12.6 DRAFT PLANNING PROPOSAL - 2 JARVISFIELD ROAD, PICTON (SENIORS LIVING)

File Number: 12275#308

Address:	2 Jarvisfield Road, Picton
Current Zoning:	RU2 Rural Landscape
Planning Proposal:	To enable Seniors Living on the site
Applicant:	Michael Brown Planning Strategies Pty Ltd

EXECUTIVE SUMMARY

The purpose of this report is to allow Council to decide whether to support a Draft Planning Proposal for land at 2 Jarvisfield Road, Picton. This report recommends that Council does not support the draft Planning Proposal.

The proposal seeks to enable development of approximately 54 Seniors Living dwellings on the site. It seeks to do this by including a new additional permitted use for the site and by reducing the minimum lot size for subdivision in Wollondilly Local Environmental Plan 2011.

Preliminary community and stakeholder feedback was invited on the draft planning proposal between 13 February 2019 and 13 March 2019. 9 community submissions were received, most of which objected to the proposal. 7 public agency submissions were also received.

Since that time a number of planning and servicing issues have been raised and the proponent has addressed some of these.

While there is some merit in the principle of providing more diverse housing in the Shire, the site is not considered to be well located, cannot be adequately serviced in terms of infrastructure and the proposed development will adversely impact scenic landscape values.

On 29 April 2021, the Wollondilly Local Planning Panel considered the planning proposal. The Panel's advice is that "the proposal does not have sufficient strategic or site specific merit to be supported for the reasons set out above and as in the Council officer's report".

RECOMMENDATION

That Council:

- 1. Notes the advice of the Wollondilly Local Planning Panel meeting of 29 April 2021.
- 2. Not support the Draft Planning Proposal for Seniors Living at 2 Jarvisfield Road, Picton for the following reasons:
 - a. The proposal does not have strategic or site specific merit.
 - b. The proposal is inconsistent with the strategic planning framework including:
 - i. The Western City District Plan,
 - ii. Create Wollondilly Community Strategic Plan 2033,
 - iii. Wollondilly 2040 Local Strategic Planning Statement,
 - iv. Ministerial Directions 1.2 Rural Zones, 1.5 Rural Lands, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, and 5.10 Implementation of Regional Plans.
 - c. The Draft Planning Proposal has not adequately demonstrated a need for additional seniors living housing in the Metropolitan Rural Area and outside the existing Picton

urban area.

- d. There are inadequate measures for wastewater servicing to demonstrate an ability for the site to be serviced permanently.
- e. The site is poorly located in terms of access to facilities and services.
- f. Relatively frequent public transport services are not accessible from the site and the local topography will reduce the possibilities for active transport.
- g. The proposal will have unreasonable visual impacts at the entrance to Picton and significant heritage.
- 3. Notifies the proponent, landowners and persons who made submissions of Council's decision.

REPORT

Background

January 2019

29 April 2021

July 2020

The Draft Planning Proposal was submitted to Council for consideration in August 2018. It seeks to amend the *Wollondilly Local Environmental Plan 2011* (WLEP 2011) to enable the development of Seniors Living dwellings on land at Lot 4 in DP 873571 (2 Jarvisfield Road, Picton). The original Draft Planning Proposal accommodated a potential capacity for approximately 62 dwellings.

The proposed amendments to the WLEP 2011 and supporting information have been amended by the proponent on two occasions since August 2018 in response to concerns raised by Council staff, public agencies and the community relating to the site's capability (January 2019 and July 2020). This information was supported by an updated Draft Planning Proposal document and the preparation of a master plan for the site.

The Draft Planning Proposal amended to increase the proposed minimum

The master plan was amended to include an on-site effluent management

Draft Planning Proposal considered by Wollondilly Shire Local Planning

Date	Action
August 2018	Draft Planning Proposal is submitted to Council by proponent.

lot size for subdivision from 120sqm to 5 ha.

The following time line summarises the progress of the Draft Planning Proposal to date:

The updated Draft Planning Proposal has reduced the anticipated proposed number of seniors living dwellings that could be accommodated on the site from 62 to 54 dwellings.

area to address concerns with servicing infrastructure.

The current proposal, as considered in this report, is defined on the basis of a combination of the updated planning proposal document and master plan. The proponent's Draft Planning Proposal is provided at **Attachment 1** and the master plan is provided at **Attachment 2**.

The proponent has also provided a number of specialist studies to inform and support the Draft Planning Proposal. These include:

- Bushfire assessment and Bushfire Emergency Management and Evacuation Plan
- Landscape and Visual Impact Assessment

Panel for advice.

- Heritage Advice
- Wastewater Assessment Report
- Preliminary Watercourse Assessment

- Preliminary Hydraulic Assessment
- Archaeological Report & Aboriginal Cultural Heritage Assessment
- Flora and Fauna report
- Flood Assessment
- Traffic assessment
- Preliminary Salinity and Geotechnical Assessment.

Site Description

The site is located at 2 Jarvisfield Road, Picton and is 5.581 hectares in size.

It is bound by Remembrance Driveway to the South and Antill Park Golf Course to the North, which includes a State Heritage item (Jarvisfield – house and barn). The main use of the site at present is for residential purposes, with the site containing a single storey dwelling, two sheds, a swimming pool and a tennis court.

The land is currently zoned under WLEP 2011, as RU2 Rural Landscape and has a minimum subdivision lot size of 100 hectares.

The site adjoins existing large lot residential land known as 'Jarvisfield Estate' to the west. The closest centre is Picton, which is located a few kilometres away from the site via the existing road network.

The site is mostly cleared in terms of vegetation and contains two existing water bodies, one on the north-western boundary and one on the eastern boundary.

A portion of the site is located within the State Heritage Item 'Jarvisfield' which seeks to protect the landscape and visual amenity of the State Heritage Item 'Jarvisfield House and Barn'.

The north eastern portion of the site is identified as bush fire prone on the Wollondilly Bush Fire Prone Land Map. Cumberland Plain Woodland, which is a Critically Endangered Ecological Community, is present on the site and mainly surrounds the North-Eastern dam.





Figure 1: Site Location





DESCRIPTION OF PROPOSAL

This Draft Planning Proposal seeks to enable development of the land for seniors living. It seeks to:

- Amend the Additional Permitted Uses Map to include a new additional permitted use for 'seniors living' on the site as shown in Figure 3, and
- Amend the Minimum Lot Size Map from 100 hectares to 5 hectares for the site as shown in Figures 4 and 5.



Figure 3: Proposed Additional Permitted Uses Map with notation '13'



Figure 4: Existing Minimum Lot Size (AD – 100 hectares)



Figure 5: Proposed Minimum Lot Size (AA1 – 5 hectares)

It is noted that the proposed change to the minimum lot size is not necessary to enable a seniors housing development on the site as this type of development can be facilitated by a strata scheme.

The nominated minimum lot size of 5ha has been identified as a more relevant minimum lot size for subdivision on the basis of the existing lot size which is 5.581ha. It would maintain the status quo with no potential for Torrens title subdivision. The current minimum lot size for subdivision is 100ha.

There is no reference to a service provider in the documentation provided.

The proponent has indicated that the 54 dwellings would be located around the existing dwelling on the site which will be converted into a community room/office for residents.

GATEWAY DETERMINATION

If supported by Council, the Draft Planning Proposal will be sent to the NSW Government Department of Planning, Industry and Environment (the Department) with a request for a Gateway determination.

If the recommendation is supported, the Draft Planning Proposal will not progress any further.

PLANNING CONTEXT

Wollondilly Community Strategy Plan 2033 (CSP 2033)

Create Wollondilly Community Strategic Plan 2033 (CSP) is Council's highest level long term plan. It identifies and expresses the aspirations held by the Community of Wollondilly and sets strategies for achieving those aspirations.

This proposal is considered to be **inconsistent** with some the key policy directions outlined in the CSP.

These inconsistencies have arisen due to the following issues:

- Interruptions to the surrounding rural landscape from a number of different vantage points as according to the submitted Landscape and Visual Impact Assessment.
- The development would represent medium density development on the edge of the Picton township, which is inconsistent with its lower density surroundings and the messaging of the CSP around growth.

A full assessment on the suitability of the Planning Proposal against the CSP is included in Attachment 3.

Wollondilly 2040 Local Strategic Planning Statement (LSPS)

Wollondilly 2040 provides a 20 year land use vision for Wollondilly.

This proposal is considered to be inconsistent with a number of key planning directions outlined in the LSPS.

These inconsistencies have arisen due to the following issues:

- The proposed development does not represent local growth and the proposed density is not conducive to its surroundings.
- The development would not provide future residents with adequate access to facilities, public transport and active transport opportunities.

The proposal would alter the entrance into Picton and be visible from several vantage points, including from nearby State heritage items. A full assessment against key Planning Priorities relevant to this proposal is included in Attachment 3.

Western City District Plan (2018)

The Western City District Plan is a 20 year plan that guides the implementation of the Greater Sydney Region Plan and acts as a bridge between regional and local planning. It outlines a number of directions, priorities and actions for managing growth, delivering infrastructure and protecting and enhancing bushland and biodiversity.

The Plan sets a 5 year (2016-2021) housing supply target for Wollondilly Shire Council of 1,550 dwellings. Dwelling completions since 2016, combined with existing capacity of rezoned land and the Wilton Growth Area are expected to satisfy this requirement.

The subject site is not located within the Wilton Growth Area or the Greater Macarthur Growth Area.

A key direction in the District Plan for Wollondilly is the need to better manage rural areas. The District Plan recognises the many values of rural areas in contributing to habitat, biodiversity, supporting productive agriculture, providing mineral and energy resources and to sustain local rural towns and villages. The Metropolitan Rural Area (MRA) is reinforced in Wollondilly 2040 and recent amendments to the WLEP 2011.

The planning proposal is not consistent with provisions of the MRA. The planning proposal represents medium density development on the urban edge of Picton which is not considered to be local growth. The site is not located within a State designated growth area and is not compatible with surrounding lower density development. Although the development would provide the area with new housing supply and choice, the development would not provide residents with adequate access to facilities, public transport and active transport opportunities.

The Draft Planning Proposal is therefore considered inconsistent with the District Plan.

An assessment of the Planning Proposal against the *Western City District Plan* (and the Metropolitan Rural Area) is provided in Attachment 3 to this Report.

Section 9.1 Ministerial Directions

The Minister for Planning has issued a number of Directions under the *Environmental Planning and Assessment Act 1979* which apply to the assessment of planning proposals.

The Draft Planning Proposal is inconsistent with a number of ministerial directions as detailed below:

Ministerial Direction 1.2 Rural Zones

This Direction seeks to protect the agricultural production value of rural land. One of the criteria for consistency with this direction is that a planning proposal must *not contain provisions that will*

increase the permissible density of land within a rural zone (other than land within an existing town or village).

Although the Draft Planning Proposal is not seeking to rezone the land, the inclusion of an additional permitted use would increase the density of the land which is not located within an existing town or village.

The proposed amendments are not justified by a strategy and the Draft Planning proposal is considered to be inconsistent with Direction 1.2 Rural Zones. The inconsistency is not considered to be of minor significance.

Ministerial Direction 1.5 Rural Lands

This direction has a number of objectives seeking to protect the value of rural land and sustain productive agriculture. Although the proposal does not seek to rezone the land the intended development of the site for seniors housing would permanently prevent the use of the site for agriculture and primary production.

To be consistent with Direction 1.5, a planning proposal needs to demonstrate that it is consistent with a number of criteria. In this regard:

- The Draft Planning Proposal is not consistent with applicable strategic plans, including the Greater Sydney Region Plan, the Western City District Plan and Wollondilly 2040
- The Draft Planning Proposal has not adequately considered the value of the rural land
- The Draft Planning Proposal does not adequately protect identified environmental values within the site.
- The Draft Planning Proposal has not adequately demonstrated that the existing rural zoned land is unviable for any agriculture purpose, not only in terms of land costs, but in terms of the full extent of what creates viability.

The Draft Planning Proposal is considered to be inconsistent with Direction 1.5 Rural Lands and the inconsistency is not considered to be of minor significance.

Ministerial Direction 3.1 Residential Zones

Direction 3.1 has a number of objectives that seek to promote housing diversity, ensure efficient and appropriate access to infrastructure and services and minimise the impacts of residential development.

While it is noted that the intended outcome to provide seniors housing would contribute to housing diversity in Picton and the Shire, the site's location is not well suited. In particular:

- the site's location will not efficiently utilise existing infrastructure and services;
- the site is not adequately serviced for wastewater; and
- the proposal is not justified by a strategy.

The Draft Planning Proposal is considered to be inconsistent with Direction 3.1 Residential Zones and the inconsistency is not considered to be of minor significance.

A full assessment against directions relevant to this proposal is included in Attachment 3.

State Environmental Planning Policies

The NSW Government publishes State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs). These documents deal with matters of State or regional planning significance.

This proposal is considered generally consistent with all applicable SEPPs and SREPs.

State Environmental Planning Policy 55 – Remediation of Land

The proposal is considered to be consistent with SEPP 55 – Remediation of Land as a Detailed Site Investigation has been undertaken for the site and concluded that contamination risk is low and that no remediation action is required.

State Environmental Planning Proposal Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP)

On 29 July 2020, the Seniors SEPP was amended to prevent new proposals for seniors housing land within the Metropolitan Rural Area of Greater Sydney. This removed the applicability of the Seniors SEPP to most land within the Wollondilly LGA. Even so, under the previous SEPP provisions the site would not have met the criteria for development to proceed through the Site Compatibility Certificate process.

Notwithstanding this, the Seniors SEPP establishes principles to guide well located and designed housing for seniors or people with a disability and would likely inform the development of guidance for inclusion in the development control plan that would apply to this type of development (and other seniors living developments in Wollondilly).

As such, it is considered appropriate to consider the suitability of the site for seniors housing against the Seniors SEPP to identify any future potential issues. This assessment identified the following inconsistencies:

- There are no facilities and services, as defined by the Seniors SEPP, located within 400 metres of the site.
- There are no suitable pedestrian pathways linking to the closest facilities and services. The average gradient of existing and potential pathways will likely fail to meet the maximum average allowable gradient of 1:14 as outlined in the SEPP. The proponent has not demonstrated they can meet this target even if new pathways were to be constructed.
- Public transport services are not located close enough to the site. There are no bus stops within 400 metres that are also accessible or proposed to be accessible by footpath.
- The proponent has not demonstrated that adequate facilities for the removal or disposal of sewage are possible on the site.
- The proposal does not complement or sensitively harmonise with relevant heritage items in the vicinity of the site.

In light of the above assessment, while the proposal is consistent with SEPPs and SREPs, if the Seniors SEPP is used as a 'best practice' approach in terms of site suitability criteria, the subject site, is not considered to the suitable.

A full assessment against all SEPPs and SREPs relevant to this proposal is provided at Attachment 3.

Wollondilly Growth Management Strategy 2011 (GMS 2011)

At the time the Draft Planning Proposal was submitted for consideration, the Growth Management Strategy 2011 (GMS) was Council's adopted position on growth. However, the adoption of *Wollondilly 2040* in 2020 provided a more up-to-date direction on growth.

The Growth Management Strategy was repealed by Council on 16 March 2021 and is no longer relevant in the consideration of growth for Wollondilly, particularly to a Draft Planning Proposal in the early stages of the rezoning process.

An assessment of the Draft Planning Proposal against the GMS has not been included in this report.

CONSULTATION

Community Consultation

As part of Council's commitment to early engagement with the community and other stakeholders formal preliminary consultation has been undertaken in accordance with Council's *Community Participation Plan* and adopted *Planning Proposal Policy*.

Community and stakeholder feedback was invited through a preliminary public exhibition. Feedback was encouraged by letters to affected residents, a notice in the relevant local newspaper and through Council's website. Hard copies of the exhibition documents were available at Wollondilly Library and Council's Customer Service Centre.

Nine (9) submissions were received during this process, six (6) did not support the amendments and three (3) were neutral.

The submissions raised a number of important issues for the site including:

- Concerns regarding increased traffic on Jarvisfield Road;
- Inadequate public transport services and footpaths in the vicinity of the site;
- Negative impacts on rural outlook and tourism;
- Inappropriateness of the proposed location and scale of development;
- Incompatibility of development with the seniors SEPP; and
- Isolation of development from health services.

A number of concerns raised by the community are considered to have planning merit and have been considered in recommending the Draft Planning Proposal does not proceed.

A detailed summary of community submissions and Council's response to these submissions is provided at Attachment 4.

Consultation with Public Agencies

Relevant public agencies were also invited to provide feedback on the Draft Planning Proposal as part of the preliminary consultation. In response seven submissions were received.

Of particular note, the following notable issues and recommendations were raised by NSW Energy, Environment and Science (previously OEH-Environment):

- The master plan and flora and fauna study should be amended to ensure adequate protection of critically endangered vegetation on the site.
- The portion of the site proposed to be E3 Environmental Management zoning should be E2 Environmental Conservation zoning instead.
- The same portion of the site should also be included on the Natural Resources-Biodiversity Map.
- Site specific planning controls should be prepared for inclusion in the development control plan if the planning proposal is supported.

Heritage NSW (previously OEH-Heritage) also outlined concerns regarding the impacts of development on the adjacent State Heritage Items.

A detailed assessment of issues raised by public agencies is provided at Attachment 5.

In response to public agency feedback, it is recommended that, if the Draft Planning Proposal was to proceed, it will need to be in an amended form so that a portion of the site be rezoned E3 Environmental Management and is also included on the Natural Resources-Biodiversity map to protect important ecological communities.

ACCELERATED LEP REVIEW PROGRAM STRATEGIES

Wollondilly Local Housing Strategy

The Wollondilly Local Housing Strategy was adopted by Council on 16 March 2021 and is currently progressing through the Department's assurance process.

Wollondilly's Local Housing Strategy outlines two important principles that relate to this planning proposal. Firstly, the LGA should deliver greater housing diversity to cater for all stages of life, including senior residents of the Shire, who will represent a larger percentage of the population in the future. Secondly, future housing should be located within close proximity to sustainable transport options, open space, community services and facilities, retail and job opportunities to achieve better quality of life.

Together these directions highlight an important point, achieving a greater diversity of housing is essential, but its benefits can only be realised if new housing is located in the right places with adequate access to services and facilities.

As demonstrated throughout this report, although this proposal is seeking to achieve greater housing diversity, it is not considered an appropriate location because it is unable to achieve adequate access to services and facilities, a crucial inconsistency for the proposal.

It is also noted that there are other locations within the existing Picton urban area that could be developed for seniors housing.

The Local Housing Strategy is also clear on future growth in the Shire, outlining that development will be focussed in existing growth areas, like Wilton, with limited development in the rest of the Shire. Wollondilly's housing targets in the Western City District Plan have also already been met or are close to being met in the LGA.

KEY FINDINGS AND ISSUES OF CONCERN

The report so far has considered the merits of the Draft Planning Proposal in terms of the strategic planning framework and community and stakeholder feedback. An assessment of the site specific merit and the capability of the site for the proposed development has also been undertaken and has been informed by internal feedback from staff with technical expertise.

A site specific capability consideration has identified the following matters requiring further consideration:

- Bush fire hazard
- Visual impacts
- Proximity to State heritage items
- Isolation and transport accessibility issues
- Treatment of wastewater and stormwater
- Potential for land use conflict with adjoining land uses
- Protecting environmentally sensitive land.

Bushfire Hazard

A large portion of the site is identified as bushfire prone land on the Wollondilly Bushfire Prone Land Map. The mapped location includes most of the Western portion of the site and the only proposed entry into the site, which could pose risks in the event of an evacuation. The proposed Asset Protection Zones (APZs) between the bushfire prone land and dwellings had also not been considered, resulting in unacceptable future risk for those dwellings.

In the proponent's response to this matter in July 2020, their bushfire response outlined that the area identified on the Bush Fire Prone land map was incorrect and that this land was not actually bushfire prone.

This meant that a substantial APZ and second entrance into the site was not necessitated.

The proponent also undertook a Bushfire Emergency Management and Evacuation Plan at the request of Council staff to ensure that a plan was in place in the case of an evacuation.

Visual Impacts

Concerns were raised regarding the prominence of the site in the context of the surrounding landscape.

To understand this impact, Council requested the proponent prepare a Landscape Character and Visual Impact Assessment. The assessment confirmed that the site will have a moderate or greater visual impact on most of the viewpoints assessed. The development will also significantly alter the entry into Picton on Remembrance Driveway.

Proximity to State Heritage items

The proposal adjoins a State Heritage item, 'Jarvisfield House and Barn' and a portion of the site is also located within the State Heritage listed landscape known as 'Jarvisfield'. Concerns were raised regarding the possible impact of the planning proposal on the values of these state heritage items.

Advice received from NSW Energy, Environment and Science (previously OEH) recommended that all proposed dwellings located within the western portion of the site be removed to reduce the impact of development on the heritage listed landscape.

The Landscape Character and Visual Impact Assessment outlined that the development will be visible from multiple parts of Jarvisfield house and estate. It outlined strategies to mitigate this prominence, however measures will take 5 or more years to take effect.

If the proposal is supported, planning controls to mitigate potential impacts on significant heritage will be required for inclusion within the development control plan to guide future development on the site.

Isolation and transport accessibility issues

An internal assessment was conducted by a working group for the proposal. It found that the topography of the surrounding area and distance from the commercial centre of Picton meant that residents would not have adequate access to shopping, recreation and community facilities.

Bus services in the vicinity are infrequent and the nearest bus stops are not considered to be easily accessible for seniors. The train station is also a long distance from the development with services being equally as infrequent. These constraints will also limit active transport opportunities unless surrounding roads are substantially improved and footpaths constructed. The working group recommended that a Social and Health Impact Assessment will need to be undertaken for the site in the future to fully understand its impact.

Treated wastewater and stormwater

As the site is not serviced by a reticulated sewerage system, the original Draft Planning Proposal relied on disposing treated wastewater on the adjacent Council owned golf course. In response to Council's concerns with this approach the proponent has since altered the plans to include an on-site wastewater management area (WMA) for dispersal of the treated wastewater.

The proposed WMA is to be co-located with a formalised stormwater pipe that ends at the border of the property with the golf course.

Concerns for the adequate treatment of wastewater remain, as the flow will likely be too concentrated when entering the golf course. The pipe should end before the boundary to allow the water to spread out more before crossing the boundary. This in turn may cause issues for the portion of the stormwater channel that is exposed to treated wastewater, which could end up flowing onto the golf course.

The development of 54 dwellings relying on WMA is not considered to be a good environmental outcome, nor planning outcome.

Potential land use conflicts with adjoining land uses

As the site adjoins the Antill Park Country Golf Course appropriate golf barrier safety fencing would be needed between the development and the golf course to avoid damage to any proposed new structure from golf balls. Fencing should also restrict access from residents directly onto the golf course.

This matter can be adequately dealt with as part of the assessment of any future development application if the amendments are made.

Protecting environmentally sensitive land

A Flora and Fauna assessment has been prepared by Ecoplanning to inform the planning proposal. The report identifies some high and moderate ecological values on the site and recommends that these areas are protected.

It is considered that land identified as 'sensitive land' in the Flora and Fauna report should be rezoned E3 Environmental Management and included on the Natural Resources - Biodiversity Map (NRB) to ensure these areas are appropriately protected.

Figure 6 shows the current zoning and Figure 7 shows the approximate location of the recommended area for an E3 zone and area to be identified as 'sensitive land' for biodiversity.





Figure 6: Existing Land Zoning (RU2 – Rural Landscape)

Figure 7: Proposed E3 Environmental Management zoning and land to be included on the Natural Resources - Biodiversity Map for the site

LOCAL PLANNING PANEL ADVICE

As required by the ministerial direction issued on 27 September 2018, the proposal was reported to the Wollondilly Shire Local Planning Panel (the Panel) to seek the Panel's advice.

The Panel has advised that *the proposal does not have sufficient strategic or site specific merit to be supported*. This was on the basis that:

- The proposal is not consistent with Council's land use vision as detailed in the Local Strategic Planning Statement,
- Whilst the Local Housing Strategy does support the need for more diverse housing, the Panel had particular concerns with regards to the strategic merits of the application, the appropriateness of seniors living within that location, the issues of accessibility to and from the site, the visual impact at the entrance to Picton, the quality of place-making within the development and the capacity of the site to manage wastewater.

A copy of the Panel's advice is provided at Attachment 6.

CONCLUSION

Although this proposal seeks to contribute to the Local Housing Strategy's vision for greater housing diversity in the LGA, the location of the development is not considered appropriate due to inadequate access to services and facilities, an essential for higher quality of life, especially important for Seniors Living.

It is considered that the proposal should not be supported on the following grounds:

- 1. The proposal does not have strategic or site specific merit;
- 2. The Draft Planning Proposal is inconsistent with regional, district and local strategic planning frameworks in place for Wollondilly;
- 3. The Draft Planning Proposal is inconsistent with the following Ministerial Directions: 1.2 Rural Zones, 1.5 Rural Lands, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 5.10 Implementation of Regional Plans;
- 4. There are inadequate measures for wastewater servicing to demonstrate an ability for the site to be serviced permanently;
- 5. The site is poorly located in terms of access to facilities and services;
- 6. Relatively frequent public transport services are not accessible from the site and local topography will reduce the possibilities for active transport; and
- 7. The site will have visual impacts on nearby State Heritage items, and the entrance into Picton and will be visible from several surrounding vantage points.

OPTIONS FOR MOVING FORWARD

The Draft Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* and the guidelines published by the Department of Planning, Industry & Environment.

The options open to Council are:

1. Resolve to support the Draft Planning Proposal in its current form

This option is to support the planning proposal as described in the Description of Proposal section of this report.

If the Draft Planning Proposal was to proceed, than the following amendments to the WLEP 2011 are required to ensure that future development better protects environmentally sensitive land:

- The portion of the site denoted as 'Sensitive Land' in the Flora and Fauna Report be rezoned to E3 Environment Management;
- That the same portion be included on the Natural Resources Biodiversity Map; and
- That an appropriate maximum building height for the site be included on the LEP Height of Building Map.
- Infrastructure and servicing needs to be resolved upfront including all those matters contained within this report.

Work would also be required to ensure better place outcomes for future development on the site.

2. Resolve to support the Draft Planning Proposal in an amended form

This option also recommends that the following components must be included in the planning proposal:

- The portion of the site denoted as 'Sensitive Land' in the Flora and Fauna Report be rezoned to E3 Environment Management
- That the same portion be included on the Natural Resources Biodiversity Map

- That an appropriate maximum building height for the site be included on the LEP Height of Building Map
- Infrastructure and servicing needs to be resolved upfront
- The risk of this option is that it the proposal is unlikely to be altered in a form that can address the full range of strategic and site suitability issues
- This option would also require the all existing studies and information to be amended prior to the proposal proceeding.

3. Resolve to support the Draft Planning Proposal in another form.

This option also recommends that the following components must be included in the planning proposal:

- The portion of the site denoted as 'Sensitive Land' in the Flora and Fauna Report be rezoned to E3 Environment Management
- That the same portion be included on the Natural Resources Biodiversity Map
- That an appropriate maximum building height for the site be included on the LEP Height of Building Map
- Infrastructure and servicing needs to be resolved upfront
- The risk of this option is that it the proposal is unlikely to be altered in a form that can address the full range of strategic and site suitability issues
- This option would also require the all existing studies and information to be amended prior to the proposal proceeding.

4. Resolve not to support the Draft Planning Proposal.

With this option there is no further action to be taken on the Draft Planning Proposal other than to inform the applicant, landowner/s and submitters that the Draft Planning Proposal has not been supported.

Option 4 is the recommendation of this report.

FINANCIAL IMPLICATIONS

Given the preliminary stage of the proposal, no detailed analysis of infrastructure or financial implications for Council has been undertaken. It is noted that a comprehensive assessment of the relevant financial implications in respect of State or regional infrastructure has also not yet occurred.

Funding for this project to date has been partially offset through the adopted planning proposal fees and charges and has been covered within the Sustainable Growth operational budget.

Should the proposal proceed, any studies required and Council's assessment costs would need to be funded by the proponent and additional fees paid in accordance with Council's adopted Fees and Charges applicable at the time.

ATTACHMENTS

- 1. Draft Planning Proposal Document 2 Jarvisfield Road, Picton (As submitted by proponent)
- 2. Master Plan (Prepared by proponent)
- 3. Assessment of proposal against local and state planning documents and legislation
- 4. Table summarising feedback from community & stakeholder submissions
- 5. Table summarising feedback from public agencies 🖀

6. Relevant minutes from Wollondilly Shire Local Planning Panel on 29 April 2021

12.6 DRAFT PLANNING PROPOSAL - 2 JARVISFIELD ROAD, PICTON (SENIORS LIVING)

At 8.42pm, Cr Simon Landow left the meeting due to a previously declared conflict of interest.

RESOLUTION 126/2021

Moved: Cr Judith Hannan Seconded: Cr Noel Lowry

That Council:

- 1. Notes the advice of the Wollondilly Local Planning Panel meeting of 29 April 2021.
- 2. Supports the Draft Planning Proposal for Seniors Living at <u>2 Jarvisfield Road</u>, Picton as it will provide opportunity for more diverse housing choice in the Shire, subject to the changes in point 3 and subject to the proponent providing the following within the next 6 months:
 - a) Confirmation by Sydney Water that it can service the site or that adequate measures for wastewater servicing onsite can be provided.
 - b) Confirmation that regular public transport services will be provided immediately adjoining the site.
 - c) An amended Heritage Impact Assessment and visual impact assessment along with corresponding site design and draft DCP with controls demonstrating that the proposal can reasonably occur minimising visual impacts' at the entrance to Picton and the State heritage item and address any concerns by the Heritage Council.
 - d) 'Identify the necessary local infrastructure required to service the development, including a draft amendments to the contributions plan, and outlining how this will be implemented.
- 3. Forwards the planning proposal to the Department of Planning, Industry and Environment to the Gateway for determination with the following changes:
 - a) The portion of the site denoted as 'Sensitive Land' in the Flora and Fauna Report be rezoned to E3 Environment Management.
 - b) That the same portion be included on the Natural Resources Biodiversity Map.
 - c) That an appropriate maximum building height for the site be included on the LEP Height of Building Map.
 - d) Infrastructure and servicing plan outlining satisfactory arrangements are in place for public utility and other supporting infrastructure.
- 4. Council welcomes the developer to make an offer for net community benefits above and beyond commensurate infrastructure that will be needed to support the development.
- 5. If the information is not received within 6 months, that the proponent be advised that any proposal would need to be resubmitted as a new application.
- 6. *Notifies* the proponent, landowners and persons who made submissions of Council's Decision.

On being put to the meeting the motion was declared CARRIED 5/2

In Favour:Crs Judith Hannan, Robert Khan, Michael Banasik, Blair Briggs and Noel LowryAgainst:Crs Matthew Deeth and Matthew Gould

Attachment 4

Summary of Community Submissions to the 2 Jarvisfield Road, Picton Planning Proposal

Matrix of Key Issues Raised in Community Submissions

			ISSUES RAISED								
Submission Number	Does the submission support the planning proposal?	Roads, traffic and safety	Inadequate public transport and pathways	Impacts on tourism and rural outlook	Inappropriateness of proposed location	Overdevelopment	Inadequate water infrastructure	Impacts on flora, fauna and open space	Conflicts with adjacent golf course	Property values	Noise pollution
1	Neutral	•	•								
2	No			•	•	•	•				
3	Neutral								•		
4	Neutral	•									
5	No	•	•	•		•	•				
6	No	•		•						•	•
7	No	•	•	•	•	•		•			
8	No	•	•	•	•	•		•			
9	No				•						
1	ΓΟΤΑΙ	6	4	5	4	4	2	2	2	1	1



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Summary of Community Submissions and Council's Response

ISSUES RAISED	NUMBER OF SUBMISSIONS THAT RAISED THIS ISSUE	COUNCIL ASSESSMENT RESPONSE	PROPOSED ACTION	
Roads, traffic and safety				
 Increased traffic and safety concerns for Jarvisfield Road A traffic management plan needs to be prepared prior to development commencing to account for an increase in vehicle and pedestrian movements and to make the intersection of Jarvisfield Road and Remembrance Driveway safer. Street lighting along Jarvisfield Road is not safe for elderly drivers or pedestrians. Jarvisfield Road is not suitable for the possible increase in traffic movements as its surface is abysmal and it will endanger the safety of others. The intersection of Jarvisfield Road and Remembrance Driveway is difficult to navigate due to the restricted visibility of oncoming traffic and senior citizens may have increased difficulty navigating it. Safety guards and fencing on Jarvisfield Road needs to be repaired/upgraded. Traffic generation will affect surrounding roads. Buses and garbage trucks currently cause congestion in the area and this will worsen with development. 	6	A traffic assessment was undertaken for the planning proposal and concluded that the forecasted traffic impacts were acceptable and minor in nature. Agreed. There is potential for improvements to lighting, fencing, the intersection between Jarvisfield Road and Remembrance Driveway and other road upgrades to be undertaken as part of this development through a Voluntary Planning Agreement (VPA). Council will investigate this possibility if the proposal is supported.	If supported, Council will investigate potential upgrades to Jarvisfield Road to be funded through a VPA.	
 Alternate access points Access to the development should be from Remembrance Driveway at Governor's Lane rather than Jarvisfield Road. An intersection here would easily cater for access coming from either direction and would be well lit at night and easy to find. 	1	Noted. A traffic assessment was undertaken for the planning proposal and concluded that the forecasted traffic impacts were acceptable and minor in nature. It is thus understood that an additional or different access is not necessary.	No changes are proposed to the planning proposal	
Inadequate public transport and pathways			·	
Inadequate public transport services in the vicinity	2	Agreed. The surrounding public transport services are inadequate. Furthermore, the train station is a very long distance from the site.	Concerns raised in main report and	



ISSUES RAISED	NUMBER OF SUBMISSIONS THAT RAISED THIS ISSUE	COUNCIL ASSESSMENT RESPONSE	PROPOSED ACTION
 The bus services in the area are too limited as they run approximately hourly and only within certain hours. The train station is too far away and services are too infrequent. 			recommendation provided not to proceed with planning proposal.
 Inadequate footpaths along Jarvisfield Road A pedestrian pathway needs to be constructed along Jarvisfield Road. 	4	Agreed. The proponent has outlined plans to construct a pathway along Jarvisfield Road. If the planning proposal is approved, Council will investigate the possibility of including this in a VPA to ensure it is constructed.	
Impacts on tourism and rural outlook			
 Negative impacts on rural outlook and entry into Picton This development is not conducive to a transitionary landscape and would drastically change the character of the entranceway into Picton. This development will add to urban sprawl and would affect rural outlook, views, and the character of the area. The development is not in keeping with 'rural living'. There is a need to preserve this area and its surroundings. 	4	Agreed. The development will have impacts on the entrance into Picton and as according to the submitted landscape and visual impact assessment, will have a moderate or greater visual impact on most of the viewpoints assessed. Importantly, the development would be visible from multiple parts of the State Heritage items, Jarvisfield House and Barn and Jarvisfield landscape. The landscape surrounding Jarvisfield House is an important aspect of both of these items and visual impacts should be avoided to preserve these tourism assets.	Concerns raised in main report and recommendation provided not to proceed with planning proposal.
 Impacts on tourism This proposal would impact on tourism in the area due to replacement of rural land with incompatible development. 	1	Agreed.	Concerns raised in main report and recommendation provided not to proceed with planning proposal.
Inappropriateness of proposed location			
 There are more appropriate locations for this development There are more appropriate locations in Picton for development of seniors living that meets the criteria set out in the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. 	3	Noted.	No changes are proposed to the planning proposal.
The development does not comply with the Seniors SEPP	1	It was acknowledged by the proponent that the proposal cannot be undertaken through the site compatibility process as per State Environmental Planning Policy (Housing for	



ISSUES RAISED	NUMBER OF SUBMISSIONS THAT RAISED THIS ISSUE	COUNCIL ASSESSMENT RESPONSE	PROPOSED ACTION	
 The site does not meet the applicability criteria in the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. State heritage legislation identifies part of the site as being within the 'Jarvisfield Historic Landscape' item which means that development would not be in accordance with 4A of the SEPP. If Council approves the draft planning proposal, it will be enabling development to proceed in a manner that is inconsistent with the SEPP designed for the delivery of seniors living. Any further development should be assessed against the SEPP so as to maintain and uphold its strategic visions for the state. A height limit of 8 metres or less should be imposed as outlined in the SEPP. 		Seniors or People with a Disability) 2004. This was the reason for submitting the planning proposal to rezone the site. The Planning proposal process is more in depth than the Site Compatibility Certificate process, and the issues raised have been considered as part of the process. A height limit should be imposed on the site. If the planning proposal is supported, Council will investigate an appropriate height limit for the site.	of the planning proposal, if supported.	
 Isolation from health services There are no hospitals close to this development. 	1	Agreed.	Concerns raised in main report and recommendation provided not to proceed with planning proposal.	
 There is enough seniors housing in the area There is already enough housing to suit seniors in the area. 	1	Noted. It is unknown what the demand for seniors housing is in the area and as such, the focus of the main report has been on the suitability of the site and of the proposed development.	No changes are proposed to the planning proposal	
Overdevelopment				
 This will add to overdevelopment in Picton The Picton precinct needs a break from overdevelopment. The proposed development would circumvent the minimum lot size and create a gated community through a smaller lot subdivision. A precedent will be set due to the minimum lot size being 5 hectares and them still being allowed to have a seniors living gated community development on the site. The cumulative effects of other spot rezonings in the area should be considered as part of this proposal. High density housing is not appropriate and is totally out of character for the area. 	4	Noted. The proposed minimum lot size of 5 hectares was chosen to ensure that the lot could not be subdivided any further. The proposed dwellings will therefore not be on their own separate lots and instead will be part of a strata plan or similar. This is the case for most of the seniors living estates in Wollondilly and would not set a precedent. Noted. The cumulative effect of other rezonings has been considered in the main report. See particularly the assessment against Wollondilly Local Strategic Planning Statement and the assessment against the Metropolitan Rural Area/Western Sydney District Plan.	Concerns raised in main report and recommendation provided not to proceed with planning proposal.	

This will add to overdevelopment in Picton	4	Noted.
 The Picton precinct needs a break from overdevelopment. The proposed development would circumvent the minimum lot size and create a gated community through a smaller lot subdivision. A precedent will be set due to the minimum lot size being 5 hectares and them still being allowed to have a seniors living gated community development on the site. The cumulative effects of other spot rezonings in the area should be considered as part of this proposal. High density housing is not appropriate and is totally out of character for the area. 		The proposed minimum lot size of 5 hectares was chosen to ensure the not be subdivided any further. The proposed dwellings will therefore own separate lots and instead will be part of a strata plan or similar. Thi most of the seniors living estates in Wollondilly and would not set a pre- Noted. The cumulative effect of other rezonings has been considered report. See particularly the assessment against Wollondilly Local Stra Statement and the assessment against the Metropolitan Rural Area/W District Plan.
		Noted.



ISSUES RAISED	NUMBER OF SUBMISSIONS THAT RAISED THIS ISSUE	COUNCIL ASSESSMENT RESPONSE	PROPOSED ACTION
Inadequate water infrastructure			
 Inadequate water infrastructure in the area Reticulated water in the area is currently inadequate and water pressure is an issue. Concerned that there is not going to be enough water to service this development. 	2	Noted. Sydney Water was contacted regarding the proposal and did not outline any concerns regarding reticulated water use. Instead, they noted potential issues connecting to reticulated sewerage given that Picton Sewerage Treatment Plant is currently at capacity. In light of this, the proponent is not proposing to connect to reticulated sewer. Instead, a portion of the site will used as an on-site effluent management area.	No changes are proposed to the planning proposal
Impacts on flora, fauna and open space			
 Impacts of development on flora, fauna and open space There are a number of native animals in the area that would be impacted by this development. There are too many dwellings proposed and this will minimise the amount of native vegetation or open space protected. 	2	Noted. Council will be recommending that part of the site is rezoned to E3 Environmental Management to protect critically endangered vegetation located on the site. The number of dwellings proposed for the site has also been reduced to accommodate the proposed on-site effluent management area.	Council to recommend that part of the site is proposed to be rezoned E3 Environmental Management.
Conflicts with adjacent golf course	1		
 Appropriate fencing is needed with the adjacent golf course The developer is responsible for constructing a professionally designed and engineered safety fence/netting to stop golf balls hitting properties. The developer should be responsible for ongoing maintenance of the fence. 	1	Noted. If the planning proposal is supported, Council will investigate methods for ensuring that appropriate fencing is constructed on the boundary with the golf course.	If supported, Council will investigate methods to implement fencing on the boundary shared with the golf course
 Planned water and sewer needs to consider the adjacent golf course All storm water generated by the development should be directed to the golf course via professionally designed and installed reticulation system so water can be used for grounds maintenance and/or fairway watering. The proposed sewer treatment facility is unacceptable and must be relocated as any runoff would feed into the golf course, causing unacceptable health issues. 	1	Noted. An installed stormwater reticulation system is currently not proposed as part of the development. This will need to be investigated further if the planning proposal is supported. Noted. The planning proposal now includes an additional on-site effluent management area that may present other issues for the adjacent golf course.	Concerns raised in main report regarding storm water and effluent management and recommendation provided not to proceed with planning proposal.



ISSUES RAISED	NUMBER OF SUBMISSIONS THAT RAISED THIS ISSUE	COUNCIL ASSESSMENT RESPONSE	PROPOSED ACTION
Property values			
 Impacts of development on surrounding property values Property values would be affected by this development. 	1	Noted. Property value of the site and/or adjacent properties is not a consideration in the planning proposal process.	No changes are proposed to the planning proposal
Noise pollution			
 There will be increased noise and disturbance from development There will be increased noise and disturbance. 	1	Noted. A Road Traffic Noise Intrusion Assessment was undertaken by the proponent and outlined that if all the recommendations of the report are carried out, noise levels will comply with requirements in SEPP (Infrastructure) 2007 and DPIE's Development near Rail Corridors and Busy Roads.	No changes are proposed to the planning proposal



Attachment 5

Summary of Agency Submissions to the 2 Jarvisfield Road, Picton Planning Proposal

AGENCY	DATE OF SUBMISSION	COMMENTS	COUNCIL ASSESSMENT RESPONSE
RMS	25/02/19	 The subject land is accessed via Jarvisfield Road, which is a local road feeding onto Picton Road, which is a classified regional road under the care and control of Council RMS no longer have involvement on classified regional roads and considers it more appropriate for Councils to determine if proposals are acceptable from a network perspective. Should Council require the developer to undertake works on the classified regional road, consent from councils and concurrence from RMS under section 138 of the Roads Act 1993 would be required. 	Noted. Noted.
Water NSW	26/02/19	 The planning proposal affects land outside of the Sydney Drinking Water Catchment and does not have the potential to impact WaterNSW infrastructure or land WaterNSW has no further comments 	Noted.



AGENCY	DATE OF SUBMISSION	COMMENTS	COUNCIL ASSESSMENT RESPONSE
Sydney Water	26/03/19	 Recommend that the applicant lodge a feasibility application with Sydney Water There is limited capacity within the network to service the proposed development The applicant would need to connect to the nearest DN150 water main on Remembrance Driveway Sydney Water does not have enough effluent management capacity to service this development In the intervening period it is recommended that the applicant speak to Wollondilly Shire Council about on-site wastewater management options. 	Noted. If the proposal is supported, we will ask the proponent to submit a feasibility application. Noted. The proponent is not proposing to connect to reticulated sewer in light of capacity constraints at Picton Wastewater Treatment Plant. Instead, a portion of the site will include an effluent management area for dispersal of treated wastewater. Noted.
Subsidence Advisory NSW	05/03/19	 The proposal is located within the Wilton Mine Subsidence District The proposal is located outside of an active coal mine title or coal exploration title It is also located outside of any area where a coal mine operator is current applying for a coal exploration title SA NSW have assessed the likelihood of future mine subsidence impacting the property as being low. 	Noted.



AGENCY	DATE OF SUBMISSION	COMMENTS	COUNCIL ASSESSMENT RESPONSE
OEH – Environment	15/03/19	 The Site masterplan should be amended to protect all of the sensitive land outlined in the flora and fauna assessment. This land should be adequately protected and restored The area mapped as 'high ecological constraint – Shale Plain Woodland (SPW) - Hollow bearing tree' in the north-west corner of the site should be included in the area mapped as sensitive land. The site masterplan should first avoid impacts to native vegetation on the site, particularly as SPW is a sub community of Cumberland Plain Woodland (CPW) which is listed as a critically endangered ecological community (CEEC). This is consistent with the Biodiversity Conservation Act 2016 and the Biodiversity Assessment Method 2017 (BAM). OEH recommends that the Site Masterplan avoids clearing of as many remnant native trees and patches of remnant native vegetation as possible. Where trees of younger growth are to be removed it is recommended these are transplanted in the 'sensitive land' area and a DCP control prepared. 	Council will be recommending that the portion of the site outlined as 'sensitive land' be rezoned to E3 Environmental Management as part of the planning proposal. This will ensure that the aforementioned land is protected if the site is ever rezoned. Noted. Council will recommend this if the proposal is supported. Noted. Inclusion of the proposed E3 Environment Management zoning in the planning proposal will likely lead to amendments to the master plan which will minimise impacts on these communities. Noted. Council will investigate changes to the masterplan or creation of DCP controls to achieve this.



AGENCY	DATE OF SUBMISSION	COMMENTS	COUNCIL ASSESSMENT RESPONSE
		 A scaled plan needs to be prepared that overlays The site masterplan/proposed development footprint The 'sensitive land' – remnant native vegetation, tree hollows, etc. Watercourses, riparian corridors and existing farm dams and Remnant native vegetation OEH recommends that the proposed E3 zoning outlined in the flora and fauna assessment should actually be an E2 zoning to provide better protection for land highlighted as 'sensitive land'. OEH also recommends that the 'sensitive land' should be further protected through inclusion under the Natural Resources-Biodiversity Map in the WLEP 2011. OEH agrees with the preparation of a Vegetation Management Plan which follows closely the Department of Environment and Conversation's (2005) Recovering bushland on the Cumberland Plain: Best practice guidelines 	Noted. Council will request this if the planning proposal is supported. Noted. Council does not think that an E2 Environmental Conservation Zoning is warranted for the sensitive land section of the property. We believe that an E3 Environmental Management zoning is the more appropriate. Noted. Council will recommend inclusion of the land on the NRB map if the proposal is supported. Noted. See above comment on suitability of the E2 zoning. Noted.



AGENCY	DATE OF SUBMISSION	COMMENTS	COUNCIL ASSESSMENT RESPONSE
		 for the management and restoration of bushland. A site specific DCP should be prepared for this site – including a control to prepare a VMP for the site, specific controls for the planting of trees and controls for bridges and culverts on the site Recommend the use of local genetic plant material and native plant species from the SPW in construction of the development Suggested that the upstream section of the creek/riparian corridor is also mapped as sensitive land and restored to improve connectivity through the site to Vault Hill Recommended that the northern creek crossing is a bridge structure, designed to allow sufficient natural light and moisture to penetrate beneath the structure Clarification of use of OSD basins and dams on the site in the future If the dams are proposed to be dewatered/reshaped, as assessment needs to be undertaken by the proponent to assess the impact of development on the dams, basins and hydrology on the site 	Noted. DCP controls will be prepared if the planning proposal is supported. Noted. This detail can be included in proposed DCP controls for the site, if the proposal is supported by Council. Noted. Council will recommend this if the proposal is supported. Noted. This detail could be included in proposed DCP controls for the site, if the proposal is supported by Council. Noted. The Western dam is proposed to be retained. The Eastern dam is not. Noted.



AGENCY	DATE OF SUBMISSION	COMMENTS	COUNCIL ASSESSMENT RESPONSE
		 The site is flood prone land and as such, the principles of the Floodplain Development Manual (2005) need to be considered. OEH supports the recommendations provided by the flood assessment. 	Noted. Noted.
OEH – Heritage	31/05/19	 The site is located both adjacent to and partly within 'Jarvisfield' which is listed as an historic landscape on the State Heritage Register. The proposal is also adjacent to the local heritage item 'Jarvisfield: House and Barn' which is listed under Wollondilly LEP 2011 and covers much of the same area The development of the site would encroach on the southern part of the SHR listed area. The proposed development in this area is likely to have an impact on the State heritage significance of 'Jarvisfield'. Care must be taken to ensure that the planning proposal does not impact on the SHR item as a whole. If the proposal is approved in its current form we strongly suggest that the proponent consult the Heritage Council prior to lodging an application to discuss options to avoid, minimise or mitigate impacts to the SHR item. 	Noted. No



AGENCY	DATE OF SUBMISSION	COMMENTS	COUNCIL ASSESSMENT RESPONSE
		 The proponent assessed the site as having little potential for archaeological remains this is a reasonable conclusion. The use of an unexpected find procedure for works associated with this development is considered appropriate. 	Noted.
NSW RFS	27/03/19	 No objection to the planning proposal Land is bush fire prone Future DAs will be required to comply with S4.14 of the EPA Act 1979 or S100B of the Rural Fires Act 1997 depending upon the nature of the proposed development, and the relevant provisions of Planning for Bush Fire Protection. 	Noted.
	11/02/21	 Future DAs will be required to comply with S4.14 of the EPA Act 1979 or S100B of the Rural Fires Act 1997 depending upon the nature of the proposed development, and the relevant provisions of Planning for Bush Fire Protection. 	Noted.

