

## Planning and Land Use Strategy

IRF22/1481

### Gateway determination report

<b>LGA</b>	Wollondilly Shire
<b>PPA</b>	Department of Planning and Environment
<b>NAME</b>	Wollondilly Local Environmental Plan 2011 Amendment – 2 Jarvisfield Road, Picton – Seniors Living Planning Proposal (54 seniors living dwellings)
<b>NUMBER</b>	PP-2021-6443
<b>LEP TO BE AMENDED</b>	Wollondilly Local Environmental Plan 2011
<b>ADDRESS</b>	2 Jarvisfield Road, Picton
<b>DESCRIPTION</b>	Lot 4 DP 873571
<b>RECEIVED</b>	8 April 2022
<b>FILE NO.</b>	IRF22/1481
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend Wollondilly Local Environmental Plan (LEP) 2011 to enable development of land at 2 Jarvisfield Road, Picton for Seniors Living housing (54 independent seniors living dwellings). The proposal also seeks to conserve environmentally sensitive land on the site.

### 1.2 Proposal History

The planning proposal was originally submitted to Council for consideration in August 2018. The original planning proposal accommodated a potential capacity for approximately 62 seniors living dwellings.

Since August 2018, the planning proposal and supporting information has been amended by the proponent on two occasions (January 2019 and July 2020) in response to concerns raised by Council officers, public agencies and the community relating to the site's capability.

On 29 April 2021, the Wollondilly Local Planning Panel (LPP) considered the proposal and advised Council that the proposal did not have sufficient strategic or site-specific merit to be supported. The LPP noted that whilst the Council adopted

Wollondilly Local Housing Strategy (LHS) does support the need for more diverse housing, the LPP 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 (Refer to **Attachment B** for Wollondilly LPP Meeting Minutes).

It is noted that the LPP had access to a draft version of the RLS when considering the proposal. Notwithstanding, the adopted RLS did not change direction in relation managing rural residential growth.

At the 15 June 2021 Ordinary Council Meeting, Council officers recommended that the planning proposal not be supported. The reasons similarly included inconsistency with the strategic framework; location of residential development within rural areas; inadequate wastewater servicing; poor access to transport, amenities, and facilities; and unreasonable visual impacts at the entrance of Picton.

Contrary to the Council Officer's recommendation, Council resolved to support the planning proposal as it considered that it would provide an opportunity for more diverse housing choice in Wollondilly, subject to the proponent providing confirmation on local infrastructure, servicing, and public transport requirements. In addition, the proponent was to submit an amended Heritage Impact Assessment and visual impact assessment to address heritage concerns (Refer to **Attachment C** for Wollondilly Ordinary Council Meeting Agenda and Minutes – 15 June 2021).

The following timeline summarises the progress of the planning proposal to date:

- **August 2018** – planning proposal was submitted to Council.
- **January 2019** – planning proposal was amended to increase the proposed minimum lot size.
- **July 2020** – the master plan was amended to include an on-site effluent management area to address concerns with servicing infrastructure.
- **April 2021** – planning proposal considered by Wollondilly LPP and was not supported.
- **June 2021** – at the Ordinary Council Meeting, Council officers recommended that the planning proposal not be supported. Contrary to the Council Officer's recommendation, Council resolved to support the planning proposal as it will provide opportunity for more diverse housing choice in Wollondilly, subject to proponent undertaking further work.
- **April 2022** – planning proposal received by the Department of Planning and Environment to issue a Gateway Determination.

### **1.3 Site description and surrounding area**

The planning proposal relates to 2 Jarvisfield Road, Picton, legally defined as Lot 4 DP 873571. The sites boundaries are shown in **Figure 1** and is referred to as the 'subject site' within this document.



**Figure 1:** Subject site (red outline)

The subject site comprises a total area of 5.582 hectares. It is bounded by Remembrance Driveway to the south, and Antill Park Golf Course to the north, with vehicular access via Jarvisfield Road. The subject site is currently used for rural residential purposes and comprises a single storey dwelling, two sheds, a swimming pool and a tennis court.

The subject site adjoins existing large lot residential land, known as 'Jarvisfield Estate' to the west, and is located at the northern fringe of the existing Picton township which is approximately 1.5 kilometres from the town centre via the existing road network.

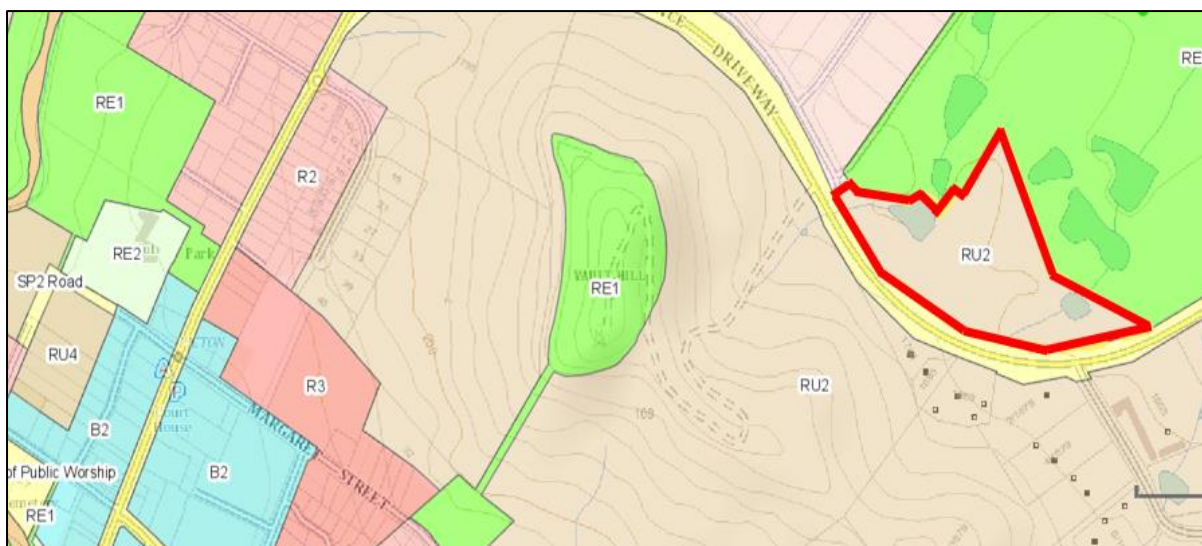
The site is within the draft Cumberland Plain Conservation Plan area with native vegetation identified in the western portion of the site. However, the site is not identified as being within a strategic conservation area. The western portion of the site is also identified as bush fire prone on the Wollondilly Bush Fire Prone Land Map.

The adjoining land to the north is occupied by the Antill Park Golf Course and includes a State Heritage Item known as 'Jarvisfield'.

#### **1.4 Existing/proposed planning controls**

The subject site is zoned RU2 – Rural Landscape under Wollondilly LEP 2011.

The subject site is adjoined by RE1 – Public Recreation zoned land to the north, RU2 – Rural Landscape zoned land to the south, east, and west and R5 – Large Lot Residential to the north-west, as shown in **Figure 2**. Higher residential density uses are located within Picton Town Centre to the west.



**Figure 2:** Zoning of subject site (red outline)

### LEP Review Program Stage 1A - Events & Visitor Economy Planning Proposal

On 13 May 2021, the Department of Planning and Environment issued a Gateway determination to amend the Wollondilly Local Environmental Plan LEP 2011 to facilitate events and the visitor economy across Wollondilly including in the RU2 – Rural Landscape Zone.

New land uses proposed in the RU2 – Rural Landscape Zone include rural function centres, artisan food and drink industry, eco-tourist facilities and markets. These additional land uses are considered to be appropriate to support to the objectives of the RU2 Rural Landscape Zone, and will provide further options for any future development of the site.

#### **1.5 Summary of recommendation**

The planning proposal is not supported, and it is recommended that the proposal does not proceed as there is insufficient strategic merit. The inconsistency with the Greater Sydney Region Plan and Western City District Plan in relation to housing supply in appropriate areas and management of rural lands remains unresolved.

Insufficient justification has been provided to demonstrate its alignment with the Council's Local Strategic Planning Statement and the supporting strategies or studies to implement the Local Strategic Planning Statement.

## **2. PROPOSAL**

### **2.1 Objectives or intended outcomes**

To amend the Wollondilly Local Environmental Plan 2011 to enable the development of the site at 2 Jarvisfield Road, Picton for seniors housing and to protect environmentally sensitive land.

### **2.2 Explanation of provisions and mapping**

The proposed outcome will be achieved by the following amendments to the Wollondilly LEP 2011:



- Amending the Additional Permitted Uses Map as shown Part 4 by Map 2 to include the portion of the site intended to be developed for Seniors housing.
- Amending Schedule 1 Additional permitted uses to include a provision that applies to the land at 2 Jarvisfield Road (part lot), Picton and enables development for the purpose of ‘seniors housing’ as being permitted with development consent.
- Amending the Land Zoning Map as shown in Part 4 by Map 3 to rezone a portion of the land from its current RU2 Rural Landscape zone to C3 Environmental Management for the area environmentally sensitive land within the site.
- Amending the Natural Resources – Biodiversity Map as shown in Part 4 by Map 4 to include environmentally sensitive land within the site.
- Amending the Height of Buildings Map in accordance with the proposed map shown in Part 4 by Map 5 to introduce a maximum permissible height of 6.8 metres.
- Amending the Lot Size Map in accordance with the proposed map shown in Part 4 by Map 6 to reduce the minimum subdivision lot size from 100 hectares to 5 hectares.

### **3. NEED FOR THE PLANNING PROPOSAL**

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The planning proposal is the best and most appropriate means to achieve the intended outcomes being the rezoning of conservation land; permitting seniors living within the RU2 Zone; and reducing the minimum lot size to accommodate this development. However, the proposal fails to demonstrate strategic merit and consistency with the Greater Sydney Region Plan, Western City District Plan and Local Strategic Planning Statement.

It is noted that the new State Environmental Planning Policy (Housing) 2021 (Housing SEPP) which commenced on 26 November 2021 consolidated 5 former housing-related policies. The Housing SEPP has removed the site compatibility certificate process which previously facilitated redevelopment of land near key railway stations and nominated cities and towns without the need for a rezoning, if the proposed development was demonstrated to be compatible with surrounding land uses.

### **4. STRATEGIC ASSESSMENT**

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#### **4.1 Regional/District**

##### **4.1.1 Consistency with the Western City District Plan**

The planning proposal states that it is consistent with the following relevant priorities under the Western City District Plan:

*Planning Priority W4 – Fostering healthy, creative, culturally rich and socially connected communities*

- The site is considered to have challenges to its connectivity to the nearby Picton Town Centre and urban area. The topography of the surrounding area

and distance from the commercial centre of Picton will limit access to facilities and active transport options.

- The masterplan provides for open space and a recreational centre within the site which would provide residents with opportunities to socially connect.

*Planning Priority W5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport.*

- There is an emphasis on housing in the right locations (urban renewal, local infill and new communities in land release areas).
- Council has recognised the site's location in proximity to the Stonequarry Creek walking and bike path with links to the Picton Botanical Gardens and the town centre. This provides the opportunity to promote a healthy lifestyle.

*Planning Priority W14 – Protection and enhancing bushland and biodiversity.*

- The planning proposal aims to apply a higher level of protection to an area of critically endangered vegetation through a C3 Environmental Managing land use zone.

*Planning Priority W17 – Better managing rural area*

- The District Plan indicates that further rural-residential development is generally not supported.
- The initial assessment considered the likely density of the development in a sensitive location on a key entrance to Picton. Development of the site for seniors housing would also result in the permanent loss of rural land.
- There are opportunities to assist in mitigating visual impacts of the proposed development.

Council states that it has considered the changing housing needs of residents and determined that providing more housing choices in the local area with additional seniors housing is justified.

**Department Comment:**

Notwithstanding the above, the proposal is inconsistent with the Greater Sydney Region Plan and the Western City District Plan, particularly in relation to the location and accessibility of the proposed seniors housing as well as the management of rural lands.

The Western City District Plan sets a 5-year housing supply target for Wollondilly of 1,550 dwellings. The existing capacity of residential zoned land combined with the Wilton Growth Area and the Greater Macarthur Growth Area are expected to satisfy this requirement. The subject site is not located within either Growth Area.

In addition, a key direction in the Western City District Plan for Wollondilly is the need to better manage rural areas. The site is identified as being within the Metropolitan Rural Area (MRA) which seeks to protect and enhance the environmental, social and economic values of rural areas. The Western City District Plan indicates that urban development within the MRA will only be considered in the urban investigation areas identified in the Metropolis of Three Cities. The planning proposal is inconsistent with the provisions of the MRA as it represents medium

density development on the urban edge of Picton which is not considered to be an urban investigation area.

While the provision of diverse residential development is supported in the Wollondilly Shire, the site is not suitable to accommodate medium density residential development. Nominated growth areas and existing residential zoned land are better suited for this type proposal.

Given the above, the proposal does not give effect to the Western City District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

## **4.2 Local**

### **4.2.1 Objectives of RU2 – Rural Landscape Zone**

The proposal seeks to include seniors housing as an additional permitted use to the RU2 – Rural Landscape Zone. The objectives of the RU2 – Rural Landscape zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide areas where the density of development is limited in order to maintain a separation between urban areas.
- To support sustainable land management practices and local food production.

The proposal is not considered to be consistent with the objectives of the zone given medium density residential development is not consistent with the surrounding rural, recreational, and low density residential uses.

### **4.2.2 Wollondilly 2040 – Local Strategic Planning Statement**

Wollondilly 2040 – Local Strategic Planning Statement (LSPS) provides a 20-year land use vision for Wollondilly. The LSPS indicates that there will be a focus on protecting and enhancing existing towns, villages and rural lands, with the local housing strategy informing the nature and timing of any development in and around towns and villages in line with the established local character and principles of the MRA.

The LSPS also indicates that Council is on track to deliver the housing target set in the Western District Plan and development will be encouraged mainly within established areas already supported by infrastructure. This includes underutilised residential land within existing towns and villages. This will maintain the separation between towns and villages and protect the values of the MRA.

Given the site is not within an established residential area and within the MRA, the planning proposal for medium density residential development is inconsistent with the LSPS.

### **4.2.3 Wollondilly Local Housing Strategy 2021**

The Wollondilly Local Housing Strategy (LHS) was adopted by Council on 16 March 2021 and approved by the Department of Planning, Industry and Environment on 9

September 2021. The LHS provides a 20-year vision for housing in the Wollondilly Local Government Area (LGA).

The LHS indicates that there is capacity in current residential zoned land, through current active planning proposals and planned growth in the Wilton Growth Area and Greater Macarthur Growth Area to deliver a pipeline of future housing supply that meets implied dwelling demand in the LGA.

In addition, the LHS indicates that focussing additional housing within current residential zoned land avoids residential development in new locations where impacts on the environment, cultural or scenic landscapes, and agricultural land need to be managed. Based on the above, the planning proposal is inconsistent with the LHS.

#### 4.2.4 Wollondilly Rural Lands Strategy 2021

The Rural Lands Strategy (RLS) was adopted by Council on 21 September 2021 and provides the framework for managing growth, change and development for rural land in Wollondilly to 2040.

Action 6.1.1 of the RLS seeks to prevent the encroachment of urban or residential lands into areas rural areas outside the identified growth areas or existing village footprints by not zoning any further land in Wollondilly for residential (excluding rural housing) unless clearly identified for these uses in the Local Housing strategy. The strategic action is to continue to provide new dwelling options for some rural properties through dual occupancies (attached), secondary dwellings and rural workers dwellings.

The inclusion of seniors living as an additional permitted use in the RU2 zone will significantly intensify residential development on the site and impact the scenic landscape of the area. Therefore, the planning proposal is inconsistent with the RLS.

### **4.3 Section 9.1 Local Planning Directions**

The proposal has been assessed against the local planning directions issued by the Minister for Planning to relevant planning authorities under section 9.1(2) of the Environmental Planning and Assessment Act 1979.

#### Direction 6.1 Residential Zones

The direction seeks to encourage a variety and choice of housing types to provide for existing and future housing needs. It also seeks to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure. The direction ensures that the impacts of residential development on the environment and resource lands are minimised.

While the provision of diverse housing supply is supported in the Wollondilly Shire, the site is not suitable to accommodate medium density residential development. Nominated growth areas and existing residential zoned land with adequate infrastructure and public transport services are better suited to support this type development. Therefore, the proposal is inconsistent with this direction.

#### Direction 9.1 Rural Zones

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 an existing town or village).



While the planning proposal does not seek to rezone the site, the inclusion of seniors living as an additional permitted use in the RU2 zone will significantly intensify residential development on the site which is not within an existing town or village.

The planning proposal is inconsistent with Direction 9.1 Rural Zones.

#### Direction 9.2 Rural Lands

This direction seeks a number of objectives including the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State. Further, the direction states that a planning proposal must be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement.

The planning proposal is inconsistent with the Greater Sydney Region Plan, Western City District Plan and the Wollondilly 2040 Local Strategic Planning Statement (refer to the above commentary for further detail).

## **5. SITE-SPECIFIC ASSESSMENT**

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### **5.1 Environmental**

The proposal is not expected to have any significant environmental impacts due to the abovementioned application of a C3 Environment Management Zoning to identified environmentally sensitive lands.

### **5.2 Social**

The planning proposal proposes a number of infrastructure improvements, including:

- Construction of footpath linking the site to the existing Jarvisfield cycleway via Coldenham Road and Natasha Place;
- Construction of a footpath along Jarvisfield Road, through the trees on the southern side of the street, linking to the existing footpath on Remembrance Driveway;
- Construction of two new bus stops within close proximity of the subject site (325 m and 310 m respectively). An existing bus service will service the new bus stops.
- Improvements to the intersection treatment of Jarvisfield Road and Remembrance Driveway.

The planning proposal states that these improvements will provide a social benefit for residents of the future seniors living development, and existing residents of Picton, by facilitating opportunities for social connections and a completing a recreational pathway ring.

### **5.3 Economic**

The planning proposal indicates that infrastructure improvements, and increase in population density at the site, will provide a positive economic impact for existing businesses in the Picton town centre and potentially for the adjoining Antill Park golf course and club house.

## **5.4 Infrastructure**

There are a number of servicing and infrastructure issues due to the sites urban fringe location, topography, and lack of footpath connectivity.

To address these issues, the developer agreed to provide additional footpaths, linking the site to the existing Jarvisfield cycleway and Argyle Street footpath, construct two new bus stops within proximity of the site, and upgrade the Remembrance Driveway/Jarvisfield Road intersection for safer vehicular and bus access.

With respect to servicing the site, the LHS indicates that there is currently no further capacity in the wastewater network for the next four to five years in Picton which limits the ability of the network to support additional residential development in these locations. In addition, Sydney Water has advised that it does not have enough effluent management capacity to service this development.

The proponent amended the proposal to include an on-site wastewater management area for dispersal of the treated wastewater. However, this is not considered to be an ideal planning outcome given a large number of dwellings will be reliant on an on-site wastewater management area for the foreseeable future. The lack of connectivity to existing services further highlights the site's inability to adequately accommodate this type of development in the short to medium term.

## **6. CONSULTATION**

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Consultation is not required as the proposal is not recommended to proceed.

## **7. TIMEFRAME**

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No timeframe is required as the proposal is not recommended to proceed.

## **8. LOCAL PLAN-MAKING AUTHORITY**

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There is no requirement to appoint a local plan-making authority as it is not recommended for the proposal to proceed.

## 9. CONCLUSION

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It is recommended that the delegate of the Minister determines that the planning proposal should not proceed as there is insufficient strategic merit. The proposal is not supported for the following reasons:

- The proposal is not consistent with the strategic planning framework including:
  - Greater Sydney Region Plan;
  - Western City District Plan;
  - Local Planning Directions 6.1 Residential Zones, 9.1 Rural Zones, and 9.2 Rural Lands;
  - Wollondilly 2040 – Local Strategic Planning Statement;
  - Wollondilly Local Housing Strategy 2021;
  - Wollondilly Rural Lands Strategy 2021; and
  - Objectives of the RU2 – Rural Landscape Zone.
- The 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;
- An on-site wastewater management area is not considered to be an appropriate planning outcome for proposed development; and
- The site is poorly located in terms of access to facilities, services and frequent public transport.

## 10. RECOMMENDATION

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It is recommended that for the reasons noted above, the delegate of the Minister determine that the planning proposal should not proceed.



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**Manager Metro Western**



**17/5/2022**  
**Adrian Hohenzollern**  
**Director Metro West**  
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