



IRD25/6710

Gateway determination report – PP-2024-1780

Redbank Expansion Area (Kemsley Park), 322 Grose
Vale Road, Grose Vale

April 25



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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

- 1 Planning Proposal 1**
 - 1.1 Overview and objectives of planning proposal 1
 - 1.2 Explanation of provisions..... 2
 - 1.3 Site description and surrounding area 2
 - 1.4 Mapping 4
- 2 Need for the planning proposal..... 7**
- 3 Strategic assessment..... 7**
 - 3.1 Regional Plan 8
 - 3.2 District Plan [If relevant]..... 9
 - 3.3 Local 9
 - 3.4 Local planning panel (LPP) recommendation..... 11
 - 3.5 Section 9.1 Ministerial Directions 11
 - 3.6 State environmental planning policies (SEPPs) 15
- 4 Site-specific assessment 18**
 - 4.1 Environmental..... 18
 - 4.2 Social and economic 19
 - 4.3 Infrastructure 20
- 5 Consultation 21**
 - 5.1 Community 21
 - 5.2 Agencies..... 21
- 6 Timeframe..... 21**
- 7 Local plan-making authority 22**
- 8 Assessment Summary 22**
- 9 Recommendation..... 23**

Table 1 Attachments accompanying the proposal

Relevant reports and plans
Attachment A – Planning Proposal (August 2024)
Attachment B – Gateway determination
Attachment C – Letter to Council

Attachment D1 – Council Resolution (10 December 2024)

Attachment D2 – Report to Council (10 December 2024)

Attachment E – Hawkesbury Local Planning Panel Summary Advice (21 November 2024)

Attachment F1 – Flood Evacuation and Bushfire Safety Report (2009)

Attachment F2 – Flood and Bushfire Safety Evaluation (February 2025)

Attachment G – Bushfire Report

Attachment H – Traffic Impact Assessment

Attachment I – Aboriginal Heritage Due Diligence

Attachment J – Non-Indigenous Heritage Assessment

Attachment K – Social Infrastructure Scoping Report

Attachment L – Masterplan and Urban Design Report

Attachment M – Riparian Assessment

Attachment N – Water Cycle Management Report

Attachment O – Utility Servicing Assessment

Attachment P – State Emergency Services (SES) Comment

Attachment Q – Stormwater Management Strategy

Attachment R – Preliminary Site Investigation

Attachment S – Infrastructure NSW Comment

Attachment T – Housing Demand Assessment

Attachment U – Geotechnical and Salinity Assessment

Attachment V – Economic Impact Assessment

Attachment W – Biodiversity Development Assessment Report (BDAR)

Attachment X – Existing and proposed maps

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Hawkesbury City Council
PPA	Hawkesbury City Council
NAME	Redbank Expansion Area (Kemsley Park)
NUMBER	PP-2024-1780
LEP TO BE AMENDED	Hawkesbury Local Environmental Plan 2012 (HELP 2012)
ADDRESS	322 Grose Vale Road, Grose Vale NSW
DESCRIPTION	Lot 260 DP 1237271
RECEIVED	24/12/2024
FILE NO.	IRF25/186
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal (**Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- include an infill land parcel in the Redbank development and rezone the land, facilitating 300 to 350 residential lots; and,
- complete the rezoning consistent with the adjoining Redbank development, by amending:
 - the Land Use Zoning Map to apply R5 Large Lot Residential, R2 Low Density Residential and RE1 Public Recreation zones;
 - the Lot Size Map from a minimum of 200 hectares to a combination of minimum of 375m² and 1500m²;
 - the Urban Release Area Map, to identify the land as an urban release area to ensure that specified public utility infrastructure is available;
 - Schedule 1 (Hawkesbury LEP) - to allow for an additional permitted use to apply for dual occupancies; and include the site within the Additional Permitted Uses Map; and
 - apply clause 3C.1 of the Greenfield Housing Code to the site.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Hawkesbury LEP 2012 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU4 Primary Production Small Lots	R2 Low Density Residential, R5 Large Lot Residential and RE1 Public Recreation.
Minimum lot size	200 hectares	Apply 375m ² to the R2 Low Density Residential zoned land Apply 1,500m ² to the R5 Large Lot zoned land
Number of lots	1	300 to 350 lots
Urban Release Area	N/A	Add the subject land to the urban release area map to allow LEP clause 6.16 <i>Public Utility Infrastructure</i> to apply.
Additional Permitted Uses (APU)	N/A	Amend Schedule 1 to allow an additional permitted use over the site for dual occupancies, providing lot requirements are met. Dual occupancy APU is proposed for R2 zones where corner lots have a minimum area of 600m ² .

The planning proposal also intends to amend clause 3C.1 Greenfield Housing Code Area Map of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for the Hawkesbury LGA to include the site. This is consistent with the rezoned, adjoining Redbank residential development.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

Commented [TC1]: Can you please use full name (Exempt and Complying etc et

Commented [TD2R1]: amended

1.4 Site description and surrounding area

The subject land is legally identified as Lot 260 in DP 1237271, at 322 Grose Vale Road, Grose Vale. The property is approximately 50 km north west of Sydney and 4.8km west of Richmond. The site is located within the existing Redbank residential estate and adjoins the existing Redbank housing development on three sides.

The land has a frontage of 513m to the eastern side Grose Vale Road and area of 35.41 hectares. The topography of the site can be described as generally open grassland grazing paddocks with scattered shade trees on undulating terrain.

The following figures illustrate.



Figure 1 The Site (shown outlined in red) within the existing Redbank Residential Estate (source: Nearmap)



Figure 2 Site Context - Subject site (shown highlighted yellow) within existing Redbank Estate (shown darkly shaded, includes Redbank and North Richmond) Links with Richmond are shown red and the Hawkesbury River is shown blue. (source: Social Infrastructure Scoping Study)



Figure 3 Site context in relation to Richmond Windsor- Map inset shows area around site within Hawkesbury LGA (source: Planning Proposal)

The subject land is described as an infill land parcel. The site is the remaining parcel of land which included a late 20th Century residence, retained by the landowner at the time the farmland was sold to become the Redbank residential development. The subject land is also described as completing the Redbank Estate.

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to maps, which are suitable for community consultation. Refer to **Figures 4 to 7** below. The Department notes, however, that an acquisition map has not been provided for the land proposed to be zoned RE1 Public Recreation. A Gateway determination condition is recommended to address this situation.

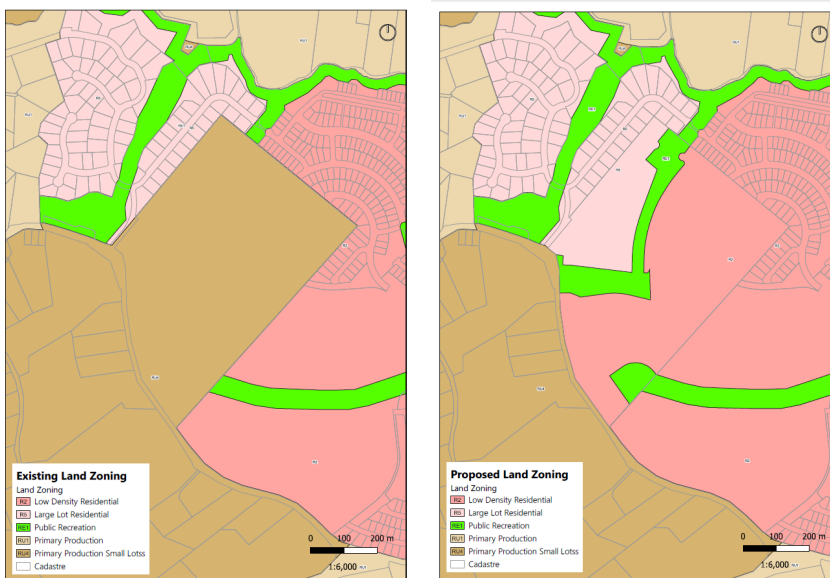


Figure 4 Current and proposed zoning maps

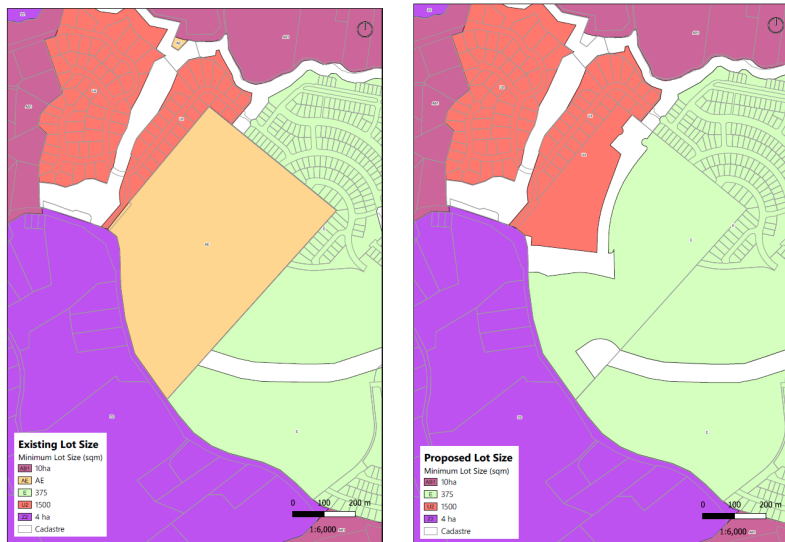


Figure 5 Current and proposed Minimum Lot Size maps



Figure 6 Current and proposed Urban Release Area maps

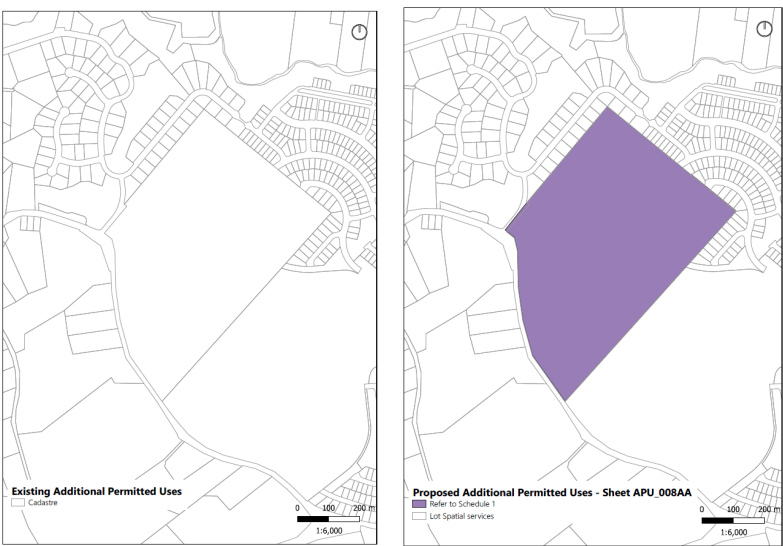


Figure 7 Current and proposed Additional Permitted Uses maps

The following mapping amendments are proposed. Refer to Table 4 below.

Table 4 Proposed mapping amendments

Map title	Map tile number to be amended
Land Zoning	NA – Land zoning maps are now digitised for all LGAs in NSW.
Minimum Lot Size	Sheet LSZ_008AA
Additional Permitted Uses	Sheet APU_008AA – Addition of a new sheet
Urban Release Area Map	Sheet URA_008AA

1.6 Background

In 2012, a Gateway determination was issued for rezoning of approximately 180 hectares of land, which became known as the Redbank residential development, to enable the development of approximately 1,399 residential lots.

A 35.4-hectare land parcel (which is the subject of this planning proposal), was retained by the then landowner and was not included in the determination. The land has since been sold, enabling proposed development under the subject planning proposal.

In 2012, the Department considered that rezoning was justified, according to the then current strategic planning policies.

2 Need for the planning proposal

The planning proposal is not the result of Hawkesbury City Council's Local Strategic Planning Statement (LSPS), strategic study or report.

Proposed development is not permitted without consent or with consent is prohibited on the subject land.

A planning proposal to amend Hawkesbury Local Environmental Plan 2021 (HLEP) is therefore the appropriate means of achieving the intended objectives and outcomes.

3 Strategic assessment

At the time of the 2012 Gateway determination, the rezoning of this land parcel was assessed as part of the larger 180 hectare land parcel, which became the Redbank residential development. According to the strategies and policies of that time, the rezoning was deemed to be justified.

The Department acknowledges that the strategic framework has altered, and it is necessary to consider the current strategic position. In this regard, the planning proposal highlights that:

- The site being identified as infill residential land that is complimentary to the surrounding release area at Redbank, as illustrated in Figure 8 (following).
- The proposal will serve to make a modest contribution to housing supply in the Hawkesbury region, with the first homes able to be completed by 2029 to meet the State Government's recent housing completion target set for the LGA.
- The land sits above the 1% AEP and PMF flood event levels and can be delivered in the short-term to address capacity constraint issues in the supply of land within the Hawkesbury LGA.

Further, as the site is located within the Metropolitan Rural Area (MRA), the planning proposal addresses consistency with the intent of the MRA.

In March 2018, the Greater Sydney Commission introduced the *Greater Sydney Region Plan: A Metropolis of Three Cities*. The objectives of the plan are to ensure planning and land use is equitable and sustainable. The *Western City District Plan* was released at the same time to provide a guide to implementing the A Metropolis of three cities, at a district level.

The proposal indicates that the overarching priority for the MRA is to contribute to habitat and biodiversity, support productive agriculture, provide mineral and energy resources, and sustain local rural towns and villages. Urban development within the MRA under the plan is limited to identified urban investigation areas, with the intention to avoid 'ad-hoc' planning outcomes from site specific proposals.

While the subject land is now not included in an identified urban investigation area, the proposal addresses the above, relevant heads of consideration in the following manner:

- The proposal takes a place-based planning approach consistent with the broader Redbank release area and proposes the R5 Large Lot Residential zone to act as a buffer between low density residential development and the rural lands to the west, which will prevent the potential for land use conflicts.
- The subject land does not contribute to a broader rural or natural landscape within the area, having no visual connection to adjacent rural lands, and also not being readily visible from adjacent local centres.

Commented [TC3]: This section jumps around a bit. I think an upfront statement that the land subject to the 2013 rezoning was considered and assessed via a previous suite of strategic docs, and noting government policy has changed significantly since that time. Then be clear the rest of this section is considering the current strategic merit test which must be applied to the new land

Commented [TD4R3]: amended

- Owing to topography and soil types, the subject land has been classified as having very poor to extremely poor suitability for rural land uses. The site in isolation is not suitable for livestock, primary production or other uses, and therefore rezoning would not compromise the peri-urban Western Sydney food bowl as other larger planning proposals have the potential to do. The growth of peri-urban Sydney is dependent on ensuring that lands are zoned for optimal land uses rather than broad-scale restrictions on development.
- There are no means in which the subject land could be consolidated with adjacent land to form a larger and more productive area for rural land uses that may be more viable than the previous use.
- The existing zoning arrangement, particularly when lands to the east are developed for residential land uses, is likely to lead to land use conflicts, including but not limited to odour, spray and acoustic impacts from agricultural land uses that will disturb the surrounding residential neighbourhood should it be used for rural purposes. The proposed rezoning will ameliorate these conflicts and create a more appropriate buffer being Grose Vale Road.

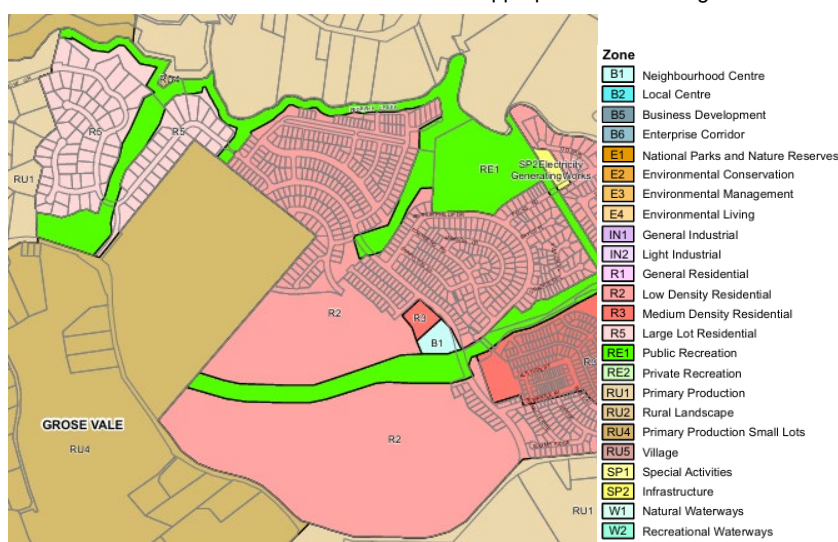


Figure 8 – Extract from Hawkesbury LEP 2012

3.1 Regional Plan

The site is within the Greater Sydney Region and is subject to the Greater Sydney Region Plan - A *Metropolis of Three Cities* (March 2018). **Table 4** below provides an assessment of the planning proposal against relevant aspects of the Regional Plan.

Table 5 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 7 -	Objective 7 seeks to ensure that all members of the community are socially connected. The proposal seeks to include this land parcel in the existing Redbank community. A Social Infrastructure Scoping report has been submitted (Attachment K), outlining services being provided and challenges still to be addressed. Broadly, the report identified the social

Regional Plan Objectives	Justification
Communities are healthy, resilient and socially connected.	infrastructure available, including green and open spaces, health, education, child care, aged care and public transport, entertainment and retail services. The report did not identify any fundamental issues to prevent rezoning of the Site. This is consistent with Objective 7.
Objective 10 - Greater housing supply	Objective 10 seeks to provide greater housing supply. The proposal will result in 300 to 350 new residential lots being provided, which is consistent with Objective 10.

3.2 District Plan

The site is within the Western City District and the Greater Sydney Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is broadly consistent with the priorities to provide housing and social infrastructure as outlined below. Any inconsistencies are considered to be justified.

Consequently, the Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against the relevant priorities associated with housing and social infrastructure.

Table 6 District Plan assessment

District Plan Priorities	Justification
W3 - Providing services and social infrastructure to meet people's changing needs.	Priority W3 seeks to deliver services and social infrastructure that reflects the needs of the community now and into the future. The District Plan identifies a disproportionate number of elderly and vulnerable residents living within the area. A Social Infrastructure Scoping report has been submitted with the planning proposal (Attachment K), outlining services being provided and challenges still to be addressed. Broadly, the report identifies the social infrastructure available, including green and open spaces, health, education, child care, aged care and public transport, entertainment and retail services. The report did not identify any fundamental issues to prevent rezoning of the site. The proposal is therefore broadly consistent with Priority W3.
W5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport	The district plan identifies Richmond as a strategic centre, however, it does not identify North Richmond as an urban release area, and it warns against the negative effects that large scale developments can have on evacuation routes after flooding. While the subject land is in North Richmond area, west of the river, 4.8 km north west of Richmond, it is within the bounds of the existing Redbank residential estate and is located above the extent of the PMF. The proposal provides for future housing, and access to services and public transport will be similar for this development as for the existing Redbank estate.

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 7 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>The LSPS emphasises the need to provide greater diversity of housing types to meet the changing demographic. It also emphasises the high biodiversity values associated with the LGA and the need to protect aboriginal and non-aboriginal cultural heritage and character.</p> <p>The proposal seeks to include this land parcel in the existing Redbank community. The proposal seeks to enhance housing diversity by providing a range of different land sizes that can accommodate a variety of housing stock for different stages of life.</p> <p>The site contains a series of first order watercourses. Where applicable, deemed watercourses are proposed to be protected and rehabilitated as part of a riparian corridor zoned RE1 Public Recreation. It is expected that a Vegetation Management Plan will be prepared at the Development Application stage to support revegetation outcomes being achieved.</p> <p>The proposal will protect and promote Aboriginal heritage through a concurrent development application process, involving an Aboriginal Cultural Heritage Assessment Report and associated consultation.</p> <p>European heritage comprising the significant Yobarnie Keyline Farm dams has been interpreted and will further enhance the heritage conservation of the state heritage item 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.</p>
Hawkesbury Rural Lands Strategy (RLS)	<p>The Rural Land Strategy (RLS) was adopted by Hawkesbury City Council in March 2021. The strategy seeks to preserve rural land, to optimise economic development, while achieving environmental outcomes.</p> <p>An important aspect of the RLS is the identification and the need to respect the Metropolitan Rural Area (MRA), which applies to a large part of Hawkesbury LGA.</p> <p>As noted, the planning proposal indicates (amongst other things) that the agriculture value of the subject land is not of significance and that proposed development will not compromise MRA values, including aesthetic considerations. While this is the case, similar assertions may be made to justify other proposed, and inappropriate, development in the MRA.</p> <p>While it is acknowledged that that proposal is not completely consistent with the intent of the strategy, nor with MRA objectives, unique circumstances prevail in this case with the location of the subject land within the Redbank Estate. Any inconsistencies are considered to be justified on this basis.</p>
Local Housing Strategy (LHS)	<p>The LHS was adopted by Council in December 2020 and provides an assessment of housing needs up to 2036. The Redbank housing estate, along with developments at Vineyard and Glossodia have been included in the targeted number of residences identified in the strategy. This rezoning would result in a modest contribution to housing supply, providing between 300 and 350 residential lots.</p> <p>The Department notes that the subject site land area was specifically excluded from the LHS at the time of its ratification by council in 2020, in its solution for predicted housing provision in 2020. However, at the time of the original rezoning in 2013 and as indicated, the subject site was intended to be included in the rezoning of the investigation land area, which became the Redbank development.</p> <p>Consequently, the Department considers that the proposed zoning of the site and its inclusion in the Redbank residential development is justified.</p>

Local Strategies	Justification
Hawkesbury Community Strategic Plan 2022-2024 (CSP)	<p>The CSP emphasises provision of a great place to live, protecting the environment and valued history while also creating a strong economy and providing a reliable council.</p> <p>The CSP highlights that population growth is slowing, the birthrate is declining and the ageing population is growing. There is a need for social services and programs to meet community needs, with an emphasis on the need for equitable access to health and support services.</p> <p>This planning proposal has the potential to make a modest contribution towards appropriate housing supply, along with green space to meet community needs. The Department considers the proposal to be consistent with the intent of the CSP.</p>

3.4 Local planning panel (LPP) recommendation

The LPP met on 10 December 2024. The Panel's advice to the Council was that the planning proposal should be forwarded to the Department for Gateway determination.

The Panel suggested that the Department consider requiring that the North Richmond Release Area Flood and Bushfire Safety Evaluation (**Attachment F1**), which was completed in 2009, be updated.

The Department notes that an updated version of the report has been provided to the Council and the Department on 25 February 2025 (**Attachment F2**).

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 8 Assessment of applicable 9.1 Ministerial Directions

Directions	Assessment	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>The planning proposal is broadly consistent with the planning priorities identified in the Greater Sydney Region Plan in relation to provision of housing and community services, outlined above in Section 3.1.</p>
1.4 Site Specific Provisions	Consistent	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>Site specific provisions are proposed to permit dual occupancies in the R2 Low Density Residential zone in circumstances where corner lots have a minimum area of 600m². The aim is to avoid wholesale amendment of permissible uses in the R2 zone and confine use to the intended outcome.</p> <p>The proposal to include a local clause permitting dual occupancy in R2 zones does not result in unnecessary restrictive controls and is consistent with this direction.</p>
3.1 Conservation Zones	To be determined	<p>The direction requires that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p>

Directions	Assessment	Reasons for Consistency or Inconsistency
		<p>A Biodiversity Development Assessment Report (BDAR) has been provided to support the Planning Proposal. On-site surveys confirmed a total of 8.92ha of PCT 3320 – Cumberland Shale Plains Woodland generally comprising remnant canopy trees overlying grazed or disturbed exotic groundcover (refer to Attachment W). The patches of this vegetation were concluded to meet the description of Cumberland Plain Woodland in the Sydney Basin Bioregion (CPW), within the meaning of a Critically Endangered Ecological Community per the Biodiversity Conservation Act 2016.</p> <p>The development will avoid and minimise vegetation removal to retain 1.2ha of CPW via the creation of open space corridors zoned RE1 Public Recreation, whilst overall retaining 5.21ha of land within open space corridors which will allow for substantial revegetation outcomes to deliver native vegetation communities consisting of trees and understorey of a higher vegetation integrity than is existing over land previously used for rural purposes.</p> <p>While the Department notes the poor condition of remaining Cumberland Shale Plains Woodland, and the history of land use on the site as a grazing paddock for cattle, as a precautionary measure - consultation with Department of Climate Change, Energy, the Environment and Water is recommended to ensure proposed provisions facilitate the protection and conservation of environmentally sensitive areas in terms of the direction.</p>
3.2 Heritage Conservation	To be determined	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance.</p> <p>The Aboriginal Due Diligence Report (Attachment I) identified a surface artefact that would be affected by development. The report advised that there is potential for further Aboriginal objects to be present on the site.</p> <p>State or Local heritage items are not present on the subject land, nor affected by an interim heritage order. Nevertheless, the site is near the Yobarnie State Heritage site, which contains dams associated with the Keyline Irrigation System. The land was historically part of a demonstration land management system known as the 'Keyline System'. Refer to the Non-Indigenous heritage Assessment (Attachment J).</p> <p>To ensure consistency with the direction, consultation is recommended with Heritage NSW to satisfy the terms of the Direction.</p>
3.6 Strategic Conservation Planning	Consistent	<p>The objective of this direction is to protect, conserve or enhance areas with high biodiversity value.</p> <p>The site is located within the land application map under Chapter 13 of State Environmental Planning Policy (Biodiversity and Conservation) 2021; however, the land is not identified as containing any avoided lands or strategic conservation areas.</p>
3.10 Water Catchment Protection	To be determined.	<p>The site falls within the Webbs Creek catchment as part of the Hawkesbury Nepean Catchment area and is subject to State Environmental Planning Policy (Biodiversity and Conservation) 2021.</p> <p>A strategy for stormwater management for the Redbank release area was prepared in 2013 (Attachment Q).</p> <p>A letter from the developer declaring consistency with the direction (Attachment N) has not been ratified by a suitably qualified engineer. To meet the condition, ratification is recommended. An appropriate condition is recommended.</p>

Directions	Assessment	Reasons for Consistency or Inconsistency
4.1 Flooding	Consistent	The site is above the 1% AEP and PMF flood events. An updated Flood and Bushfire Safety Evaluation has been provided in February 2025, as per the advice of the Local Planning Panel on 10 December 2024.
4.3 Planning for Bushfire Protection	Consistent	<p>The site is bushfire prone, and a bushfire report has been provided (Attachment G) recommending referral to the NSW Rural Fire Service, in accordance with s100B of the Rural Fires Act of 1997.</p> <p>The Bushfire Report proposes that the rezoning area be maintained to satisfy the requirements of <i>Planning for Bush Fire Protection</i> 2019 and NSW RFS Standards for Asset Protection Zones.</p> <p>Referral of the proposal to the Rural Fire Service of NSW to satisfy the terms of the Direction is recommended.</p>
4.4 Remediation of Contaminated Land	Consistent	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>A Preliminary Site Investigation has been undertaken (Attachment R).</p> <p>A number of areas of environmental concern were identified. The report identifies that a Remediation Action Plan may be required during DA stage to render the site suitable for residential land use.</p> <p>The planning proposal also indicates that a detailed site investigation would be prepared to support any development application for future residential development, and if required, a remediation action plan to ensure that the land is made suitable for residential land uses.</p>
4.5 Acid Sulfate Soils	Consistent	<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>A Geotechnical and Salinity Assessment (Attachment U) has been provided in support of the planning proposal. The assessment report includes that:</p> <p><i>A reference to the Acid Sulphate Soil (ASS) Risk Mapping on the eSPADE portal developed by the State of NSW and the Department of Planning, Industry, and Environment (2023), indicates no known occurrence of acid sulphate soil materials within the soil profiles in the site.</i></p> <p><i>Based on the laboratory tests results highlighted in Table 15 of Geotechnique Report (Our Ref: 12261/6-AA, dated: 27 February 2014), the presence of acid sulphate soil was not anticipated in the neighbouring site. Based on this assessment, we anticipate that the soils across the site will exhibit similar characteristics to those described in the aforementioned report. Hence, we do not anticipate any acid sulphate soils across the site.</i></p> <p>The Department notes, however, that Council has identified the land as subject to class 5 and that clause 6.1 <i>Acid sulfate soils</i> of Hawkesbury Local Environmental Plan 2012 will satisfactorily address the situation at development application stage.</p> <p>Given the classification and the operation of clause 6.1, it is considered that the proposal is consistent with the intent of the direction.</p>
5.1 Integrated Land Use and Transportation	Consistent	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> a) improving access to housing, jobs and services by walking, cycling and public transport, and b) increasing the choice of available transport and reducing dependence on cars, and c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and

Directions	Assessment	Reasons for Consistency or Inconsistency
		<p>d) supporting the efficient and viable operation of public transport services, and</p> <p>e) providing for the efficient movement of freight.</p> <p>A Scoping Traffic Study was included in the submission, (Attachment S), This is consistent with the direction as it takes into consideration the planning objectives.</p>
5.2 Reserving Land of Public Purposes	To be determined	<p>The planning proposal indicates that the proposal is consistent with the direction as it does not reduce or alter existing areas of land identified for acquisition by Council.</p> <p>The Direction specifies, however, that a planning proposal must not create zonings or reservations of land for public purposes without the approval of the relevant public authority.</p> <p>As the proposal seeks to introduce a RE1 Public Recreation Zone, this matter is to be addressed by Council, including the need to indicate acquisition responsibilities.</p> <p>A condition is recommended to address this situation.</p>
5.3 Development Near Regulated Airports and Defence Airfields	Consistent	<p>The subject land is not within the 20 ANEF contour. The Department considers the rezoning of the site to be the logical completion of the existing Redbank residential development, which is not within the 20 ANEF contour and which has been rezoned for residential use.</p>
6.1 Residential Zones	Consistent	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands. <p>The proposal seeks to facilitate 300 to 350 residential lots.</p> <p>According to the planning proposal:</p> <ul style="list-style-type: none"> • variety will be provided via different lot sizes providing additional housing at different densities, as well as, facilitating dual occupancy development; • clause 6.16 of the LEP requires council to be satisfied that appropriate arrangements have been made for utility services; and • given the location of the subject land and its lack of resource value, it is considered that proposed development will not have adverse impact upon environmental and resource values.
9.1 Rural Zones	Any inconsistencies are minor and justified	<p>The objective of this direction is to protect the agricultural production value of rural land and it applies to the Hawkesbury LGA.</p> <p>The planning proposal is inconsistent with this direction. The site is currently zoned RU4 Primary Production Small Lots and the proposal seeks to remove this zone.</p> <p>The planning proposal indicates that on account of its topography and soil types, the subject land has been classified as having very poor to extremely poor suitability for rural land uses.</p> <p>The site in isolation is not suitable for livestock, primary production or other uses, and therefore rezoning would not compromise the peri-urban Western Sydney food bowl as other larger planning proposals have the potential to do. The growth of peri-urban Sydney is dependent on ensuring that lands are zoned for optimal land uses rather than broad-scale restrictions on development.</p>

Directions	Assessment	Reasons for Consistency or Inconsistency
		<p>There are no means in which the subject land could be consolidated with adjacent land to form a larger and more productive area for rural land uses that may be more viable than the previous use.</p> <p>The existing zoning arrangement, particularly when lands to the east are developed for residential land uses, is likely to lead to land use conflicts, including but not limited to odour, spray and acoustic impacts from agricultural land uses that will disturb the surrounding residential neighbourhood should it be used for rural purposes. The proposed rezoning will ameliorate these conflicts and create a more appropriate buffer being Grose Vale Road.</p> <p>The Department agrees with this assessment and recommends that any inconsistency with the direction is justified on the basis of minor significance.</p>
9.2 Rural Lands	Any inconsistencies to be considered minor and justified	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes, (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State, (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses, (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land, (f) support the delivery of the actions outlined in the NSW Right to Farm Policy. <p>The planning proposal is inconsistent with this direction, as it does not protect the agricultural production value of rural land and does not facilitate economic use of rural land for rural purposes. Nor does it minimise land fragmentation or encourage sustainable land use practices.</p> <p>Nevertheless, the Department considers that the rezoning of this land parcel can be considered as the completion of the Redbank residential development, which was rezoned in 2013, and any inconsistency is justified on the basis of minor significance. Recommended accordingly.</p>

3.6 State environmental planning policies (SEPPs)

Consistency with relevant SEPPs is discussed in the table below:

Table 9 Assessment of planning proposal against relevant SEPPs

SEPPs	Chapter	Reasons for Consistency or Inconsistency
SEPP (Biodiversity and Conservation) 2021	2 Vegetation in non-rural areas	This chapter applies to this site and establishes requirements for approval to remove certain vegetation at the development application stage. The site is not mapped as excluded from this SEPP, and so development approval will need to be sought for limited vegetation removal.
	4 Koala habitat protection 2020	This chapter applies to the Hawkesbury LGA. The BDAR (Attachment W) did not identify any evidence of koalas on the Site or in the surrounding area.
	6 Water catchments	The Site is within the catchment draining to the Hawkesbury Nepean River system and as such the provision of this chapter applies.

SEPPs	Chapter	Reasons for Consistency or Inconsistency
		<p>Future development applications (DA) will be required to ensure that any proposed works have a negligible impact on the Hawkesbury Nepean River System.</p> <p>An Erosion and Sediment Control Plan will be required at DA stage to include appropriate and effective mitigation measures that are installed correctly and operate during construction.</p>
	13 Conservation planning	<p>The aims of this chapter are to facilitate appropriate development on Biodiversity Certified areas. The Site is mapped on the Land Application map and Chapter 13 applies,</p> <p>The site is identified as a Strategic Planning Conservation Area, subject to Cumberland Plain Biodiversity certification, but it is not mapped as containing certified urban land or avoided land. The Site is mapped as having some significance on the Hawkesbury-Nepean Riverine Scenic Area Map.</p> <p>Terrestrial Biodiversity mapping shows the site as containing significant vegetation and connectivity.</p> <p>The site is mapped on the Biodiversity Values map, which identifies land with high biodiversity value, such as native vegetation, threatened species habitat and creek lines, that is particularly sensitive to impacts from development.</p> <p>A Biodiversity Development Assessment Report has been included with the submission.</p> <p>To ensure that the proposal has appropriately addressed these issues, consultation with the Department of Climate Change, Energy, the Environment and Water, is recommended.</p>
SEPP (Sustainable Buildings) 2022		The planning proposal does not include any provisions which would conflict with the aims of this SEPP. This SEPP will apply to any future development applications for built form on the site.
SEPP (Exempt and Complying Codes) 2008		<p>The map of the Greenfield Housing Code application area, associated with this SEPP, does not currently include the site as it does to the remainder of the adjoining Redbank site. The planning proposal includes a provision to include the site.</p> <p>The planning proposal does not include provisions which would conflict with the aims of this SEPP. This SEPP will apply to any future development applications for built form on the site.</p>
SEPP (Housing) 2021	2 Affordable housing	<p>This chapter is applicable to the Site.</p> <p>The SEPP provides incentives that may be taken up by developers. The planning proposal includes a claim that it provides opportunity for affordable rental housing in the form of dual occupancies where criteria are met.</p>
	3 Diverse housing	<p>This chapter is applicable to the Site.</p> <p>The planning proposal states that it will demonstrate consistency with the SEPP through the provision of different lot sizes and associated housing form.</p>
SEPP (Industry and Employment) 2021	3 Advertising and signage	The planning proposal does not conflict with the aims of this part of the SEPP. Any future advertising or signage will need to comply with the requirements of the SEPP.

SEPPs	Chapter	Reasons for Consistency or Inconsistency
SEPP (Planning Systems) 2021	2 State and regional development	This SEPP applies to the Site. The planning proposal does not conflict with the aims of this chapter of the SEPP.
	4 Concurrences and consents	The Planning Proposal does not conflict with the aims of this part of the SEPP.
SEPP (Primary Production) 2021	2 Primary production and rural development	<p>The site is not identified as State significant agricultural land on the draft map prepared by the Department of Primary Industries. The land is not in the area of operations of an irrigation corporation.</p> <p>The planning proposal does not conflict with potential aims for nearby rural land to be used to temporarily contain livestock.</p> <p>The planning proposal does not conflict with potential aims for aquaculture or oyster aquaculture development that would be subject to the requirements of this SEPP and a separate development application.</p> <p>While the Department considers that the proposal does not conflict with the aims of this SEPP, consultation with the Department of Primary Industries is recommended as a precautionary measure.</p>
SEPP (Resilience and Hazards) 2021	4 Remediation of land	<p>This chapter of the SEPP applies to this site, particularly considering past uses that include underground storage, orcharding, farm dams, a chicken coop and storage of machinery and pesticides.</p> <p>A preliminary site investigation was included with the planning proposal. The investigation references the requirement for a detailed site investigation and possible Remediation Action Plan to render the site suitable for residential development. This further work would be required at the development application stage.</p>
SEPP (Resources and Energy) 2021	2 Mining, petroleum production and extractive industries	This SEPP is applicable to the site, however, there is no apparent evidence of past activity on the site related to underground coal mining, petroleum production or extractive industries.
	3 Extractive industries in Sydney area	
SEPP (Transport and Infrastructure) 2021	2 Infrastructure	This SEPP is applicable to the site and development will need to comply with relevant provisions. Consultation with Transport for NSW is recommended.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal. All of these impacts have been discussed in above sections.

Table 10 Environmental impact assessment

Environmental Impact	Assessment
Biodiversity	<p>The site is mapped on the Terrestrial Biodiversity Map as containing connectivity and significant vegetation. Clause 6.4 of HLEP2012 aims to –</p> <ol style="list-style-type: none"> 1) 'maintain terrestrial biodiversity by- <ol style="list-style-type: none"> a) Protecting native fauna and flora, and b) Protecting the ecological processes necessary for their continued existence, and c) Encouraging the conservation and recovery of native flora and fauna and their habitats. <p>Proposed works would include removal of native canopy trees and the installation of bulk earthworks, roads and infrastructure. Removal of native vegetation from mapped Biodiversity Values areas triggers the Biodiversity Offset Scheme, and so a BDAR is required and has been included with the submission (Attachment W).</p> <p>The site contains Cumberland Shale Plains Woodland, which is listed as Critically Endangered under the <i>Biodiversity Conservation Act 2015</i>. The Site also provides important habitat for several threatened species under the <i>Biodiversity Conservation Act 2015</i>.</p> <p>Offset requirements have been included in the BDAR, and fulfilment of obligations will need to be managed during the development application stage. The report recommends mitigation measures to prevent any indirect impacts on retained vegetation, native fauna, and ecosystems within the site and surrounds.</p> <p>To allow further consideration to be given to these issues, consultation with the Department of Climate Change, Energy, the Environment and Water, is recommended.</p>
Metropolitan Rural Area (MRA)	<p>In addressing inconsistencies with the intent of the MRA, the proposal highlights the following mitigating matters:</p> <ul style="list-style-type: none"> • The proposal takes a place-based planning approach consistent with the broader Redbank release area and proposes the R5 Large Lot Residential zone to act as a buffer between low density residential development and the rural lands to the west, which will prevent the potential for land use conflicts. • The subject land does not contribute to a broader rural or natural landscape within the area, having no visual connection to adjacent rural lands, and also not being readily visible from adjacent local centres. • Owing to topography and soil types, the subject land has been classified as having very poor to extremely poor suitability for rural land uses. The site in isolation is not suitable for livestock, primary production or other uses, and therefore rezoning would not compromise the peri-urban Western Sydney food bowl as other larger planning proposals have the potential to do. The growth of peri-urban Sydney is dependent on ensuring that lands are zoned for optimal land uses rather than broad-scale restrictions on development. • There are no means in which the subject land could be consolidated with adjacent land to form a larger and more productive area for rural land uses that may be more viable than the previous use. • The existing zoning arrangement, particularly when lands to the east are developed for residential land uses, is likely to lead to land use conflicts, including but not limited to odour, spray and acoustic impacts from agricultural land uses that will disturb the surrounding residential neighbourhood should it be used for rural purposes. The proposed rezoning will ameliorate these conflicts and create a more appropriate buffer being Grose Vale Road.

Environmental Impact	Assessment
	<p>While the Department acknowledges this advice, the overriding reason to support progression of the proposal is the unique historical situation applying to the land, which has resulted in the subject land being predominately enclosed within the Redbank Estate, as illustrated in Figure 9.</p> <p>In these circumstances, given the abovementioned mitigating reasons, and as continued rural use of the land will not be in keeping with the amenity of the housing estate, it is considered that any inconsistencies with the intent of the MRA are justified.</p>
Flooding	<p>The site is above the 1% AEP and PMF flood events. Secondary flooding impacts, during major flood events are relevant. The Local Planning Panel recommended the Bushfire and Safety Report be updated (Attachment F1). An updated report, including discussion of evacuation routes during major flooding events was provided in February 2025 (Attachment F2).</p>
Bushfire	<p>The site is classified as bushfire prone and a bushfire assessment report accompanies the planning proposal (Attachment G).</p> <p>The Department recommends consultation with the NSW Rural Fire Service</p>
Riparian corridor and water management	<p>A Riparian Assessment (Attachment M), Water Cycle Management Report (Attachment N) and Stormwater Management Strategy (Attachment Q) have been provided with the planning proposal.</p> <p>The site holds significance as belonging to a riparian corridor containing a network of feeder drains and gullies leading to a series of artificial dams, originally constructed to demonstrate a land management system called the 'Keyline System'.</p>
Noise	<p>The two airports in the vicinity of the site are the RAAF Airport in Richmond and the proposed Western Sydney Airport. The site is 15km from the Richmond RAAF Airport. The site is not within the 20 ANEF airport contour.</p>
Contamination	<p>A Preliminary Site Investigation (PSI Attachment R) and a Geotechnical and Salinity Assessment (GSA Attachment U) were provided with the planning proposal.</p> <p>As discussed, contamination has been identified, requiring remediation to render the site suitable for residential use. Both reports recommend further work before commencement of any development.</p>
Heritage	<p>An Aboriginal Heritage Due Diligence Assessment (Attachment I) and a non-Indigenous Heritage Assessment (Attachment J) have been provided with the planning proposal.</p> <p>As discussed above, both reports identify heritage value associated with the site that requires further work before commencement of any development.</p> <p>The Department recommends consultation with Heritage NSW.</p>

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 11 Social and economic impact assessment

Social and Economic Impact	Assessment
Housing	A Housing Demand Assessment has been submitted with the planning proposal (Attachment T). the assessment concludes that: generally speaking, the increase supply of housing that can be provided by this site will help alleviate undersupply of housing and housing stress within the Hawkesbury LGA.
Retail and social services	<p>A Social Infrastructure Scoping report has been submitted with the planning proposal (Attachment K), outlining services to be provided, including green and open spaces, health, education, child care, aged care and public transport, entertainment and retail services. The report did not identify any fundamental issues to prevent rezoning of the site.</p> <p>A 600m² supermarket is currently under construction in Redbank Village. Additional retail and other services are available in North Richmond, Richmond, Windsor and McGraths Hill, 8, 10 and 19 km distant by road respectively.</p>
Employment	An Economic Impact Statement has been submitted with the planning proposal (Attachment V). The main economic justifications given relate to jobs created throughout construction and demand created by new residents.

4.3 Infrastructure

The following table provides an assessment of infrastructure available to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 12 Infrastructure assessment

Infrastructure	Assessment
Vehicular transport	<p>A Scoping Traffic Study (Attachment H) has been provided that concludes there will be no further burden placed on vehicular transport pathways as a result of this planning proposal.</p> <p>The site lies between Bells Line of Road to the north-east and Grose Vale Road to the south-west. Bells Line of Road leading to Castlereagh Road across the river to the south-east provide the closest arterial transport routes. The Traffic Study discusses the intended M7 Freeway extension, with on-ramps in the vicinity of the site and identifies the requirement for transport upgrades associated with the entire Redbank development.</p> <p>The Department recommends consultation with Transport for NSW.</p>
Public transport, bike paths, pedestrian access	<p>Public transport accessible by future residents is limited. The nearest bus stop in Grose Vale Road is located 250m walking distance from the site, providing access to Richmond train station, providing a rail connection to the CBD.</p> <p>Walking and cycling paths outside the Redbank development are extremely limited, and the planning proposal is unlikely to encourage an increase in either walking or cycling.</p>
Schools and health	According to the Social Infrastructure Scoping Report (Attachment K) enrolments in local secondary schools have been stable between 2012 and 2022 and have been declining for primary schools since 2020.

Infrastructure	Assessment
	<p>Health services are available in Richmond, approximately 11 km distant by road. Hawkesbury District Hospital is approximately 15 km away, Springwood Hospital approximately 20 km away and Nepean Hospital approximately 20km away.</p> <p>Consultation with Schools Infrastructure NSW is recommended.</p>
Utilities	<p>A letter from July 2024 from Orion consultants in July 2024 consultants confirms that servicing for potable water, waste water, power and internet has been assessed and is available.</p> <p>The Department recommends consultation with relevant utility providers.</p>

5 Consultation

5.1 Community

There were a large number of community submissions related to the original rezoning of the Redbank development and this planning proposal has been categorised by Council as complex. Under the LEP Making Guidelines (September 2022) a community consultation period of 30 days is recommended and this forms part of the conditions of the Gateway determination.

5.2 Agencies

Council has nominated the public agencies to be consulted about the planning proposal.

It is recommended the following agencies be consulted and given 30 working days to comment:

- Sydney Water
- Endeavour Energy
- Transport for New South Wales
- NSW Rural Fire Service
- School Infrastructure NSW
- State Emergency Service
- Department of Climate Change, Energy, the Environment and Water
- Department of Primary Industries
- Heritage NSW

6 Timeframe

Council proposes a 12 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. Council has categorised this planning proposal as complex.

The Department recommends an LEP completion date of 10 April 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the Gateway determination is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council has advised that it wishes to exercise its functions as a local plan-making authority.

As the Department considers the rezoning of this land parcel as the logical completion of the Redbank residential estate, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal will serve to make a modest contribution to housing supply in the Hawkesbury region, with the first homes able to be completed by 2029 to meet the State Government's recent housing completion target set for the LGA.
- The land sits above the 1% AEP and PMF flood event levels and can be delivered in the short-term to address capacity constraint issues in the supply of land within the Hawkesbury LGA.
- The subject land does not lend itself to rural use and, given its location, continued rural land use is in conflict with adjoining residential development.
- The land is well-located adjacent to existing housing development and services are readily available.
- There are no adverse social and economic impacts, and subject to confirmation by consultation - there are no known environmental impacts.

While these reasons are relevant, a recommendation to proceed should not be made solely on this basis. These reasons may apply to other proposed development within the Metropolitan Rural Area (MRA) and do not by themselves justify any inconsistencies with the intent of the MRA.

The overriding supporting reason is the unique historical situation applying to the land, which has resulted in the subject land being predominately enclosed within the Redbank Estate, as illustrated in the following diagram.

In these circumstances, given the beforementioned supporting reasons, and as continued rural use of the land will not be in keeping with the amenity of the housing estate, it is recommended that the proposal proceeds.



Source: Nearmap, June 2024

Figure 9: Planning Proposal Figure 2 – Aerial view of site in relation to Redbank

9 Recommendation

It is recommended the delegate of the Secretary:

- agree that any inconsistencies with section 9.1 Directions: 9.1 Rural Zones and 9.2 Rural Lands, are justified on the basis of minor significance; and;
- note that consistency with section 9.1 Directions: 3.1 Conservation Zones; 3.2 Heritage Conservation; 3.10 Water Catchment Protection; and 5.2 Reserving Land for Public Purposes, remain unresolved and are subject to further consideration.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions:

1. Prior to exhibition endorsement is provided by a suitably qualified engineer to the letter from Redbank dated 5 August 2024 submitted for the Water Cycle Management Report.
2. Prior to finalisation clarify the dedication of land to Council to satisfy section 9.1 direction 5.2 Reserving Land for Public Purpose.
3. Consultation is required with the following public authorities for a minimum of 30 working days:
 - Sydney Water
 - Endeavour Energy
 - Transport for New South Wales

- NSW Rural Fire Service
Note: consultation is required with this agency before exhibition to satisfy the section 9.1 direction.
 - School Infrastructure NSW
 - State Emergency Service
 - NSW Department of Climate Change, Energy, the Environment and Water
 - NSW Department of Primary Industries
 - Heritage NSW
4. The planning proposal should be made available for community consultation for a minimum of 30 working days.
 5. Given the nature of the planning proposal, it is recommended that the Gateway authorise Council to be the local plan-making authority.
 6. The LEP is to be completed on or before 10 April 2026.



9/4/25

Terry Doran

Manager

Local Planning and Council Support

Noted:



(Signature)

10 April 2025 (Date)

Tina Chapell

Director Local Planning, Central, West and South

Assessment officers

Terry Doran

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