



## NSW RURAL FIRE SERVICE



The General Manager  
The Hills Shire Council  
PO Box 7064  
Baulkham Hills BC NSW 2153

Your reference: 7/2018/PLP  
Our reference: L13/0006

2 March 2018

**Attention:** Patrice Grzelak

Dear Sir/Madam,

### **Planning Proposal - 32-34 Jacks Lane Maroota – Rezoning of the Subject Land from RU1 Primary Production to RU2 Rural Landscape**

Reference is made to Council's correspondence received 16 January 2018 seeking comment in relation to the above planning proposal which seeks to rezone the land from RU1 Primary Production to RU2 Rural Landscape to enable a rural cluster subdivision to occur, subject to development consent. The concept plan shows a proposal to subdivide the land into five residential lots, with four lots interfacing with the unmanaged vegetation to the northeast and southwest.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the proposal with regard to Section 4.4 of the directions issued in accordance with Section 117(2) of the *Environmental Planning and Assessment Act 1979*.

The objectives of the direction are:

- (a) *to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) *to encourage sound management of bush fire prone areas.*

The direction provides that a planning proposal must:

- (a) *have regard to Planning for Bushfire Protection (PBP) 2006,*
- (b) *introduce controls that avoid placing inappropriate developments in hazardous areas, and*
- (c) *ensure that bushfire hazard reduction is not prohibited within the APZ.*

The New South Wales Rural Fire Service (NSW RFS) is not in a position to support the Planning Proposal on the basis of the information provided. The subject site and its surrounds have been identified areas of high bush fire risk in accordance with The Hills Bush Fire Risk Management Plan. The area was last burnt by wildfire in 2002, which destroyed several thousand hectares of bushland and impacted on a number of assets. The subject site is also surrounded by extensive areas of unmanaged bush fire prone vegetation with a history of bush fire. Access into and out of the area is limited and is likely to be cut off in the event of a bush fire. For these reasons it has been

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considered that the proposal does not meet the Section 117(2) as the proposal encourages the establishment of incompatible land uses in bush fire prone areas.

#### Objectives of Planning for Bush Fire Protection 2006

The objectives of require that developments “*ensure that safe operational access and egress for emergency service personnel and residents is available*”. If the proposal is approved it will result in the creation of future rural cluster subdivision that does not adequately address this objective and the following specific objectives for subdivision outlined in Section 4.1.2 of *PBP 2006*:

- “*minimise perimeters of the subdivision exposed to the bush fire hazard. Hourglass shapes, which maximise perimeters and create bottlenecks, should be avoided;*
- *provide for the siting of future dwellings away from ridge-tops and steep slopes - particularly up-slopes, within saddles and narrow ridge crests;*
- *provide clear and ready access from all properties to the public road system for residents and emergency services”*

The submitted subdivision concept plan shows that future dwellings will be sited along Jacks Lane which has not been proposed to be upgraded to a perimeter road standard in accordance with Section 4.1.3(1) of *PBP 2006*. Where the existing road is considered with the proposed upgrades access to the subject site remains narrow and impeded by vegetation to the northeast, that connects to larger tracts of unmanaged bushland to the north, west and south. This bushland has the potential to carry fire and embers from these aspects to any development situated down Jacks Lane, Maroota. Furthermore Jacks Lane is the single point of access and egress to the subject site and is greater than 200 metres in length. Travel distances of over 200 metres or more, along a single road, are considered problematic and undesirable in bush fire prone areas due to heavy smoke causing poor visibility and the increased chance of being isolated in the event of bush fire.

The proposed rezoning of the subject land will allow higher intensity development and allows new uses of the land which will only exacerbate these issues. These permitted uses of the RU2 Rural Landscape zone include: “bed and breakfast accommodation, camping grounds, caravan parks, centre- based child care facilities, community facilities, dual occupancies, farm stay accommodations, home based child care, places of public worship, and respite day care centres”. A number of these uses are defined as Special Fire Protection Purpose (SFPP) developments in accordance with *PBP 2006*, which house occupants that are vulnerable to the effects of a bush fire and difficult to evacuate in the event of a bush fire.

To increase the density of population and traffic flow to the area would have a detrimental effect on the safety of individuals residing in the area as well as those individuals accessing and egressing the area via Wisemans Ferry Road.

#### Strategic Approach

Whilst the Planning Proposal relates solely to the subject land, it is considered likely this proposal will be followed by a number of further requests for rezoning of other areas of RU1 zoned areas, resulting in significant areas of The Hill Shire Council Local Government Area (LGA) available for increased residential density development.

The rezoning of the subject land and other similar parcels of land in an ad hoc fashion is considered to be inappropriate given the high level of bush fire risk associated with the subject site and its surrounds. Due to this it is the NSW RFS position that due consideration has not be given to the proposed rezoning with regard to these issues on a broader strategic level.

Furthermore, strategic planning proposals need to demonstrate compliance with the acceptable solutions of *PBP 2006* at the planning stage. On the basis of the information provided it has been shown that the concept subdivision plan relies upon an performance based solution to account for the non-compliances associated with Jacks Lane.

If you have any queries regarding this advice, please contact Emma Jensen, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Nika', with a long horizontal flourish extending to the right.

Nika Fomin  
Manager, Planning and Environment Services (East)



18 May 2018

Roads and Maritime Ref: SYD18/001092 (A22340808)  
Council Reference: 7/2018/PLP

The General Manager  
The Hills Shire Council  
PO Box 7064  
BAULKHAM HILLS BC NSW 2153

Attention: Kayla Atkins

Dear Sir/Madam,

**PRE-GATEWAY PLANNING PROPOSAL FOR REZONING FROM RU1 PRIMARY PRODUCTION TO RU2 RURAL LANDSCAPE, 32-34 JACKS LANE, MAROOTA**

Reference is made to Council's correspondence dated 15 January 2018, regarding the abovementioned pre-planning proposal which was referred to Roads and Maritime Services (Roads and Maritime) for comment prior to forwarding to DPE for a Gateway determination. Roads and Maritime appreciates the opportunity to provide early comment on the proposal and apologises for the delay in providing a response.

It is noted that the planning proposal seeks to rezone the land from RU1 Primary Production to RU2 Rural Landscape to enable a rural cluster subdivision. It is also noted that there is no proposed change to minimum lot size or height of building controls for the site. Based on the indicative site area of 10.29 hectares, and lot sizes ranging from 4,000m<sup>2</sup> – 10,000m<sup>2</sup> enabled under clause 4.1AA of The Hills Local Environmental Plan 2012, it is understood that around five lots could be developed. In this regard the following comments are provided:

1. A traffic impact statement should be included within the supporting planning proposal documentation to consider the additional traffic potential (based on the maximum yield) resulting from the planning proposal. The proponent should assess any road safety and traffic impacts resulting from the planning proposal and additional vehicle movements at the intersection of Wisemans Ferry Road and Jacks Lane (privately owned access road).
2. The intersection of Jacks Lane and Wisemans Ferry Road may require an upgrade to cater for the additional vehicular turning movements at the intersection as a result of the future subdivision. Any proposed mitigation measures should be identified with consideration to the warrants for turn treatments provided in Section 2.3.6 of Austroads Guide to Traffic Management Part 6: Intersections, Interchanges and Crossings.
3. Notwithstanding the above, Roads and Maritime advises that at a minimum the dished crossing across Jacks Lane should be upgraded (to be less severe), as vehicles will have to slow to a near-stop to cross the dished drain when entering Jacks Lane in the current configuration which may pose a road safety concern with additional traffic using Jacks Lane. The junction should also be designed such that a vehicle can enter simultaneously while another vehicle is exiting Jacks Lane at the intersection with Wisemans Ferry Road. A plan should be provided to confirm whether there is adequate width for this to occur.

Roads and Maritime Services

4. A strategic concept plan should be provided for any upgrade works identified to demonstrate that the works can be constructed.
5. Further to the above, sightlines for motorists at the Jacks Lane intersection with Wisemans Ferry Road should be provided in accordance with the requirements set out in Austroads Guide to Road Design: Part 4A Unsignalised and Signalised Intersections. The existing driver sight distances available at the intersection should be confirmed. Vegetation adjacent to the intersection may need to be removed to maximise sightlines at the intersection and improve road safety.
6. Intersection advance warning signs for Jacks Lane should be provided to improve road safety.
7. Any identified upgrade works required at the intersection should form a condition of consent on any future development application(s) for the rural cluster subdivision of the site. As Council would be aware, Roads and Maritime's concurrence at the DA stage would be required under Section 138 of the *Roads Act 1993* to any proposed works on Wisemans Ferry Road.
8. Council may also wish to give consideration to a requirement for the development of a site specific Development Control Plan (DCP) or masterplan for the subdivision to set out the future access arrangements and intersection works required, and to inform any Section 94/Section 7.11/7.12 Plan for developer contributions for the provision of the upgrade to the intersection of Jacks Lane and Wisemans Ferry Road. This would be particularly important if Council anticipates similar planning proposals for rural subdivisions in this locality to follow suit, noting that a number of existing allotments appear to access Wisemans Ferry Road via Jacks Lane.

Thank you for the opportunity to provide advice on the subject planning proposal. Should you have any questions or further enquiries in relation to this matter, Rachel Nicholson would be pleased to take your call on 8849 2702 or email [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).

Yours sincerely,



Greg Flynn  
**Senior Manager Strategic Land Use**  
**Sydney Planning, Sydney Division**