000m ² .
Clause 4.3 Height of buildings Control: 10m	N/A Note: Dwellings are not sought under this DA.
Clause 4.6 Exceptions to development standards	The proposed development does not seek any variation to development standards.
	Part 5 – Miscellaneous provisions

HAWKESBURY LOCAL PLANNING PANEL

Meeting Date: 21 November 2024

Clause	Comment
5.1 A Development on land intended to be acquired for public purposes	<p>The deposited plans do not demonstrate that the site is or will be subject to future land acquisition by Council.</p> <p>However, a road widening restriction is already existing on the deposited plan. This portion of the site might be acquired by Transport for NSW in future. No driveway or proposed building envelope have been proposed over that easement.</p>
5.10 Heritage conservation	The site is not considered to be a heritage item. The site is located within any heritage conservation area.
5.21 Flood planning	The site is not considered to be subject to flood development controls.
	Part 6 – Additional local provisions
6.1 Acid sulphate soils	The site is considered to fall under class 5 acid sulphates. Suitable conditions of consent will be provided.
6.2 Earthworks	Council's Development Engineers have reviewed the proposed earthworks involved and support the application subject to the imposition of conditions.
6.6 Development in areas subject to aircraft noise	The site is not considered to fall within the vicinity of the RAAF base Richmond.
<p>6.7 Essential services</p> <p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable road access.</p>	<p>Yes</p> <p>Note: a condition of consent will be imposed regarding the accessibility of water and electricity services to the site.</p> <p>The proposed allotments will have road access via Bells Line of Road (emergency exit only) and Bells Lane.</p>

9. Hawkesbury Development Control Plan 2002

A consideration of Part D Chapter 3 of the Hawkesbury Development Control Plan 2002 is provided below:

Clause	Compliance
	Chapter 3 Subdivision
3.2 Flora & Fauna Protection	Generally compliant. BDAR submitted which has been supported by our external ecologist.
3.3 Visual Amenity	Generally compliant.
3.4 Heritage	N/A Note: the site does not adjoin any nearby heritage listed site.
3.5 Utility Services	Generally compliant.
3.7.2 Residential Accessway Design	Yes Note: Lot 21 - 24 will have access from the Bells Lane. An emergency exit will be from Bells Line of Road.

A consideration of Part D Chapter 3 of the Hawkesbury Development Control Plan is provided below.

	Clause	Compliance
		Chapter
	<p>3.8.1 Rural Lot Size and Shape</p> <ul style="list-style-type: none"> The minimum allotment size for land within rural and environmental protection zones are contained within Hawkesbury Local Environmental Plan 1989. Lots should be able to accommodate a building envelope of 2000m² with a minimum dimension of 20 metres. Building envelopes should be located a minimum of 30 metres from significant trees and other significant vegetation or landscape features. Building envelopes would contain the dwelling house, rural sheds, landscaping, and on-site effluent treatment and disposal areas, and bushfire mitigation. In calculating the area of a battle-axe or hatchet shaped allotment, the area of the battle axe handle should be included. The width to depth ratio of allotments should not exceed 1:5. 	The proposed subdivision is sought to facilitate residential development. In this respect, the proposed subdivision remains aligned with the objectives of figure 3.8.1 Rural Lot Size and shape

HAWKESBURY LOCAL PLANNING PANEL

Meeting Date: 21 November 2024

		Clause	Compliance
		<ul style="list-style-type: none"> Lot layout shall consider the location, the watercourse vegetation and other environmental features. 	
Lot	Building Envelope	On-site effluent disposal	Total
Lot 21	1000m2 with a min. dimension of 20m	909m2	1909m2
Lot 22		994m2	1994m2
Lot 23		1000m2	2406m2
Lot 24	1000m2 with a min. dimension of 20m	1000m2	2025m2
		<p>3.8.3 Rural Road and Accessway Design</p> <ul style="list-style-type: none"> All internal driveways shall be constructed to an all-weather standard suitable for the expected traffic generation. An all-weather access should also be provided across the footway to any battle-axe lot. Such access should be sealed within the vicinity of existing houses on adjoining lots where dust nuisance may occur and also on steeply sloping land. Where 3 or more individual access handles are proposed, common roads are to be provided. Battle axe handles shall have a minimum width of 6 metres. Accessways should have a maximum grade of 25% (1:4) and be sealed if the grade exceeds 1:6, concrete if exceeds 1 in 5 	<p>Internal driveways are all-weather standard and is suitable for the expected traffic generation.</p> <p>An approximately 152m long and 4m wide (with 4.5m access easement on both sides of the driveway) driveway is being proposed.</p>
		<p>3.8.4 Effluent Disposal</p>	<p>An effluent disposal report (Geological & Environmental Services Pty Ltd dated August</p>

	Clause	Compliance
	<ul style="list-style-type: none"> An effluent disposal report prepared by a suitably qualified person is required to accompany any development application for rural and rural-residential subdivisions. Any system proposed other than a Household Aerated Wastewater Treatment System is required to be installed prior to release of subdivision certificate. 	2022 submitted with the DA. The report states that the proposed subdivision can cater for the siting of future dwellings and associated arrangement.

10. Development Contributions

The development is exempt from contributions as the site is subject to a Voluntary Planning Agreement (VPA). The VPA was executed of 3 August 2023.

11. EP&A Regulations 2021

Applicable regulation considerations for compliance with the Building Code of Australia, PCA appointment and notice of commencement of works, sign on work sites, critical stage inspections and records of inspection will be covered under the recommended conditions of consent.

13. The likely impacts of the development

The proposed development seeks the subdivision of land within an established masterplan precinct. In this respect, Council considers the development impact to be minor.

14. Suitability of the Site

The proposed development is similar to other residential subdivisions within the local vicinity.

Pursuant to Section 100B of the Rural Fires Act 1997, the proposed development is considered to be integrated development. In this respect, an integrated referral was provided to RFS to which their general terms of approval have been provided.

15. Public Consultation

In accordance with Council’s Community Participation Plan 2019, the Development Application was notified from 8 February 2023 to 22 February 2023 of which Council received no submissions in response to the proposed development.

16. Public Interest

The proposed development is considered to have met the aims of a RU1 Primary Production zone and the relevant sections of Council’s Development Control Plan. In this respect, Council does not raise concern with the proposed development being against the public interest.

17. Conclusion

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls.

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been appropriately designed and will provide a suitable service to the public.

It is considered that the proposal sufficiently minimises adverse impacts on the amenity of neighbouring properties. Hence the development, is consistent with the intentions of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 and is recommended for approval subject to conditions.

18. Recommendation

Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979:

That the Hawkesbury Local Planning Panel, exercising the function of the consent authority, grant development consent for DA0421/22 for demolition of existing structure, remediation of land, tree removal, Torrens Title subdivision creating four (4) lots and construction of an access way at 457 Bells Line Road, Kurmond, for the following reasons:

1. The proposed development is permissible in Clause 2.6 of the Hawkesbury Local Environmental Plan 2012 and satisfies the requirements of all applicable planning controls.
2. The proposed development would retain the prevailing landscape values of the Kurmond locality and would enhance the inherent rural character which is noted to exhibit a distinctive agricultural context.
3. This application has obtained the General Terms of Approval from the NSW Rural Fire Service to establish appropriate Bushfire Protection Measures to be implemented in future residential development.
4. The proposed development has been designed to ensure that vegetation will be conserved under a Positive Covenant on the property title that will guarantee the long-term maintenance and support of the vegetation.
5. The proposed development is subject to a Voluntary Planning Agreement which has been adopted by Council and ensures the provision of public infrastructure and services.
6. The development would not create unreasonable demands for the provision or extension of public amenities and services; and
7. For the reasons given above, approval of the application is in the public interest.

Attachments

AT - 1 Amended Subdivision Plan Layout, 457 Bells Line of Road, Kurmond

AT - 2 Biodiversity Development Assessment - *(Distributed under separate cover)*.

AT - 3 Bushfire Hazard Assessment Report - *(Distributed under separate cover)*.

AT - 4 Control Line Consulting Letter to HCC

AT - 5 Concept Access Design Sheet 2

AT - 6 Concept Access Design Sheet 3

AT - 7 Concept Access Design Sheet 1

HAWKESBURY LOCAL PLANNING PANEL

Meeting Date: 21 November 2024

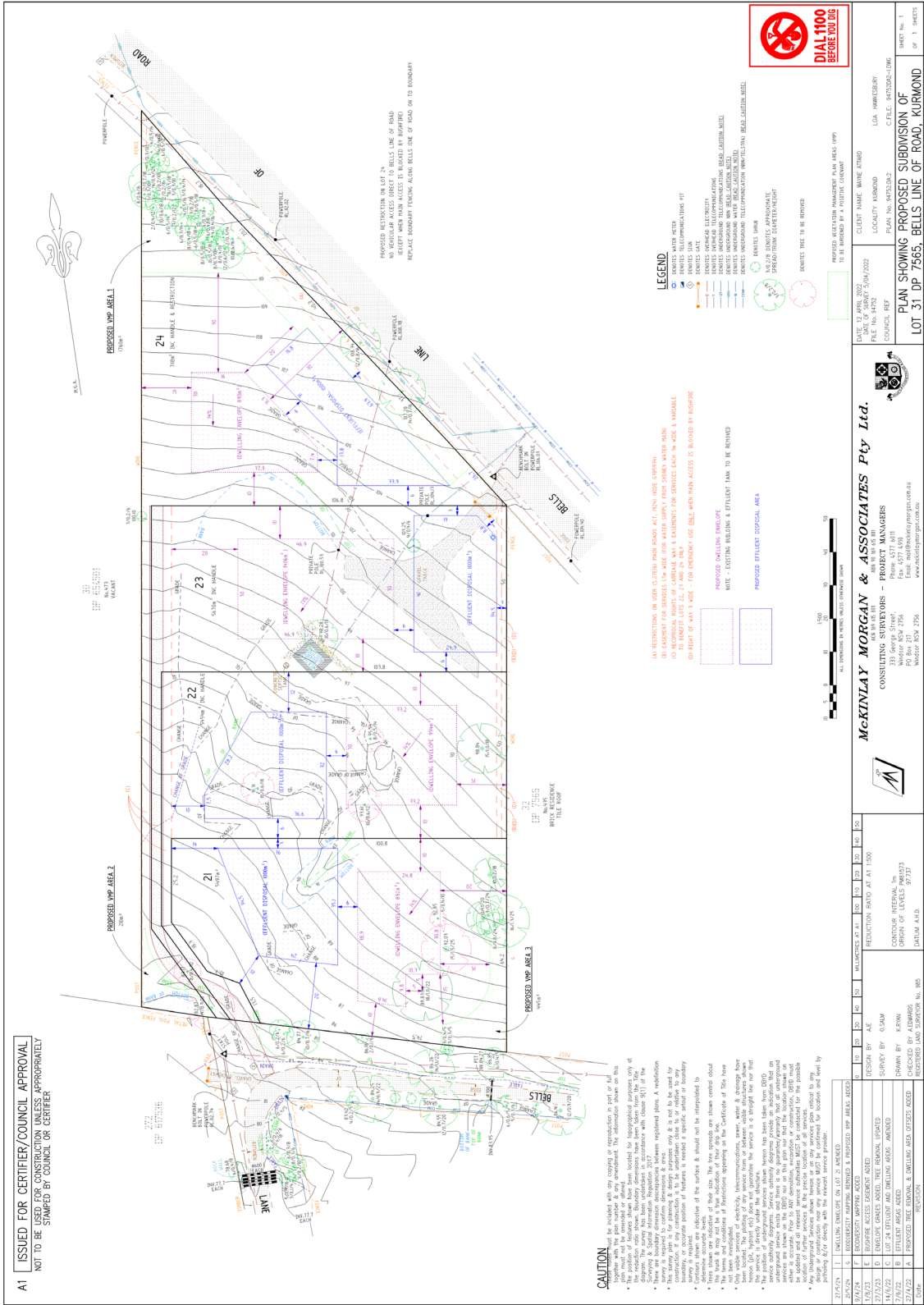
AT - 8 Arboricultural Impact Assessment Report - *(Distributed under seperate cover).*

AT - 9 Remedial Action Plan - *(Distributed under seperate cover).*

AT - 10 Statement of Environmental Effects - *(Distributed under seperate cover).*

AT - 11 Assessment Report - *(Distributed under seperate cover).*

Attachment 1 - Amended Subdivision Plan Layout 457 Bells Line of Road Kurmond V1 PAN-261332



Attachment 4 - Control Line Consulting Letter to HCC 457 Bells Line of Road Kurmond PAN-261332



PO Box 583,
Windsor, NSW 2756
P: 02 4577 0125 F: 02 4577 7688
E: craig@controllineconsulting.com.au

The General Manager,
Hawkesbury City Council,
PO Box 146
Windsor NSW 2756

3rd April 2023

Attention; Andrew Johnston

Development Application No. 0421/22

Subject; Response to Request for Further Information

Address; Lot 31 DP 7565 – 457 Bells Line of Road Kurmond NSW 2757

Dear Andrew

Further your request for further information and as directed by McKinlay Morgan & Associates please find below the following comments which relate to compliance to the General Terms of Approval as issued by the NSW RFS dated 25.01.23 for the subdivision of the above noted allotment.

Within your request you have drawn attention to the requirement for compliance to an inner protection area of an asset protection and the impact this may have on a stand of trees adjoining the Bells Line of Road within the northern most section of the development site.

It is my opinion that these trees can be retained and that no removal of existing trees will be required to achieve compliance of the asset protection zone.

Additionally, within your request you have asked that details be provided to demonstrate compliance for Items 2 and 3 both of which directly relate to access.

Item 2 dot point one notes that *subdivisions of three or more allotments have more than one access in and out of the development.*

After consultation with Andrew Edwards of McKinlay Morgan & Associates it was agreed that an easement would be provided for emergency access for Lot 21, Lot 22 and Lot 23 adjacent to the eastern boundaries to the Bells Line of Road as an alternate access.

No public roads are to be constructed.

The requirement for Category 1 fire appliance access to within 4 metres of a Static Water Supply (SWS) would be detailed at the time of development application for residential construction although clearly this will be possible for future development.

Therefore, compliance with Item 2 can be demonstrated as noted above.

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For Item 3 all matters appear to achieve compliance although the last dot may require some clarification.

This matter states that a development comprising of more than 3 dwellings has access by dedication of a road and not by right of way.

In this instance Lot 21 has direct road frontage to Bells Lane and therefore only three lots are serviced by a right of way. Therefore, compliance with Item 3 of the General Terms of Approval is achieved.

Please do not hesitate to contact me with any questions and clarifications.

Yours faithfully



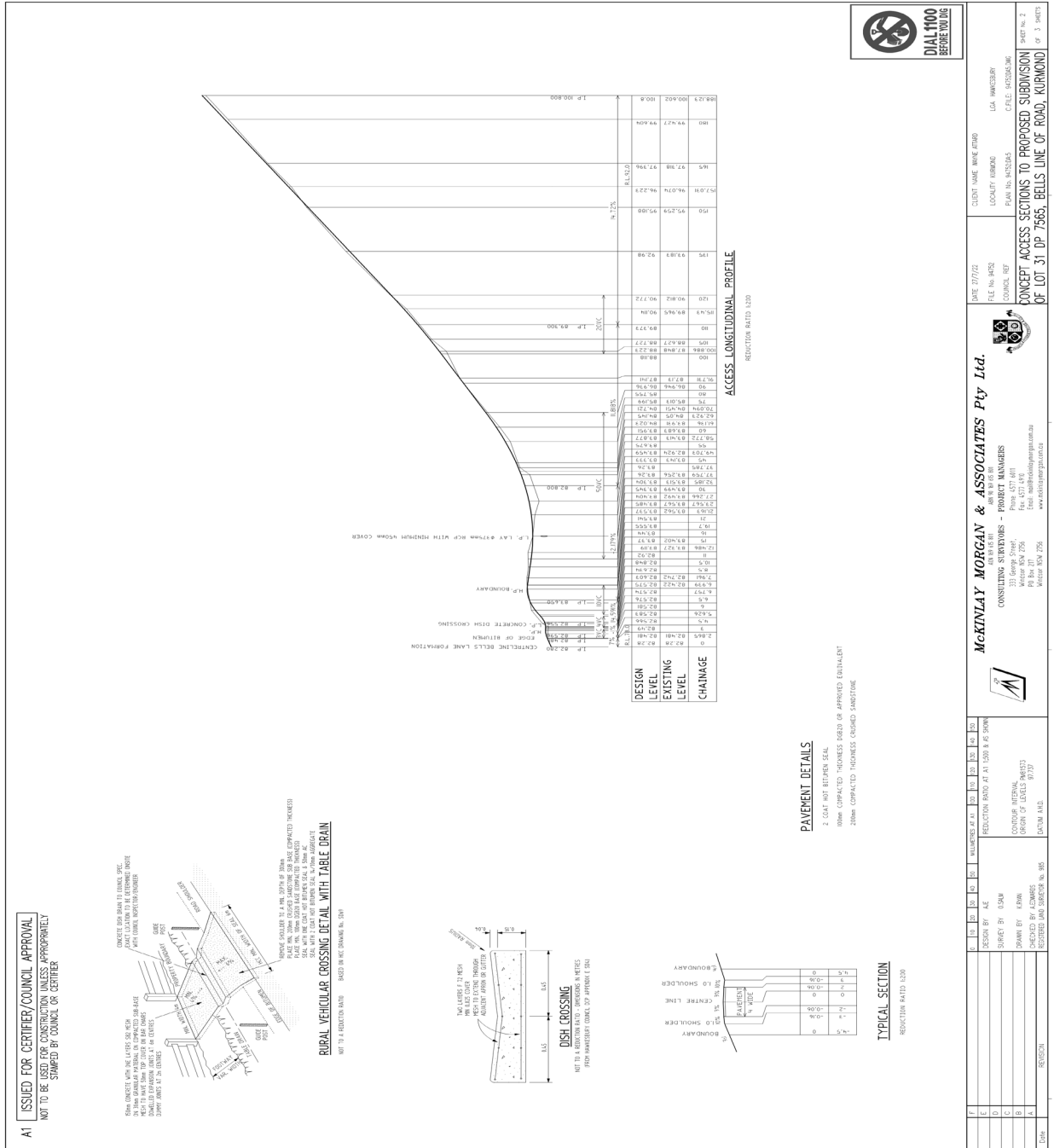
Craig Burley
Grad Dip Design in Bushfire Prone Areas
FPA Australia BPAD – Level 3 Certified Practitioner



HAWKESBURY LOCAL PLANNING PANEL

Meeting Date: 21 November 2024

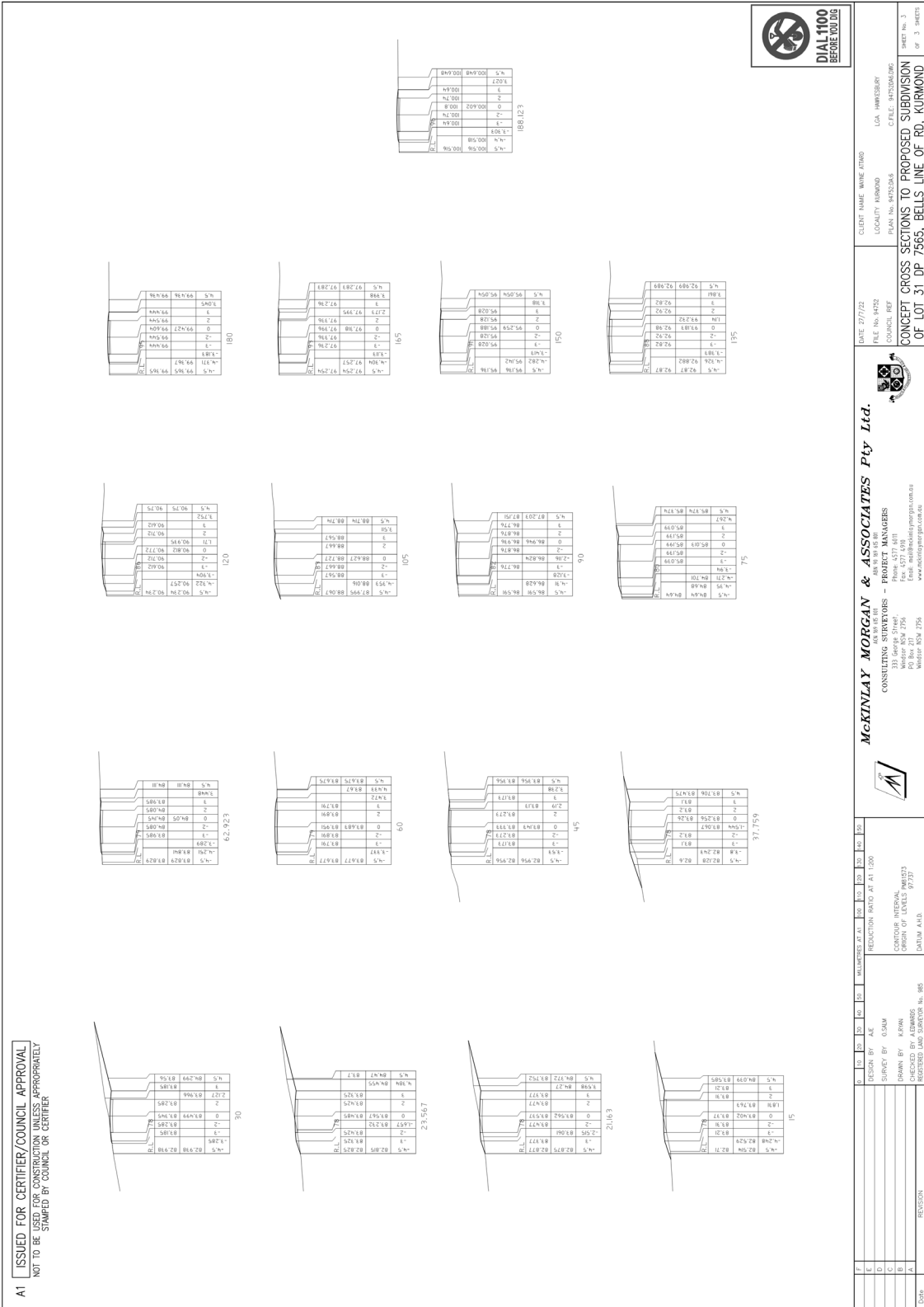
Attachment 5 - ECM 9051023 v1 Concept Access Design Sheet 2 - 457 Bells Line of Road Kurmond - DA0421 22



HAWKESBURY LOCAL PLANNING PANEL

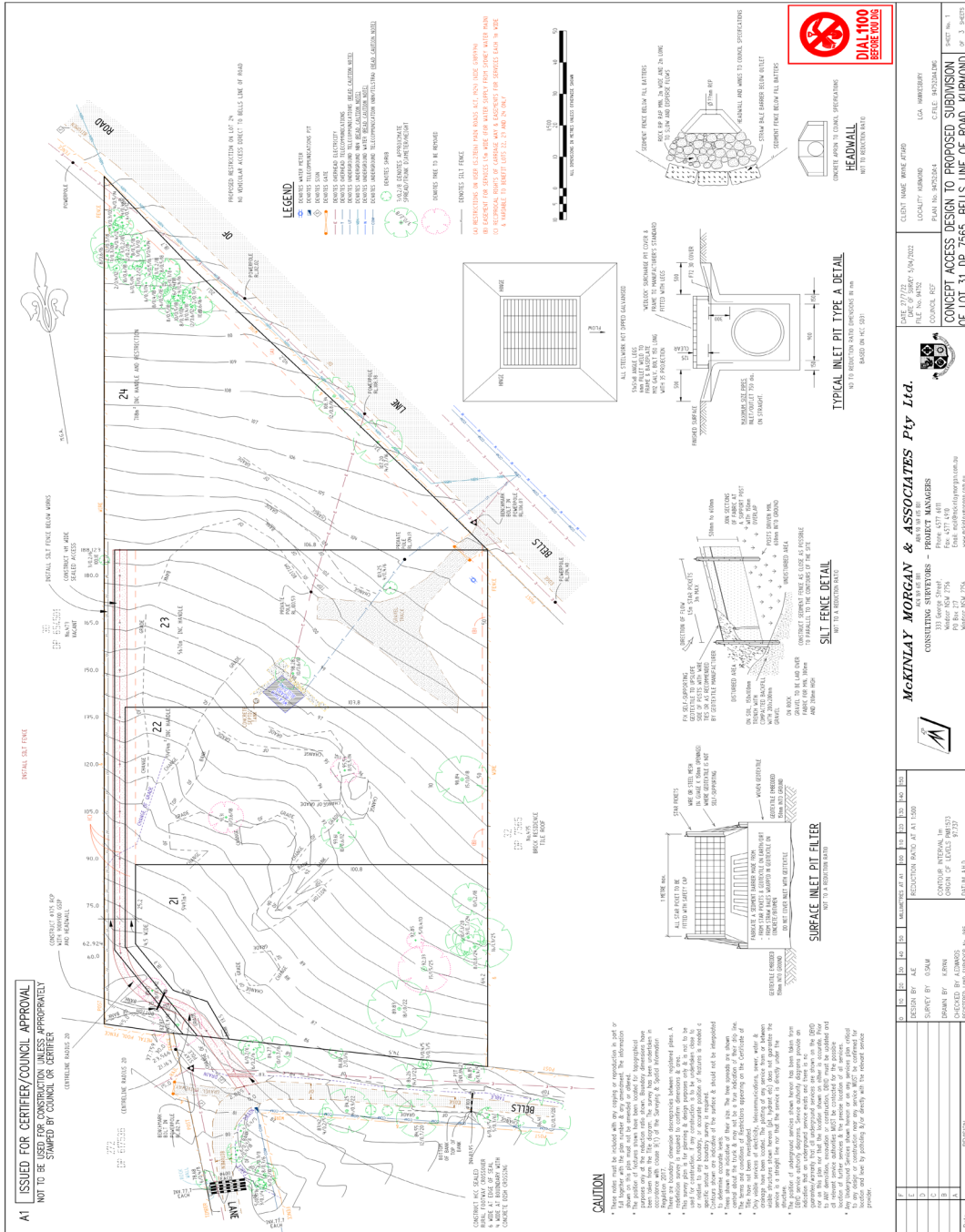
Meeting Date: 21 November 2024

Attachment 6 - ECM 9051024 v1 Concept Access Design Sheet 3 - 457 Bells Line of Road Kurmond - DA0421 22



	<p style="text-align: center;">McKINLAY MORGAN & ASSOCIATES Pty Ltd. CONSULTING ENGINEERS 333 George Street Sydney NSW 2156 Phone: 6177 4811 Fax: 6177 4810 Email: info@mkma.com.au www.mkma.com.au</p>	<p>CLIENT NAME: WARE OTMO LOCALITY: KURMOND PLAN No: 947022648 C-FILE: 947022648</p>
	<p>DATE: 27/7/22 FILE No: 9472 COUNCIL REF</p>	<p>LOCALITY: KURMOND PLAN No: 947022648 C-FILE: 947022648</p>
<p>CONCEPT CROSS SECTIONS TO PROPOSED SUBDIVISION OF LOT 31 DP 7565, BELLS LINE OF RD, KURMOND</p>		
<p>PROJECT No. 3 OF 3 SHEETS</p>		

Attachment 7 - ECM 9051026 v1 Concept Access Design Sheet 1 - 457 Bells Line of Road Kurmond - DA0421 22



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3. REPORTS FOR ADVICE

3.1.1. CP - LEP002/24 - Kemsley Park, Grose Vale (144940, 96329)

Directorate: City Planning

DEVELOPMENT INFORMATION

As this matter is a Planning Proposal, it is referred to the Hawkesbury Local Planning Panel for advice only.

The Panel will consider this matter in a closed session and formulate its advice in the form of a resolution.

The advice will be recorded in the Minutes of the Hawkesbury Local Planning Panel meeting and placed on Council's website.

The advice for the Planning Proposal will also form part of the subsequent report to Council on the matter.

PLANNING PROPOSAL INFORMATION

File Number:	LEP002/24
Property Address	322 Grose Vale Road, Grose Vale
Applicant	Redbank Communities
Owner	MCPB Investments Pty Ltd
Date Received	21 August 2024
Current Zoning	RU4 Primary Production Small Lots
Proposed Zoning	R2 Low Density Residential, R5 Large Lot Residential and RE1 Public Recreation
Current Minimum Lot Size	200 Hectares
Proposed Minimum Lot Size	R2 - 375m2 R5 - 1,500m2
Site Area	35.41 Hectares
Key Issues	<p><i>Strategic</i></p> <ul style="list-style-type: none"> • Consistency with the Greater Sydney Region Plan and Western City District Plan including Metropolitan Rural Area Classification • Infrastructure capacity of the area • Hawkesbury-Nepean flood evacuation modelling and isolation during a major flood event. <p><i>Site Specific</i></p> <ul style="list-style-type: none"> • Integration into existing Redbank Development, and North Richmond community.

Reason for Consideration by Local Planning Panel

As per Ministerial Direction, advice on new Planning Proposals is required from the Hawkesbury Local Planning Panel.

EXECUTIVE SUMMARY

The purpose of this report is to seek advice from the Hawkesbury Local Planning Panel regarding a 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 375m² for the proposed R2 Low Density Residential zoned land, and 1,500m² for the proposed R5 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 is required from the Local Planning Panel 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, noting that the advice of the Panel will be included in the Council Meeting report.

RECOMMENDATION

That the Hawkesbury Local Planning Panel provide advice on Planning Proposal (LEP002/24) to be included in a Council Meeting report to consider whether the Proposal is submitted to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

BACKGROUND

Site and Locality Description

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.



Figure 1 - Subject Site and Surrounds

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.

Current Hawkesbury Local Environmental Plan 2012 Provisions:

Zone	RU4 Primary production Small Lots
Minimum Lot Size	200 hectares
Height of Buildings	10 Metres
Terrestrial Biodiversity	Partly Endangered Ecological Communities and connectivity with remnant vegetation
Flood	Not Affected but locality can be isolated during 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)

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 375m² to the R2 Low Density Residential zoned land and 1,500m² 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 have 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
- 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

Urban Design and Master Planning of Kemsley Park

The masterplan for the subject site is shown at Figure 2 below.



Figure 2 - Kemsley Park Master Plan

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 maximise appreciation of the subject site's land form and views

- Opportunities to maximise tree canopy via future street tree planting, embellishment of open spaces and drainage corridors
- Use of road positions and lot depths to manage bushfire planning considerations
- Utilisation of planned capacity within water, sewer and power networks.

The proposed Structure Plan provided at Figure 3 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.



Figure 3 - Indicative zoning layout of Kemsley Park subdivision

Strategic and Site-Specific Merit

The surrounding Redbank Community was rezoned in 2013, with Kemsley Park not subject to the previous planning proposal despite previous 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 also Grose Vale Road which runs as a natural ridge line 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 classed as Metropolitan Rural Area (except for the Vineyard Precinct in the North West 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. It further states that Greater Sydney has sufficient land to deliver its housing needs within the current boundary of the urban area, 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 to live and work in the area.

The Greater Sydney Region Plan also states that rural-residential development is not an economic value of the district's rural areas and further rural-residential development is generally not supported. Limited growth of rural-residential development could be considered where there are no adverse impacts on the amenity of the local area and the development provides incentives to maintain and enhance the environmental, social and economic values of the Metropolitan Rural Area. Given 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, in particular, rural lands within the Greater Sydney Region Plan causing 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 are currently undertaking a review of the Greater Sydney Region Plan and the Western City District Plan, with clear policy signals in terms of the need to deliver more housing within Sydney. Discussions with the Department of Planning, Housing and Infrastructure to date have indicated that it is not expected that there will be significant changes to the Greater Sydney Region Plan regarding the Metropolitan Rural Area objectives.

Hawkesbury Local Housing Strategy:

The Hawkesbury Local Housing Strategy was adopted by Council in December 2020 and assesses local housing needs in the Local Government Area to accommodate population growth to 2036. The strategy emphasises that the existing Redbank release area is projected to accommodate a substantial proportion of future housing growth of up to 1,400 additional dwellings. The Hawkesbury Local Housing Strategy identifies that the North Richmond Centre has potential capacity to accommodate an additional 683 dwellings, with other existing centres being relatively limited in their ability to accommodate significant growth, particularly due to the limited capacity of flood evacuation routes and viability of medium density housing. Whilst the existing zoned capacity of the release areas and urban centres was envisaged to be adequate, there is a projected shortfall of housing beyond 2031. The Hawkesbury Local Housing Strategy emphasises 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 over the subject site and considering the limited development opportunities throughout the Local Government Area due to environmental constraints such as flood risk. It is considered that there is merit in investigation of the subject site for urban residential purposes.

The Planning Proposal states that the Hawkesbury Local Housing Strategy notes that the NSW Governments population projections for the Hawkesbury Local Government Area suggest demand for an additional 8,000 dwellings (around 400 dwellings per year) are needed between 2016 and 2036, which is more than double the average historical rate in the years prior to 2016. The completion rate for dwellings across the Local Government Area in the 5 years to June 2023 averaged 179 dwellings. The Hawkesbury Local Housing Strategy instead recommends that an additional 10,000 dwellings will be needed up to 2036, with there being issues in the Local Government Area in terms of locating

these dwellings outside flood prone areas. The majority of growth is anticipated in existing urban centres as well as the Vineyard Precinct within the Northwest Growth Area.

Furthermore, the housing target provided to Hawkesbury between 2016 and 2021 was 1,150 dwellings. This target was set to address the housing demand from a projected population of 77,048 in 2036. After reviewing the development approvals and dwellings completions and dwellings then under construction, it was identified that dwelling supply in the Local Government Area was tracking slightly below the 2016-2021 target. This was largely the result of market forces as there was an adequate supply of zoned land to enable target to be met. 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. The Planning Proposal states that the proposed development aligns and will be supported with the existing infrastructure of Redbank Development.

The Planning Proposal intends to deliver a range of housing types ranging from low density residential to larger lot housing that responds to the local demand. Predominantly, the demand for housing stock in the area is for detached dwellings, and the different lot sizes proposed would be able to accommodate a variety of housing stock for different demographic needs. The Planning Proposal intends to amend the Additional Permitted Use provisions to allow dual occupancy development within the Kemsley Park development to enable 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 Assessment Report and associated consultation. The adjoining State Heritage Listed Yobarnie Keyline Farm dams have been identified as of European Heritage significance which will be protected through the retention of native vegetation clusters along ridgelines, 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 classed as prime agricultural land, and the use of land for intensive agriculture will 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 not economic or environmental benefit to retaining the subject site for rural purposes. The Kemsley Park

development provides for 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 make add to the social and economic viability of nearby surrounding local centres, including North Richmond.

The Planning Proposal states that the subject site is not situated on flood prone land, and is capable of being designed to mitigate and respond to bushfire risks and climate change consistent with the surrounding Redbank Estate. The proposal involves the rezoning of land for public recreation purposes that will maintain tree canopy and biodiversity outcomes and contribute to Council's broader 'green grid'.

The subject site contains a series of first order watercourses on hydro line mapping. These watercourses have since been ground trothed 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 being achieved.

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 which is based on the services and facilities that are provided in each settlement which is a factor of its size. The hierarchy is based on the hierarchy in the Western District Plan prepared by the Greater Sydney Commission and further categorises the local centres into towns, villages and rural localities. The purpose of the hierarchy is to acknowledge that some settlements, because of their lack of services and facilities, are not able to grow by either infill or expanding the boundaries of its urban zoned land. There is also a RU4 Primary Production Small Lot zone which has mostly rural residential use and a small number of intensive agricultural use.

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 further rural-residential development is generally not supported. Limited growth of rural-residential development could be considered where there are no adverse impacts on the amenity of the local area and 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 protected biodiversity corridors, buffers to support investment in rural industries, and protection of scenic landscapes.

Hawkesbury Development Control (DCP) 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, with a 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 allow for the same provisions to extend into the subject site for continuity as the subject site is positioned between existing Redbank development that are 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 will be consideration of a Voluntary Planning Agreement or provision of a Section 7.11 Contribution Plan that requires contributions towards the provision of local infrastructure in the area. This could be in the form of drainage services, public roads, public open space, streetscape and other public domain improvements, community and recreational facilities. Negotiations in this respect will be guided by the NSW Governments Planning Agreements Practice Note February 2021, and Council's Voluntary Planning Agreements Policy.

Community Engagement:

Should the Planning Proposal proceed to a Gateway Determination, community engagement will be undertaken in accordance with the Environmental Planning and Assessment Act 1979 and Gateway Determination requirements.

Attachments

- 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*).

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*).

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Hawkesbury Local Planning Panel Meeting

End of Business Paper

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