

HAWKESBURY LOCAL PLANNING PANEL

Meeting Date: 21 November 2024

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 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

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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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