

PLANNING PROPOSAL – PP029

Shoalhaven Local Environmental Plan 2014

Hitchcocks Lane Berry Residential Investigation Area

Prepared by
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Shoalhaven City Council

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Introduction

This Planning Proposal (PP029) seeks to rezone land at the south-western edge of the town of Berry to allow residential development. Specifically, this PP seeks to rezone the subject land from RU1 Primary Production to R2 Low Density Residential and allow for a mix of lot and house sizes. It is estimated that the proposal will enable up to 150 lots on the subject land and between 150-180 dwellings (primarily detached single houses and some dual occupancy).

Subject Land

The subject land is located on the southern edge of the Berry township, on the western side of the Princes Highway. The subject land is legally described as part Lots 762 and 763 DP 1224932 and part of the Hitchcocks Lane Road Reserve (UPN 96829). Note: the Hitchcocks Lane Road Reserve was added to the subject land in accordance with Council’s resolution on 1 September 2020 (MIN20.610).

The land measures approximately 11.02 hectares in area. The land is gently to moderately inclined and has an elevation of approximately 8 to 23 metres AHD. The eastern portion of the site is very gently to gently inclined, with the highest point of the land located in the south-western corner. A drainage depression flows through the site to the south-east toward Broughton Creek. The site is largely cleared and maintained as pasture. There is one large mature eucalypt in the south-western corner of the site and avenues of liquidambar line the western border.

Maps showing the location and boundary of the subject land are provided in **Figures 1 and 2** below. There are six agricultural outbuildings in the north-eastern corner of the site which were previously used for livestock activities associated with the Graham Park stock breeding centre. These are visible on the aerial photograph provided as **Figure 3** below.

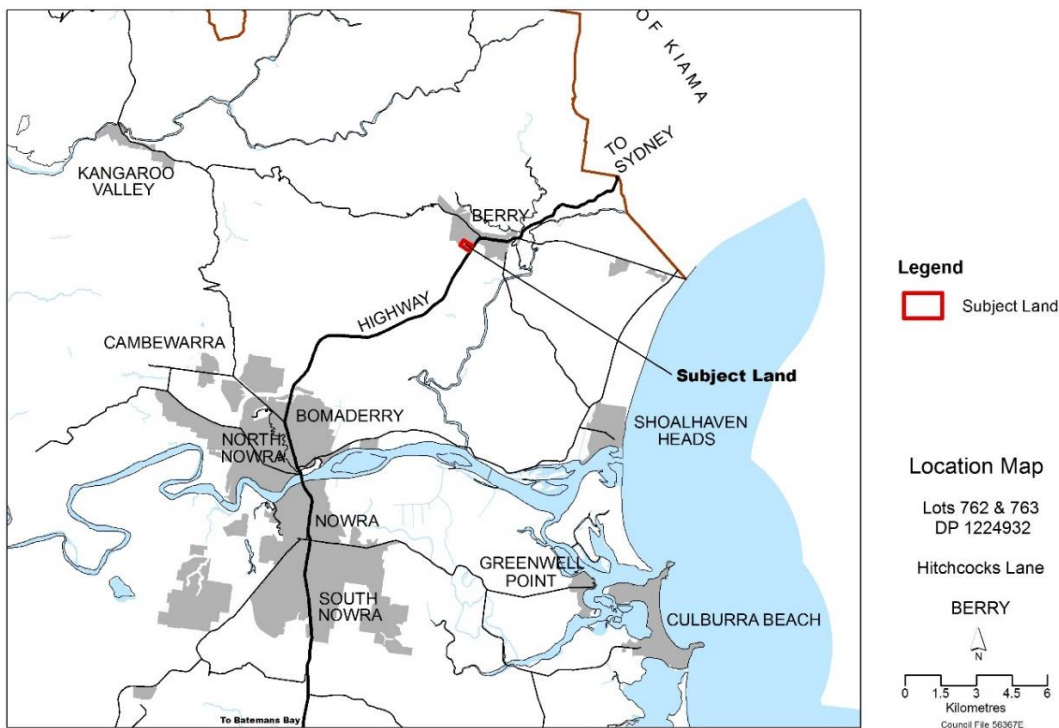
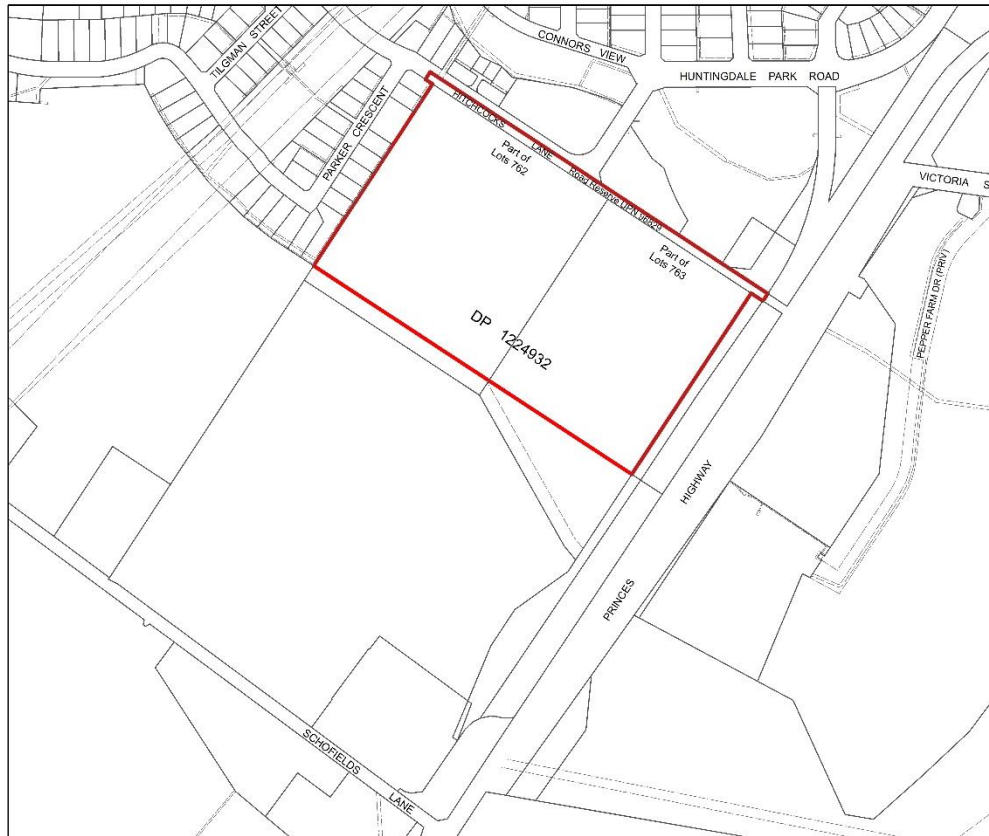


Figure 1: Location Map



Legend

- Subject Land

PP029
Planning Proposal

Subject Land

Part of Lots 762 & 763
DP 1224932
and Road Reserve
UPN 96829

Hitchcocks Lane

BERRY

N

0 50 100 150 200
Metres

Council File 56367E

Figure 2: Subject Land Map



Legend

- Subject Land

PP029
Planning Proposal

Aerial Photo

Part of Lots 762 & 763
DP 1224932
and Road Reserve
UPN 96829

Hitchcocks Lane

BERRY

N

0 50 100 150 200
Metres

Council File 56367E

Figure 3: Aerial Photograph

Surrounding Area

Situated at the footslopes of Berry Mountain, the subject land drains to Broughton Creek via a drainage depression on the subject land and two intermittent watercourses. The drainage depression and intermittent watercourses are subject to localised flooding. Forested ridgelines and escarpments are located to the west and distant north. Views of the ridgelines and escarpment are available from various areas throughout Berry including the village and the Princes Highway. The landscape is also defined by rural pastures associated with the current and historic agricultural uses of the area. Recent development, including the construction of the Princes Highway bypass and development to the west and south of the town, has altered the experience of some of these views, yet the area retains significant scenic qualities.

The Huntingdale Park residential area is located directly to the north and west of the subject land. Huntingdale Park is a modern housing estate, developed over the past decade. As at September 2020, Huntingdale Park Estate contains 253 lots in a mixture of lot sizes, and areas zoned for medium density housing on the northern side of Hitchcocks Lane.

The Princes Highway runs directly alongside the eastern border of the subject land. The Princes Highway was upgraded to a four lane highway to bypass the centre of Berry in 2017. Land to the south and south-west is rural land, traversed by a channelised intermittent watercourse and opportunistically grazed.

On the eastern side of the Princes Highway (opposite the subject land) is The Arbour, an over 55's retirement village (110 dwellings) and the Berry Bupa Aged Care facility. The historic Berry Town Centre is located east of the Princes Highway, which provides for the day to day needs of local residents and serves as a very popular tourist destination. It is approximately a 1.6 km walk from the subject land (at the intersection between Hitchcocks Lane and Huntingdale Park Road) to the Berry Town Centre (at the intersection between Queen and Alexandra Streets).

A series of site photos taken from Hitchcocks Lane are provided in **Figures 4-7**. A comprehensive assessment of the landscape qualities of the area and character of surrounding development is provided in the accompanying [Visual Impact Assessment and Urban Design Guidelines](#) Report by Peter Andrews and Associates (paa Design), dated May 2019, which can be viewed via the Attachments to this PP.

Site Photos



Figure 4: View of western boundary of subject land, looking south.



Figure 5: View of subject land looking south from Hitchcocks Lane.



Figure 6: View of subject site looking east from Hitchcocks Lane. Mature trees are located within the (unformed) Hitchcocks Lane road reserve.



Figure 7: View looking east down Hitchcocks Lane/Parker Crescent intersection. The subject land is visible in the background to the right.

Background

Land Use Planning History (post 1950)

The subject land was subdivided from the former “Graham Park” complex in 2016. Graham Park was an artificial stock breeding centre built by the NSW Milk Board in the 1950s and the first of its kind in Australia. The centre closed in the 1980s. Graham Park was subsequently acquired by Shoalhaven City Council and used by the University of Wollongong (UOW) as an educational facility until the early 2000s. The former administrative buildings on Lot 601 DP 1188616 (land to the south of the subject land and not part of the Planning Proposal) are currently used as a place of public worship.

Council initially considered future urban expansion opportunities on this edge of Berry in late 2002 during preparation of a draft Growth Management Strategy (GMS). At this time, the sale of the land by Council was proposed and future possible uses for the land were canvassed. Council considered a report on this matter on 17 September 2002, and the concept plan produced at that time identified the subject land as “possible urban expansion” area (as shown in **Figure 8** below).

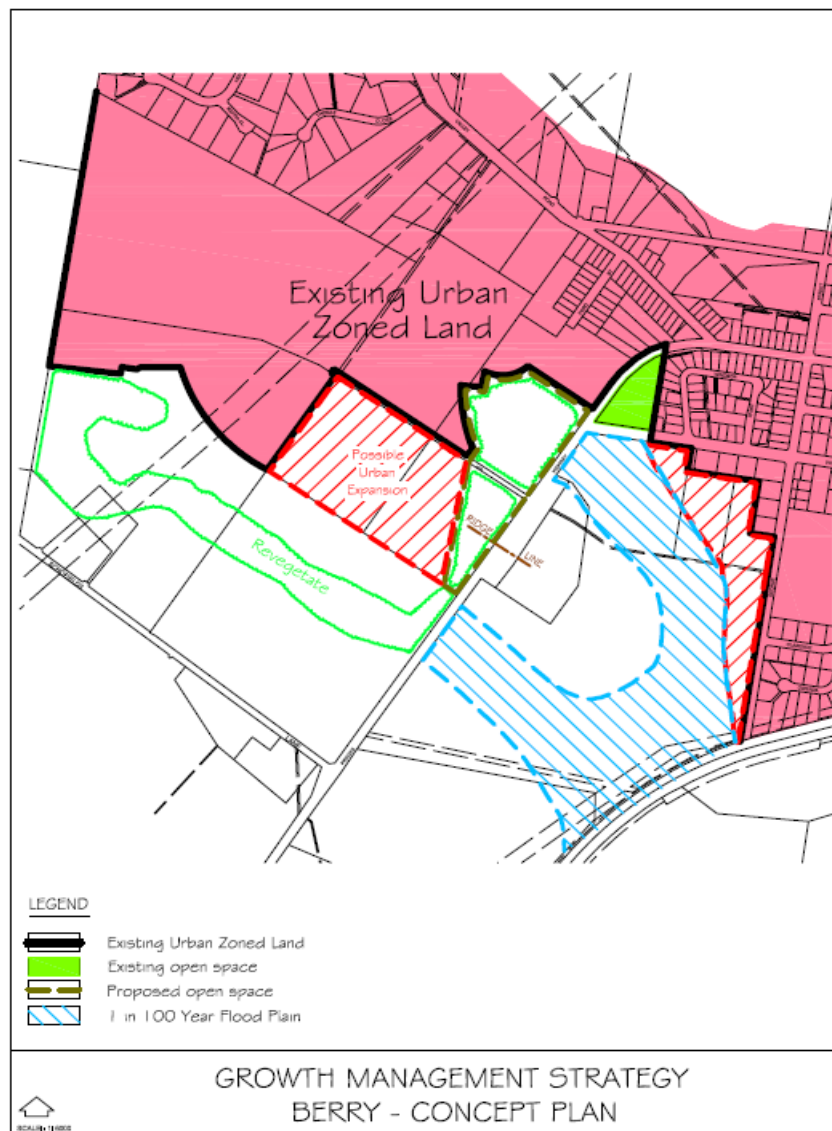


Figure 8: Concept Plan from 2002 Draft GMS

The land was ultimately identified as a Long Term Investigation Area (LTIA) in the *Shoalhaven Growth Management Strategy (GMS) (Version 1)* which was finalised by Council and endorsed by the NSW Government in 2014. The relevant map from the GMS is provided as **Figure 9** below.

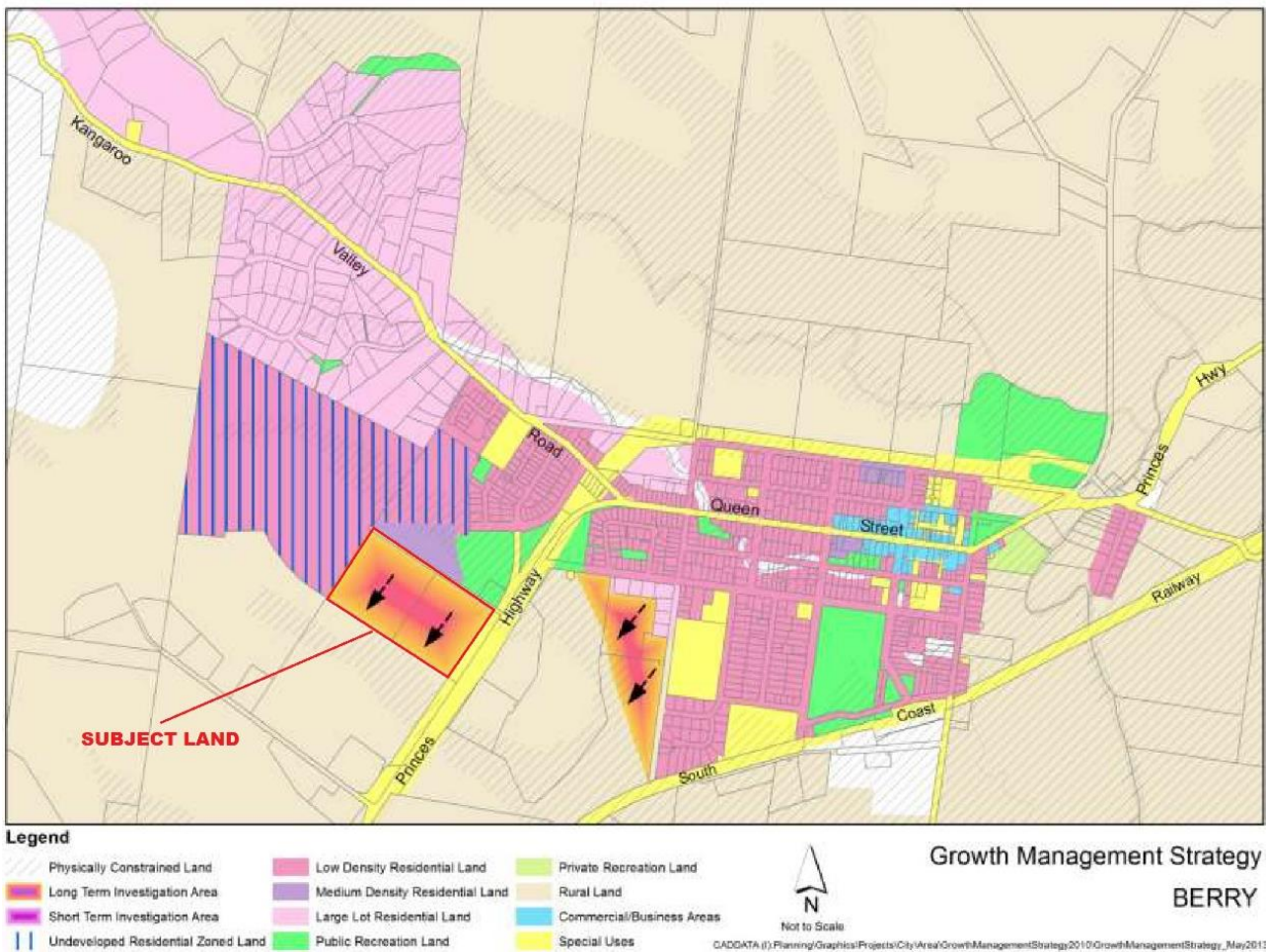


Figure 9: GMS 2014 Map showing subject land as long-term investigation area

The south-western edge of the LTIA aligned with the edge of the adjacent existing residential zone (developed as Huntingdale Park Estate). The intent of this alignment is to limit urban expansion of Berry at this location, defining a consistent urban edge.

Lodgement of Planning Proposal Request

On 8 September 2017, Council received a request from Cowman Stoddart Pty Ltd (the proponent) to prepare a Planning Proposal to:

- Rezone Lots 762, 763 and part of Lot 764 from 'RU1 Primary Production' to 'R1 General Residential'.
- Apply a minimum lot size of 500 m², allowing for an area of smaller lots (350 m²).
- Apply a maximum building height limit of 8.5 metres.

The proponent's submission included a Planning Proposal document and a range of preliminary supporting studies. The original proposal sought to rezone an area measuring 15 hectares, extending past the area identified for urban expansion in the GMS.

Council's Development Committee considered this proposal on 14 November 2017. The Committee resolved to prepare a modified Planning Proposal (to rezone the land to R2 Low Density Residential) and to limit the area to be rezoned to the extent identified as Long-Term Investigation Area (LTIA) in the adopted GMS.

The Committee resolved (under delegation) on 14 November 2017 as follows:

1. *Prepare a Planning Proposal to rezone part (as detailed in the plans within this report) of Lots 762 and 763 DP 1224932, Hitchcocks Lane, Berry, to an R2 - Low Density Residential Zone with:*
 - a. *A 500 m² minimum lot size; and*
 - b. *An 8.5 m maximum height of buildings.*
2. *Forward this Planning Proposal to the NSW Department of Planning and Environment for a Gateway determination with a request that the determination be subject to a condition allowing up to 25% of the site to be provided with a lot size as small as 350 m² subject to specialist studies and community consultation.*
3. *Advise the NSW Department of Planning & Environment that the following studies are considered appropriate as part of the post Gateway stage of the Planning Proposal (prior to public exhibition):*
 - a. *Stormwater assessment including conceptual design details for the proposed drainage reserve*
 - b. *Stage 1 preliminary contaminated site assessment*
 - c. *Aboriginal cultural heritage assessment*
 - d. *Flood risk assessment*
 - e. *Traffic study*
 - f. *Visual impact assessment*
 - g. *Infrastructure study and delivery plan (including "soft" infrastructure)*
 - h. *Master plan including detailed urban design and built form guidelines*
4. *Advise the proponent of this resolution and that the proposal will be subject to fees and charges for proponent initiated Planning Proposals, including a requirement that the full cost of all specialist studies be borne by the proponent.*
5. *Advise the Berry Forum of this resolution.*
6. *Consider a report on the Planning Proposal prior to public exhibition.*
7. *Request a future report that provides options for a policy framework for considering Planning Proposals that accelerate consideration of an area ahead of its timing in Council's adopted strategic plans.*

A Planning Proposal (PP) was forwarded for a Gateway Determination as the next step in the [Planning Proposal process](#). A Gateway Determination was issued on 3 April 2018 by the NSW Department of Planning, Industry and Environment (DPIE) authorising the PP to proceed, subject to completion of technical studies, public exhibition, and consultation with public authorities.

Extensions to the timeframe for completion were issued on 22 October 2019 to allow for completion of technical studies and public exhibition. An extension to complete the Planning Proposal was granted to 3 October 2020. This deadline has now lapsed; however, the Planning Proposal remains current and under consideration. NSW DPIE reviewed the proposal and associated completed technical studies in September 2020 and endorsed the proposal for exhibition on 6 October 2020. See **Attachment 6** for a copy of the original Gateway Determination, the alteration issued in October 2019 and recent correspondence with the NSW DPIE.

Landscape Screening - Recommendation of Visual Impact Assessment Report

The establishment of a landscape screen to mitigate the visual impacts of residential development on the subject land was a key recommendation of the [Visual Impact Assessment and Urban Design Guidelines Report](#) (VIA/UDG) by Peter Andrews and Associates (paa Design).

On 7 April 2020, Council's Development Committee considered a [report](#) detailing the status of PP029 and seeking 'in principle' endorsement to provide a landscape screen directly adjacent to the southern boundary of the subject land. The purpose of the landscape screen is to minimise visual impacts from development on the southern approach ('gateway') into Berry.

Various options were discussed within the report regarding the design, implementation and maintenance of the landscape screen, noting the outcome would need to consider the following critical factors (refer to page 8 of the report):

- *[the screen] Is established at subdivision stage i.e. ahead of development. Note: this has been a consistent theme in early planning work done by Council for this future residential area.*
- *[the screen] Is sufficiently wide enough and under appropriate tenure to facilitate effective screening of the development from the south, as depicted in the VIA report.*
- *Addresses the long-term management arrangements for the landscape screen. It should also be cost-neutral to Council over the life of the asset.*
- *Complies with the requirements of Planning for Bushfire Protection 2019...*

It was noted within the report that the proponents supported the establishment of a 12 m wide screen on land directly adjoining the southern boundary of the subject land, which Council's Landscape Architect agreed would meet the intent of the VIA/UDG recommendation.

The agreed path forward was for the proponents and Council to enter into a Voluntary Planning Agreement (VPA) to establish the landscape screen and for the screen to be maintained in perpetuity by the landholders (currently the same owners of the subject land) via a positive covenant placed on the land. The landscape screen is proposed to be located outside the area covered by this Planning Proposal, directly adjacent to the southern boundary of the subject land. This area will retain the current RU1 Primary Production land use zone. The landscape screen will delineate the urban edge of Berry and obscure and soften the appearance of the residential development beyond.

Figures 10 and 11 on the following page are extracted from the VIA/UDG report and illustrate the potential visual impacts of proposed development without and with a landscape screen along the southern boundary.



Figure 10: Indicative photomontage of development without landscape screening



Figure 11: Indicative photomontage of development with landscape screening

Council Resolutions 7 April 2020 and 1 September 2020

The Council resolved at the Development Committee meeting of 7 April 2020 to:

1. *Note the update on the status of Planning Proposal PP029.*
2. *Give ‘in principle’ endorsement to locating a proposed landscaped screen adjacent to the southern boundary of the subject land as follows:*
 - a. *Minimum 12 m wide landscaped buffer incorporating an 8 m wide planting area and 2 m wide buffer on either side.*
 - b. *The landscaped buffer is to be maintained by the landholder in accordance with a positive covenant on the adjoining land.*
3. *Secure the Proponent’s commitment to implement the above measures via a Voluntary Planning Agreement to be exhibited concurrently with the PP.*
4. *Prepare a draft amendment to Chapter N3 (Berry Residential Subdivision) of Shoalhaven Development Control Plan (DCP) 2014 to incorporate the above provisions and any other key recommendations of the supporting studies.*
5. *Commence the preparation of an amendment to Shoalhaven Contributions Plan 2019 project 01OREC0009 (Land acquisition for passive open space - Princes Highway, Berry) to recognise the demand the additional lots will place on the passive open space network in the Huntingdale subdivision area.*
6. *Prepare a report on the PP package prior to public exhibition, including the updated PP, draft Planning Agreement, and proposed amendments to the CP and DCP.*

A draft amendment to *Chapter N3 Berry Residential Subdivision* of the *Shoalhaven Development Control Plan (DCP) 2014* has been prepared in accordance with part 4 of the above resolution. The draft DCP Chapter provides planning objectives and controls to guide future development outcomes on the subject land. The draft DCP Chapter aims to provide for high quality subdivision and housing design to create an attractive and liveable neighbourhood that is sensitive to the character of Berry.

Council considered the draft DCP Chapter at the Development Committee meeting of 1 September 2020 and resolved to place the Planning Proposal and draft DCP Chapter N3 on public exhibition for 60 days. The resolution is as follows:

That Council:

1. *Publicly exhibit the updated Planning Proposal (PP029), to rezone land south of Hitchcocks Lane Berry (Part Lots 762 and 763 DP 1224932); and the supporting draft Shoalhaven Development Control Plan (DCP) Chapter N3 Berry Residential Subdivision, to facilitate subdivision and housing development on the land.*
2. *Seek a minor amendment to the Gateway determination for PP029 to revise the subject land boundary and PP maps to include the adjacent Hitchcocks Lane Road Reserve (UPN 96829) to improve LEP mapping consistency.*
3. *Allow for minor changes to the PP029 and draft DCP Chapter prior to exhibition to update graphics and provisions in consultation (if required) with the proponent and the NSW Department of Planning, Industry & Environment.*
4. *Exhibit PP029 and the draft DCP Chapter N3 Berry Residential Subdivision for public comment for 60 days in accordance with the requirements of the Gateway*

Determination issued by the NSW Department of Planning, Industry and Environment (DPIE).

5. *Continue to progress:*

- a. *A Voluntary Planning Agreement (VPA) to provide landscaping screening along the southern boundary of the subject land to mitigate visual impacts of future development, and*
- b. *A review of the Shoalhaven Contributions Plan (CP) 2019 Project 01OREC0009 (Land acquisition for passive open space - Princes Highway, Berry) to recognise the demand the additional housing lots will place on the passive open space network in the area.*

The subject land has been revised in accordance with part 2 of the above resolution.

Negotiations on a Voluntary Planning Agreement (VPA) to secure the Landscape Screen along the southern boundary of the land are continuing in accordance with part 5a of the above resolution.

An amendment to the *Shoalhaven Contributions Plan (CP) 2019* to provide for the open space needs of the area is being prepared for exhibition, in accordance with part 5b of the above resolution. This review includes investigating embellishment of the future proposed park to the north of the subject land.

The draft VPA and Contributions Plan update will be publicly exhibited at a later date.

Part 1 – Intended Outcome

To amend the *Shoalhaven Local Environmental Plan (LEP) 2014* to facilitate subdivision of the subject land for housing. In addition, to enable for a mix of lot and house sizes to provide greater local housing choices in a manner compatible with the low-density character and scenic qualities of Berry.

Part 2 – Explanation of Provisions

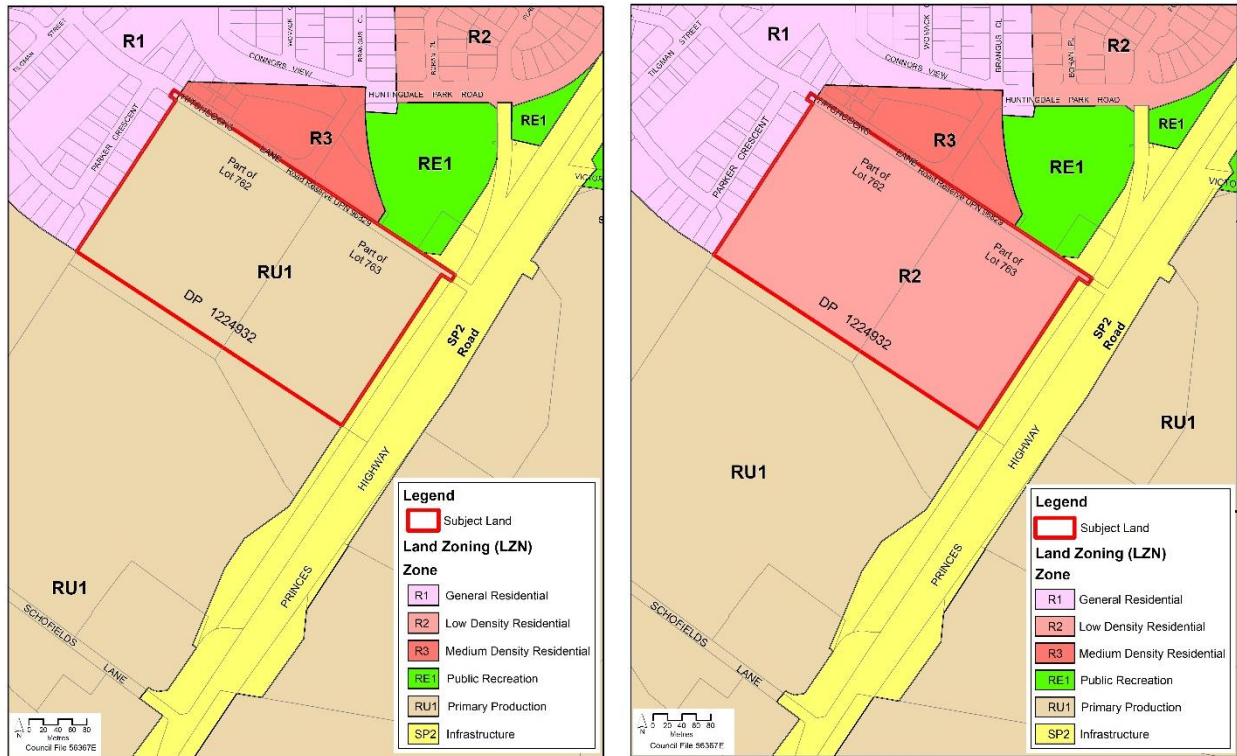
The intended outcome will be achieved by the following proposed amendments to *Shoalhaven LEP 2014*:

- Amend the Land Zoning Map for the subject land south of Hitchcocks Lane, Berry to rezone the land from RU1 Primary Production to R2 Low Density Residential, as shown in **Map 1**.
- Amend the Height of Buildings Map for the subject land south of Hitchcocks Lane, Berry to allow a maximum permissible building height of 8.5 metres, as shown in **Map 2**.
- Amend the Minimum Lot Size Map for the subject land south of Hitchcocks Lane, Berry to allow the land to be subdivided into lots measuring a minimum of 350 m², 500 m² and 700 m² as shown in **Map 3**.

A draft amendment to Chapter N3 (Berry Residential Subdivision) in the *Shoalhaven Development Control Plan (DCP) 2014* is being exhibited concurrently with this PP. Draft Chapter N3 provides detailed guidance on subdivision and housing development to assist in achievement of the intended outcomes outlined in this PP.

To mitigate the visual impacts of development, a draft Voluntary Planning Agreement (VPA) between Council and the landowners is being prepared to secure the establishment of a landscape screen along the southern boundary of the subject land. The terms of this VPA are currently being negotiated and the draft VPA is proposed to be publicly exhibited separate to this PP.

Land Use Zones (LZN) Map



Map 1: Existing (left) and proposed (right) Land Use Zones

Height of Buildings (HOB) Map



Map 2: Existing (left) and proposed (right) allowable Height of Buildings

Minimum Lot Size Zones (LSZ) Map



Map 3: Existing (left) and proposed (right) minimum lot size for subdivision

Explanatory Notes on the proposed Minimum Lot Size Map

It is estimated that this PP could facilitate subdivision of approximately 150 residential lots on the subject land. A range of lot sizes are proposed across the site to encourage housing choices to meet a wide range of local housing needs.

Most of the subject land will have a minimum allowable lot size for subdivision of 500 m², consistent with the surrounding lot size requirements. The mapped lot sizes show the minimum size allowable for subdivision. It is noted that much of Huntingdale Park has been developed with lot sizes larger than the minimum required.

A row of lots at a minimum of 700 m² are proposed to face the southern boundary of the land, in response to the recommendations of the [Visual Impact Assessment and Urban Design Guidelines](#) report.

The drainage depression that runs through the site will retain the 40 hectare minimum lot size requirement, ensuring this area cannot be subdivided. The natural drainage depression will be retained as a drainage reserve to convey stormwater and floodwater.

Small lot housing

The intention of providing smaller lots is to encourage provision of some smaller homes to meet a recognised gap in the local housing market for two bedroom dwellings (and smaller-than-average modern 3 bedroom homes) and to provide a (relatively) more affordable housing type. Further discussion about housing supply gaps, community demographics and housing needs is provided in Part 3 Section C (Q9). The design of dwellings on small lots will be guided by the provisions of *Shoalhaven DCP 2014* (including the site-specific draft

DCP Chapter N3 Berry Residential Development)¹, to promote homes of high quality design that are compatible with the character of surrounding development.

Smaller homes generally have minimal bulk and scale impacts on the streetscape, as they are compact in form. Well-designed smaller homes can also help achieve sustainability outcomes. Many of the older and historic homes in the centre of Berry are modest in size with generous areas of landscaping. The draft DCP Chapter seeks to ensure house size is proportionate to lot size, recognising there can be adverse impacts where large buildings are squeezed onto smaller lots. The draft DCP Chapter contains controls relating to setbacks from boundaries, floor space and landscaping requirements, orientation and sunlight access provisions and vehicle access and parking requirements to encourage sensitive house design, including for small lots. The draft DCP also emphasises provision of adequate landscaped area on lots to complement the leafy character qualities of Berry.

Consistent with the Development Committee resolution of 14 November 2017, the extent of the area allowed to be subdivided to a minimum lot size of 350 m² is limited to 25% of the total site area. Some additional subdivision of larger lots could also occur over time associated with future dual occupancy development. However, it is expected that most of the site will provide conventional-sized lots with 4 bedroom homes consistent with similar modern housing estates. These homes are typically marketed towards families with children, sea/tree changers or as holiday homes/investment properties. The provision of some smaller lots will provide homes to cater to other common household types (such as single person households, couples without children, first home buyers, downsizers etc).

Permissible housing types

The proposed R2 Low Density Residential zone in *Shoalhaven LEP 2014* does not allow housing types such as multi-dwelling housing (townhouses/villas) or residential flat buildings (units). Therefore, housing on small lots will be primarily detached single dwellings (one house per lot). The R2 Low Density Residential zone does allow for dual occupancies (two homes on one lot) and semi-detached housing (two attached homes each with their own lot of land that share one common wall, also known as a duplex). Some dual occupancy/semi-detached development may occur across the site (not necessarily confined to the smaller lots). These housing types will be subject to development controls within the *Shoalhaven DCP*, including the site-specific controls within the draft DCP Chapter N3 Berry Residential Subdivision¹.

The draft DCP Chapter has been written to embed design quality at the subdivision stage, to optimise future house design and maximise neighbourhood liveability. The draft DCP contains controls relating to road and lot layout, landscaping, provision of footpath links, noise amelioration and stormwater and flood management which apply to the initial subdivision/s of the land. Providing high quality subdivision design and favourable lot configurations is particularly important where some future homes could be built as Complying Development, circumventing the house design controls in the DCP¹.

¹ **A note on Complying Development:** Development Applications (DAs) for dwellings on the subject land will be assessed against the provisions of *Shoalhaven DCP 2014*, including the site-specific DCP Chapter N3 Berry Residential Subdivision. However, development able to be approved as Complying Development under *State Environmental Planning Policy (SEPP) Exempt and Complying Development Codes* may not need to comply with the requirements of the DCP. [Complying development](#) is a combined planning and construction approval for straightforward development that can be determined through a fast-track assessment pathway. To qualify as Complying Development, proposals need to meet various land and design standards within *SEPP Exempt & Complying Development Codes*.

Part 3 – Justification

Section A – Need for the Planning Proposal

Q1: Is the Planning Proposal a result of any strategic study or report?

Yes. Berry is recognised in the *Shoalhaven Growth Management Strategy (GMS) 2014 (Version 1)* as one of six towns having some longer term growth potential.

The subject land is identified as a long term investigation area (LTIA) for urban residential development in the GMS. The LTIA measures approximately 11.8 hectares (see **Figure 9**), which aligns with the subject land area for this proposal. The land was identified because it is contiguous with the residential area of Berry (directly adjacent to Huntingdale Park), close to the Berry Town Centre and related services and primarily cleared of vegetation with limited environmental constraints.

Areas for long-term investigation were envisaged in the GMS to be developed in 15+ years from the adoption of the Plan. At the time that the GMS was prepared it was expected that the Huntingdale Park Estate would accommodate the expected residential growth within Berry in the short to medium term.

However, the take-up of land in the Huntingdale Park Estate has been faster than envisaged in the GMS and available land supply in the area is almost exhausted, especially for suburban-sized lots. The last stages of the Estate consist of large lots (2000 m²+) in the upper reaches (Stage 9 currently being released) and one vacant lot (~5,700 m²) on the eastern side of Huntingdale Park Road to be developed for medium density housing.

Housing demand in Berry reflects its lifestyle attractions, accessibility and strong desirability from buyers from Sydney. House sale and rental prices remain relatively high presently (with a median house price above \$1 million and a median rental of \$580 per week²), down from the peak in 2018 but remaining strong even with the initial economic impacts of the Covid-19 pandemic. The longer term impacts of the pandemic on the local housing market are currently unknown and dependent on wider economic conditions and policies. Recent research indicates regional housing markets have been more resilient than city markets during the pandemic, due to a variety of factors, including liveability, relative affordability, rise in remote work and international migration having less influence over house prices compared to city markets³. Areas such as Berry which are accessible to key job markets (Wollongong, Nowra, Sydney) are particularly desirable.

Given the above, there is strategic justification to bring forward investigations on the subject land to provide for the future growth of Berry.

Q2: Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The proposed amendments to the *Shoalhaven LEP 2014* as described above, accompanied by site-specific development controls in the *Shoalhaven DCP 2014* and a planning agreement to establish a landscape screen are considered the best way to achieve the intended outcome (context-sensitive housing development and growth in Berry).

² Realestate.com.au, [Median property prices, Berry](#), as at 20 August 2020

³ CoreLogic, [Regional Market Update Report summary](#), 18 August 2020

Alternative residential zones are considered unsuitable as detailed below.

Land Use Zoning

The proponent's original PP sought to rezone the subject land R1 General Residential development, consistent with the neighbouring Huntingdale Park Estate. The R1 General Residential Zone is considered unsuitable for the subject land as it provides less certainty of achieving a context-sensitive low density development outcome.

The R1 zone allows a wider range of housing types, compared to the R2 Low Density Residential zone, such as multi-dwelling housing (and manor houses as Complying Development) that were not considered appropriate across this visually sensitive greenfield area.

Multi-dwelling housing in this visually sensitive setting should only be considered in discrete locations, such as the area zoned R3 Medium Density Residential on Hitchcocks Lane opposite the subject land (which sits in a central, lower-lying and less visually sensitive area).

The option of applying the R3 Medium Density Residential zone to the 350 m² lot size areas in the subject land is not considered appropriate in this instance due to the site's visual sensitivity. The R3 zone allows for higher density forms of housing (including manor houses as Complying Development) that may be better suited closer to town centre areas and in less visually sensitive areas.

The proposed combination of the R2 Low Density Residential land use zone and a mix of minimum lot sizes including 700 m², 500 m² and 350 m² is therefore considered the best way to provide greater housing choices for residents whilst maintaining a low density feel across the subject land.

Height of Buildings

The proposed height limit for buildings is 8.5 metres, consistent with the surrounding residential area. The [Visual Impact Assessment and Urban Design Guidelines Report](#) recommended that single storey development be mandated in visually prominent areas of the site (i.e. along the southern and eastern boundaries of the site). This could potentially be enforced via lower height limits in the Shoalhaven LEP 2014 over some areas of the site. This recommendation has not been adopted as it would limit flexibility in future house design, may encourage homogenous development and 'sameness' creating unintended adverse visual and character impacts.

Importantly, visual impacts are influenced not only by the height of development (e.g. whether a house is single storey or two-storey) but also by building bulk or footprint. Where homes are limited to one storey, they are more likely to extend over a larger area of the site and closer to boundaries, limiting areas available for backyards and landscaping. Two-storey homes can provide the same amount of internal floor area over a smaller footprint, leaving larger areas available for backyards and landscaping. Where large-footprint buildings are replicated over and over in the streetscape, horizontal building bulk can create adverse visual impacts.

A mix of single and double storey development and a maximum height limit of 8.5 metres is therefore considered appropriate for the subject land, supported by development controls within the draft DCP that limit the horizontal and vertical bulk and scale of buildings footprints to minimise potential for adverse visual impacts.

Minimum Lot Size

The proposed minimum lot size map provides designated areas across the subject land for small lot housing (i.e. where lots can be subdivided to a minimum of 350 m²). The benefits of this approach include greater transparency in planning controls – so developers and the community know where to expect and plan for small lot subdivision.

Combined with floor space area and landscaped area controls in the draft site-specific DCP Chapter more certainty of housing choice is provided. Proposed development controls within the DCP limit gross floor area (internal) to 50% of the site area and require 35% of the site area to be landscaped area. This will help to ensure that house sizes will be sized proportionate to lot size. That is, smaller lots will have smaller dwellings, and a range of lot sizes will encourage a variety of house sizes. For example, gross floor area will be limited to 175 m² for lots measuring 350 m², 250 m² on lots measuring 500 m² and 375 m² on lots measuring 700 m².

These proposed controls seek to limit impacts on neighbours and promote development compatible with the low density character of Berry. The risks in this approach include lot layout design issues at subdivision stage if unforeseen constraints arise (which may impact the intended lot size mix/development yield) and community opposition to small lot development due to concerns regarding development outcomes and potential impacts.

If a minimum of 500 m² applied across the site (a common lot size in modern housing estates) it is likely the same type and configuration of housing would be replicated across the site. This housing type would likely not address local housing supply gaps for smaller dwellings. Larger lot size requirements (>500 m²) across the site would likely lead to building of larger dwellings. Larger lot sizes may also incentivise dual occupancies and semi-detached developments to maximise dwelling yields, which could then be subdivided into smaller allotments post-construction.

With good quality house design, greater variety in lot sizes and housing types can add interest to the streetscape and limit streetscape homogeneity/monotony. Pursuing a mix of lot sizes across the subject land is considered the best way to meet the intended outcome. Alternative methods to achieve lot size mix such as lot averaging clauses or applying density targets are not appropriate in this context and not as transparent as minimum lot size mapping.

Options for housing growth in Berry

The intended outcome is to provide more housing in a low-density setting whilst providing for greater housing choices. The current Shoalhaven Growth Management Strategy (GMS) identifies the subject land (limited outward expansion) as a potential future greenfield release area. Challenges include:

- limiting visual and environmental impacts of development at the rural/urban interface,
- planning for efficient use of land,
- protecting high value farmlands,
- avoiding hazards, and
- ensuring sufficient infrastructure capacity for current and future populations.

In addition, planning for greenfield urban release needs to consider how to enhance liveability, character and sustainability in new neighbourhoods and provide practical

connections to key destinations and services such as the Berry Town Centre, schools and employment areas.

An alternative method of providing housing growth for Berry could be to focus on infill housing (building more homes in existing neighbourhoods). Infill housing growth can represent an efficient way to use existing residential land and infrastructure and can reduce some of the environmental impacts and risks associated with greenfield areas but also presents challenges, especially in towns with heritage values such as Berry. Infill housing in Berry would involve increasing densities in existing residential areas and would require additional development and design controls to ensure that local character quality could be maintained and enhanced, and heritage values protected. The current GMS recognises that some infill housing growth may occur in Berry, however, focuses on development of greenfield land on the south-western edge of Berry, including on the subject land.

Therefore, the current PP is aligned with existing adopted planning policy. Any changes to growth planning for Berry would need to be investigated in future strategies and involve significant community engagement processes and additional design work.

Section B – Relationship to strategic planning framework

Q3: Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The *Illawarra Shoalhaven Regional Plan 2036* (ISRP) is the NSW Government's strategy for guiding land use planning decisions for the Illawarra-Shoalhaven Region for the next 20 years.

This proposal will contribute to the ISRP goal to provide additional housing choices within the ISRP and specifically give effect to Direction 2.2: *"Support housing opportunities close to existing services, jobs and infrastructure in the region's centres"*.

The IRSP identifies Berry as a centre identified for increased housing activity, including for dual occupancy development (p.35).

Direction 4.1 *"Protect regionally important agricultural lands as an asset to food and fibre production"* recognises that rural lands are a feature of the Berry landscape which attract residents and tourists, reiterating the importance of reducing potential land use conflicts and potential visual impacts of development at the interface between rural and housing areas.

The *Illawarra Shoalhaven Regional Plan 2036* is currently under review.

There is currently no draft or adopted sub-regional strategy.

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The Local Strategic Planning Statement (LSPS) *Shoalhaven 2040* is a high level strategic land-use planning policy document setting out how Council will identify and meet the communities' land-use needs over the next 20 years. *Shoalhaven 2040* was adopted by

Council at its Extra Ordinary Meeting on 29 September 2020. This PP is not inconsistent with the policy statements in *Shoalhaven 2040*.

A number of actions within *Shoalhaven 2040* relate directly to Berry:

- CA2.2 – *Advocate with Transport for NSW...to upgrade the rail line and services between Berry and Bomaderry.*
- CA3.1 *Work with the NSW Government to identify opportunities for proposed special character planning controls to guide in-fill development in Berry, Kangaroo Valley, and Milton.*
- CW 14.3 *Progressing a Planning Proposal to list additional heritage items and places in Berry in Schedule 5 Environmental Heritage of Shoalhaven Local Environmental Plan 2014.*

Improvements to public transport infrastructure will benefit current and future Berry residents and special character planning controls will complement the proposed character controls in the Draft DCP Chapter N3 Berry Residential Subdivision which accompanies this PP.

Shoalhaven 2040 will guide future planning policies such as the forthcoming review of the Growth Management Strategy.

A number of other actions, including those relating to planning for future housing growth and protecting local character through built form character statements in the DCP will shape future growth and development in Berry.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The PP is consistent with applicable State Environmental Planning Policies (SEPPs).

SEPP Infrastructure applies to the proposal and is discussed below. Attachment 4 provides a comprehensive list of SEPPs.

State Environmental Planning Policy (Infrastructure) 2007

Clause 102 of this SEPP requires a consent authority to consider the impact of noise and vibration from major roads in the determination of development applications. The site is located directly adjacent to the Princes Highway and management of traffic noise will be important to ensure a healthy and comfortable residential environment. Whilst this clause specifically relates to the development application stage, to ensure consistency with the intent of this provision, noise impacts are assessed as part of the PP process. Noise management controls are proposed in the draft DCP Chapter N3 Berry Residential Subdivision. This approach is consistent with the accompanying SEPP guidelines - *Development near rail corridors and busy roads – interim guideline*, which state:

As part of taking a strategic planning approach, noise and air quality issues should be considered at the strategic level to avoid or minimise the need to address them at the site specific stage.

The proponents have submitted a [Noise Impact Assessment](#) (Harwood Acoustics and dated September 2017) in support of the proposal. This assessment states noise impacts affecting future residential development on the land can be managed to acceptable standards (as required by clause 102 of this SEPP) through construction techniques. As well as relying on good house design and construction techniques, the draft DCP Chapter requires noise to

be considered further and appropriately ameliorated at the subdivision stage of development, an approach closely aligned with the SEPP guidelines. Preliminary advice from Transport for NSW also reiterates a preference in this location to address noise impacts at the subdivision stage.

The PP, supported by appropriate development controls within a site-specific DCP Chapter, is consistent with the provisions of this SEPP and accompanying guidelines.

Q6. Is the planning proposal consistent with applicable Ministerial Planning Directions (s.9.1 directions)?

The PP is broadly consistent with the majority of applicable Ministerial Planning Directions. The PP is inconsistent with Directions 1.2, 1.5 and 4.3, however these inconsistencies are justified as they are minor in nature and the PP is supported by the endorsed *Shoalhaven Growth Management Strategy (GMS) 2014*. The applicable Planning Directions are detailed below, and a full list of direction is provided as Attachment 5.

1.2 Rural Zones

The subject land is zoned RU1 Primary Production. Rezoning this land to an R2 Low Density Residential Zone will be inconsistent with the provisions of this direction which seeks to prevent rezoning of rural land to residential. It is considered that this inconsistency is justified because:

- The land has been identified for urban expansion of Berry in the GMS, an endorsed strategy under the *Illawarra Shoalhaven Regional Plan*.
- The loss of rural land is of minor impact in this location.

The Secretary's concurrence has been issued in relation to this inconsistency (refer to Gateway Determination).

1.4 Oyster Aquaculture

The subject land drains to Broughton Creek which eventually flows into the Shoalhaven River. Part of the Shoalhaven River is mapped as priority oyster aquaculture area (POAA) in the *NSW Oyster Industry Sustainable Aquaculture Strategy Third Edition 2016*.

The proposal is located a considerable distance from any POAA (>10 km) and at-source control of stormwater will minimise any potential water quality impacts to Broughton Creek. The proposal will have negligible impacts on water quality at POAA, therefore is consistent with the provisions of this direction.

1.5 Rural Lands

This direction requires that PPs which affect land within existing or proposed rural or environmental zones are consistent with the principles of the *SEPP Primary Production and Rural Development) 2019*. The subject land is rural. Rezoning this land to an R2 Low Density Residential Zone will be inconsistent with the provisions of this direction. It is considered that this inconsistency is justified because:

- The land has been identified for urban expansion of Berry in the GMS, an endorsed strategy under the *Illawarra Shoalhaven Regional Plan*.
- The proposal will have limited impact on agriculture and agricultural producers in the area.

- The proposal will not fragment rural land, as the land is contiguous with the urban area of Berry.

The Secretary's concurrence has been issued in relation to this inconsistency (refer to Gateway Determination).

2.3 Heritage Conservation

This direction requires planning proposals to contain provisions that conserve Aboriginal and non-Aboriginal heritage items and places.

The proposal is not located within the vicinity of any non-Aboriginal heritage-listed items or places. The proposal includes mechanisms to minimise visual impacts of development at the southern entrance into Berry, recognising the historical and heritage character values of the town.

An [Aboriginal Cultural Heritage Assessment \(ACHA\)](#) (including an Aboriginal Archaeological Survey Report [ASR]) has been prepared to accompany the proposal. The ASR did not uncover any evidence of Aboriginal artefacts on the site, and concluded due to level of historic disturbance, discovery of artefacts would be unlikely. No areas of Aboriginal cultural heritage significance were identified during the ACHA process which included consultation with Aboriginal stakeholders. The ACHA concluded that the *'proposed development may proceed with caution'*.

The draft DCP Chapter includes provisions relating to considering and protecting Aboriginal cultural heritage at the development application stage and additional consultation will be carried out with Aboriginal stakeholders during the public exhibition of the proposal.

The proposal is not inconsistent with this planning direction.

2.6 Remediation of Contaminated Land

The proposal relates to the rezoning of land formerly used for agricultural purposes to a residential zone. A [Stage 1 Environmental Site Assessment](#) (with soil testing) (by ENRS dated February 2019) was carried out to identify the potential for contamination. This report did not find evidence of contamination and concluded: *"It is unlikely that the Site may pose a significant risk to the environment and to the health of future users of the Site and may be considered suitable for the proposed residential land-use."*

The proposal is consistent with the provisions of this planning direction.

3.1 Residential Zones

The proposal gives effect to the objectives of this planning direction as it:

- Contains provisions to broaden the choice of building types and locations available in the housing market.
- Makes more efficient use of existing infrastructure and services.

The proposal allows for a variety of lot and house sizes and encourages the provision of smaller homes to meet a gap in the local housing market.

The proposal seeks to reduce the consumption of land for housing and associated urban development on the urban fringe by limiting the area to be rezoned to only the area identified in the endorsed *Growth Management Strategy* (2014) which is contiguous with the existing

urban area. The proposal is accompanied by a draft DCP Chapter which encourages good design and details infrastructure servicing requirements.

The proposal is consistent with the provisions of this direction.

3.4 Integrating Land Use and Transport

The proposal is consistent with the policy *Improving Transport Choice – guidelines for planning and development* as it:

- Locates development in an area contiguous with the existing Berry urban area.
- Requires the development of active transport networks to encourage walking and cycling trips (reducing the need for short local private vehicle trips).
- Supports public transport usage by locating development in a town with an existing train station with links to Wollongong, Bomaderry and Sydney. In addition, planning controls require road construction to accommodate a future bus route within the development.
- Will be supported by planning controls (draft DCP Chapter) which promotes good urban design and accessibility included connected streets and road management.

The policy nominates 400 m – 1 km as reasonable walking distance to services. The proposed development area is generally within 1.2 - 2 km walking distance from the Berry Town Centre. The intent of this policy is achieved given good quality walking/cycling links exist, or are planned, to link the area with the Berry Town Centre and the topography of the walk/cycle is generally flat (with a slight incline up Huntingdale Park Road) with good natural surveillance and pleasant views. In addition, the proposed development area will be within 400 metres walking distance of public open space, with a passive open space area proposed opposite the site between Hitchcocks Lane, Huntingdale Park Road and the Princes Highway.

In the rural and regional context of the Shoalhaven Local Government Area, Berry is well-located to accommodate growth, given its proximity to Nowra, Wollongong and Sydney and level of services available. This policy also supports providing detailed design guidance via a Development Control Plan (DCP).

Therefore, the proposal is consistent with this policy direction.

4.1 Acid Sulphate Soils

The proposal is consistent with the provisions of this planning direction as the land is not mapped as being affected by Acid Sulphate Soils.

4.3 Flood Prone Land

The subject land contains areas affected by the 1% Annual Exceedance Probability (AEP) Flood as shown in **Figure 12**. A 1% AEP flood event has a 1% chance of occurring in any one year and is alternately described as having a 1:100 Annual Recurrence Interval (ARI).

Flood mapping is derived from the *Broughton Creek Floodplain Risk Management Study and Plan* (FRMS&P) (Cardno Dec 2012 and update August 2017). This FRMS&P was prepared in accordance with the *NSW Flood Prone Land Policy* and *NSW Floodplain Development Manual 2005*.

The proponents' submitted [Flooding and Stormwater Management Report](#) (Southeast Engineering & Environmental Oct 2018) states the flood-affected area of the site is categorised as a low hazard floodway due to the wide and shallow nature of flows and relatively low flood velocities and flow rates. The flood-affected area of the site lies within a natural drainage depression which is proposed to be retained as a drainage reserve to cater for stormwater and floodwater flows. The drainage reserve is shown superimposed over the flood-affected area (1% AEP) in **Figure 12**, which also shows the flood planning area (1% AEP + 0.5 m freeboard).

The proposal is inconsistent with this planning direction because it proposes to rezone land within the flood planning area from a Rural zone to a Residential zone.

This inconsistency is of minor significance because residential development will not be permitted within the flood-affected area of the site (area affected by the 1% AEP). This area will be contained within a drainage reserve, designed and managed to safely convey flood waters in a post-development scenario. This is consistent with the requirements of the *NSW Flood Prone Land Policy* and *NSW Floodplain Development Manual 2005*.

The proposed drainage reserve area is proposed to be zoned R2 Low Density Residential (consistent with other drainage reserves in the locality) to allow for detailed survey and design at the subdivision stage. Post-development, the reserve could be dedicated to Council and could be rezoned to an environmental or recreation zone as a future housekeeping amendment. The minimum lot size map for subdivision prevents subdivision of the drainage reserve area into residential allotments as the 40 ha minimum lot size for subdivision requirement is retained over this area.

The proponents' [Flooding and Stormwater Management Report](#) details how the proposal can comply with state and local government policies relating to stormwater management and flood risk mitigation. In addition, following planning policies and controls ensure flood risks will be safely managed:

- NSW Flood Prone Land Policy.
- NSW Floodplain Development Manual 2005.
- Shoalhaven LEP 2014, clause 7.3 Flood planning.
- Shoalhaven DCP 2014 Chapter D9 Development on Flood Prone Land and draft DCP Chapter N3 Berry Residential Subdivision.

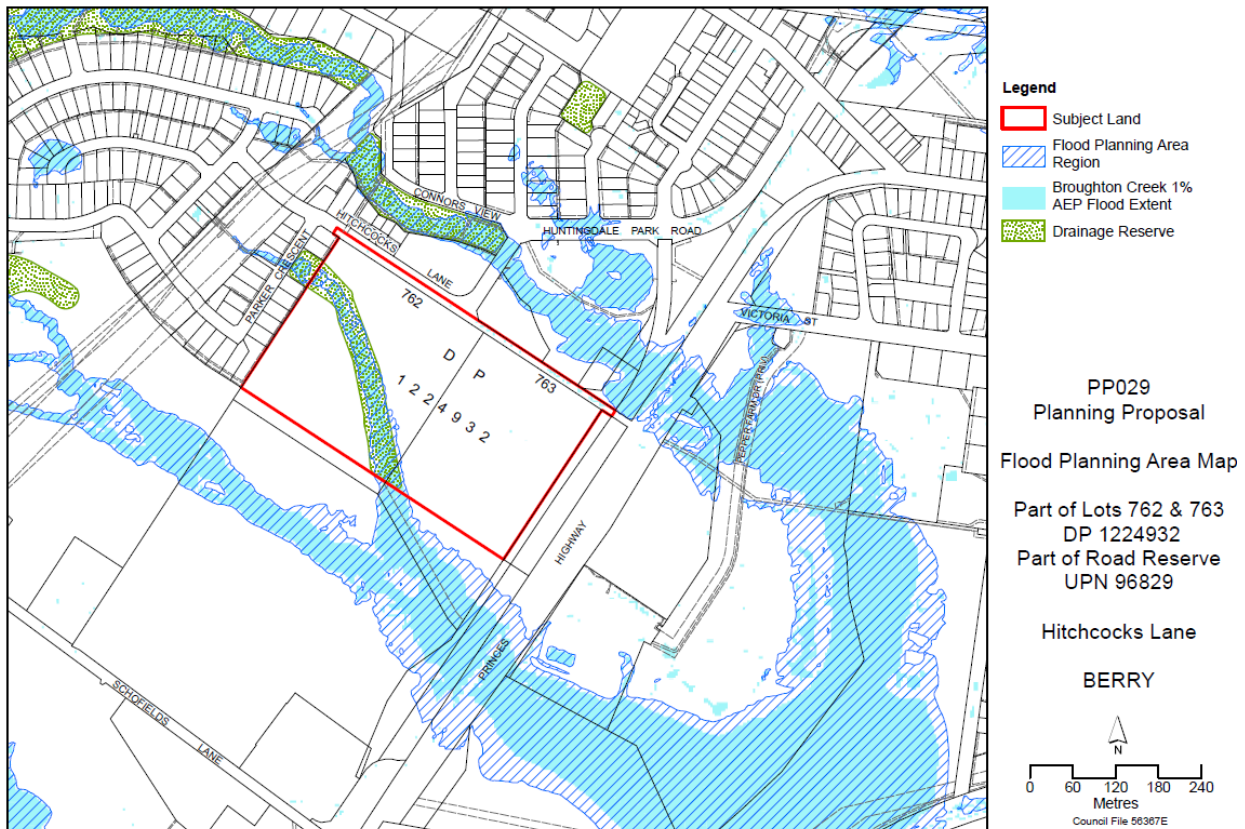


Figure 12: Flood affected area map

The draft DCP Chapter N3 Berry Residential Subdivision requires all flood-prone areas in the Hitchcocks Lane subdivision area (affected by 1% AEP) to be contained within the drainage reserve, as well as providing several other controls to manage flood risks (i.e. providing safe access). As shown in **Figure 12** above, a small portion of flood planning area (1% AEP + 0.5 m freeboard) appears to be outside the proposed drainage reserve area. No residential development is intended within this area, noting that it is likely to form part of a road verge.

Council’s Floodplain Team have reviewed the proposal and the proponents’ Flooding Report. No significant concerns were raised, and their input has been incorporated into the draft DCP Chapter.

The Secretary’s concurrence for this minor inconsistency with planning direction 4.3 Flood Prone Land was received on 2 October 2020.

5.10 Implementation of Regional Plans

The proposal is consistent with this direction as it is consistent with the provisions of the Illawarra Shoalhaven Regional Plan (as discussed in Section B Q5 of this report).

6.1 Approval and Referral Requirements

The proposal is consistent with this direction because it does not contain provisions requiring concurrence, consultation or referral of a Minister or public authority at the development assessment stage.

6.3 Site Specific Provisions

The proposal is consistent with this direction because it allows for residential development in the R2 Low Density Residential zone and the Planning Proposal does not include site-specific drawings or plans.

Section C – Environmental, Social and Economic Impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site has been extensively cleared and grazed. No adverse ecological impacts are anticipated. Landscaping associated with the development may have positive biodiversity outcomes.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Stormwater Management

The [Flooding and Stormwater Management Report](#) prepared by Southeast Engineering & Environmental on behalf of the proponent describes stormwater and flooding behaviour for the site (in its pre-development state) and proposes options to manage stormwater and floodwater post-development.

The PP seeks to provide for flood and stormwater conveyance by retaining the natural drainage depression and managing it as a drainage reserve.

The Report describes the drainage depression as ephemeral (boggy and only intermittently flowing) with no distinct riparian features such as defined banks and incised channel. The drainage depression is not mapped as “Riparian Land” or “sensitive area - watercourse” in the Riparian Lands & Watercourses Map of the *Shoalhaven LEP 2014*. The Report asserts that the drainage depression is not considered to be a “river” as defined by the *Water Management Act 2000*, therefore a Controlled Activity Approval is not required for future development in the area. A Controlled Activity Approval (issued by the NSW Government) means approval for the carrying out of certain works on or near watercourses.

The site is located within a larger catchment that includes an area to northwest (recently developed as part of Huntingdale Estate) of about 5 ha. The drainage depression running through the site conveys the upstream runoff as well as most of the runoff from the subject land. This depression merges with a straightened channel south of the southern Lot 762 boundary which drains through culverts under the Princes Highway and ultimately towards Broughton Creek.

The NSW Department of Primary Industry – Fisheries will be consulted during the public exhibition period in relation to any stormwater management requirements needed to avoid potential impacts on downstream aquatic environments.

Council’s Floodplain Team reviewed the proposal and stormwater report and advised that Council’s stormwater quantity and quality requirements can be achieved subject to more detailed assessment at subdivision stage. Their input has been incorporated in the draft DCP Chapter. Methods of stormwater management will be dependent on detailed design and will be assessed as part of any future subdivision application. Development of the land

is to be consistent with Water Sensitive Urban Design principles as outlined in Chapter G2 of *Shoalhaven DCP 2014* and the site-specific provisions of draft DCP Chapter N3 Berry Residential subdivision.

[Concept Drainage Reserve Designs](#) have also been submitted in support of the PP and will be subject to further detailed design at subdivision application stage. The drainage reserve design will consist of a relatively shallow grassed depression with avenues of tree plantings on the upper half of the waterway batters. The primary purpose of the drainage reserve is to safely convey flood and stormwater and maintain water quality, avoiding impacts on downstream riparian environments.

The drainage reserve also presents an opportunity to add amenity and value to the area, by providing:

- a natural open space outlook to homes in the area,
- additional tree planting opportunities (to soften visual impacts of development and provide amenity value for surrounding homes and residents),
- improved biodiversity outcomes (resulting from tree planting and water quality management), and
- active edges and a corridor for walkers and cyclists, linking in with the surrounding footpath network.

Road Noise and Air Quality

The site adjoins the Princes Highway and is subject to vehicle noise and potential air quality impacts.

Noise Impacts

A [Noise Impact Assessment Report](#) was prepared by Harwood Acoustics in September 2018 which noted the closest potential future homes could be located approximately 30 metres from the northbound lane of the Princes Highway.

Any future application for subdivision would need to comply with *State Environmental Planning Policy (Infrastructure) 2007* and associated guidelines, which set road noise limits for internal spaces.

Current guidelines, being the *Development Near Rail Corridors and Busy Roads – Interim Guidelines 2008* (NSW Department of Planning), set noise criteria at 35 dBA (L_{eq}) inside bedrooms at night (between 10pm and 7am) and 40 dBA (L_{eq}) in other indoor spaces at any time (excluding a garage, kitchen, bathroom or hallway) at any time. DBA are 'A'-weighted decibels which are used to describe sound level recommendations for healthy listening. L_{eq} is the "equivalent continuous sound level" which describes an average sound level over time.

The Report included noise surveys undertaken between August and September 2018. The Report found: "*Traffic noise levels range between 62 and 49 dBA during the day and 57 and 44 dBA at night at the closest and furthest potential future dwellings respectively.*" These noise levels exceed the noise criteria within state guidelines, however the Report states that the noise criteria can be achieved through construction methods and acoustical treatments incorporated within dwellings 170 metres or less from the Princes Highway noise source.

The Report recommends that, “*Individual [noise] assessments for dwellings within 170 metres of the frontage of the Site will be required once the subdivision is created prior to the issue of Construction Certificates for each dwelling.*”

Figure 13 from the Report models the day-evening-night noise level (Lden⁴) across the site as of September 2018 (i.e. prior to the completion of the Princes Highway upgrade).

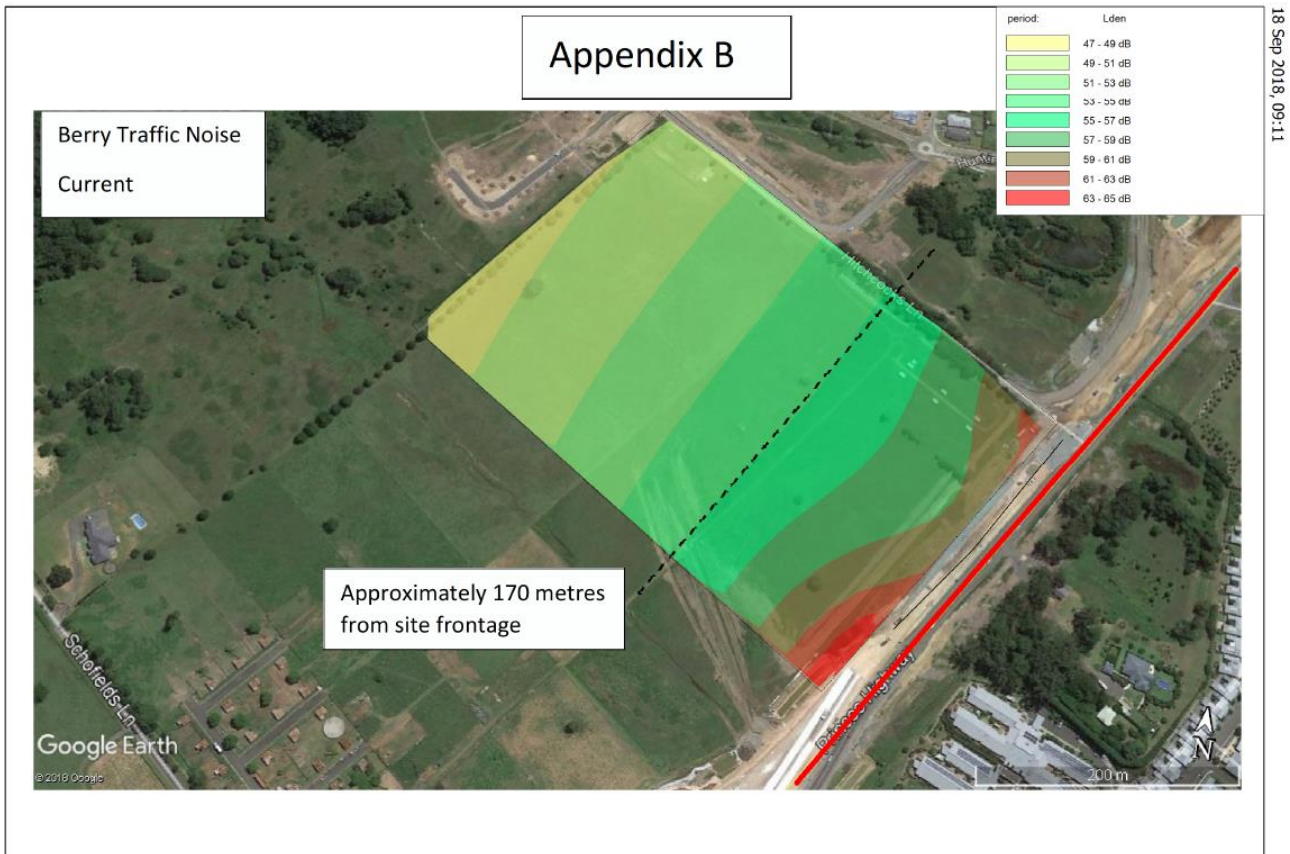


Figure 13: Traffic Noise Model (Sept 2018, Harwood Acoustics)

Whilst the Report states that residential development could comply with noise criteria, this would be subject to further individual assessment at house-building stage and potential restrictions on house design, materials and construction methods. The Report indicates these noise mitigation construction methods will not be overly onerous, however these could add costs, design limitations and potentially time-delays to home building.

It is preferable for any potential required noise mitigation to be investigated and implemented at the subdivision stage of the proposed development, rather than relying solely on construction methods for future dwellings. The required level of noise mitigation is not known at this stage and would be subject to additional acoustic assessment (accounting for the completed Princes Highway works) but could include landscaped earth mounds or noise walls/barriers (if required). This is consistent with preliminary advice issued by Transport for NSW (TfNSW).

TfNSW suggested that a higher order treatment may be required to mitigate noise levels, rather than relying solely on construction methods for future dwellings. TfNSW expressed a

⁴ Lden describes the day-evening-night noise level, which is the A-weighted, L_{eq} (equivalent noise level) over a whole day, but with a penalty of 10 dB(A) for night-time noise (23:00-07:00) and 5 dB(A) for evening noise (19:00-23:00).

preference for noise barriers as they provide acoustic benefit externally to the residences as well as internally. Feedback from TfNSW is discussed later in this report.

The need to provide for adequate ventilation (fresh air) to rooms with windows closed to reduce noise impacts could also add costs and impact on resident comfort and amenity, as well as have impacts on neighbourhood amenity.

Outdoor noise impacts and neighbourhood amenity

The [Noise Impact Assessment](#) does not consider noise impacts outdoors, in streets, gardens and private open spaces. Whilst new buildings in the area could provide barriers to outdoor noise impacts in some areas, and suburban development will lift background noise levels in the area, noise mitigation measures investigated and installed where necessary, at subdivision stage would provide increased residential amenity for occupants indoors and outdoors, as opposed to reliance on individual house design and construction requirements.

Indoor Air Quality and Ventilation

Access to fresh air and adequate indoor ventilation is important for health and wellbeing. The *Development Near Rail Corridors and Busy Roads – Interim Guidelines 2008* guidelines provide ventilation (fresh air) requirements, recognising windows and openings may need to be closed to achieve comfortable noise levels indoors. The [Noise Impact Assessment](#) indicates that future dwellings within 120 metres of the Princes Highway will exceed the noise “trigger levels” for ventilation, meaning openings facing noise sources need to be closed to achieve noise criteria and rooms in these areas could need to be mechanically (as opposed to naturally) ventilated, adding costs and potentially compromising cross ventilation and passive design principles. Noise mitigation installed at the subdivision stage will optimise future house design by removing the need for design compromises to achieve noise impact mitigation at the expense of natural ventilation.

Outdoor Air Quality

In relation to outdoor air quality, existing landscaped mounds and additional proposed landscaping (required by draft DCP controls) will mitigate potential impacts, consistent with the principles in the *Development near rail corridors and busy roads – interim guidelines*.

Proposed approach to address noise and indoor air quality issues at subdivision stage

The proposal can minimise noise impacts to future residents through high quality subdivision design.

The draft site-specific DCP Chapter N3 Berry Residential Subdivision requires additional consideration of traffic noise impacts at subdivision stage. This would involve submission of an updated noise impact assessment to support a subdivision application, which considers the changed conditions due to the completed Princes Highway works and investigates potential noise mitigation methods to provide for optimum residential amenity and reduce (where possible) the need for future residents to complete acoustic assessments at the development application stage.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Housing Choice and Affordability

The intended outcome of this PP is to provide improved housing choice to meet the housing needs of the community.

Berry currently has a very limited supply of smaller homes, especially one and two bedroom homes, with house listings indicating new builds primarily offer 4 bedrooms or more. As at 20 August 2020, homes for purchase in the Berry suburb area were primarily 4 and 5+ bedroom homes as shown in **Figure 14**.

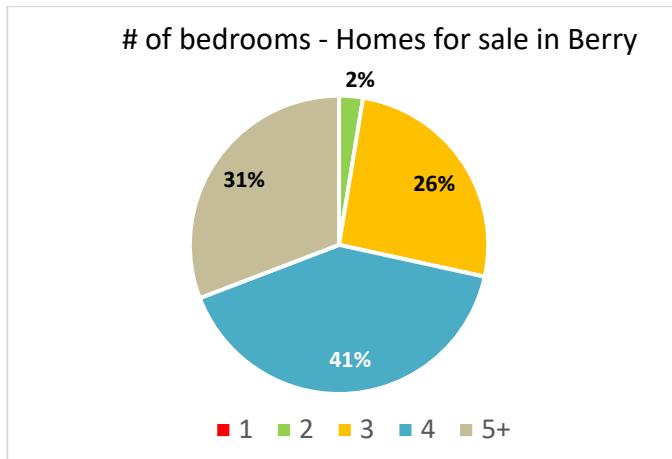


Figure 14: Homes for sale in Berry by number of bedrooms August 2020⁵

These homes were listed for sale at prices ranging between \$950,000 for a two-bedroom villa to \$3.2 million for a 7 bedroom rural-residential property. As at 20 August 2020, there were 6 rental listings, of which half (3) were 3 bedroom homes, with one 1 bedroom, one 2 bedroom and one 4 bedroom listed, ranging in price from \$350/wk (for a 2 bedroom) to \$800/wk for a 4 bedroom home.

The pattern of recent house sales in Berry also illustrates a limited supply of smaller homes, of the last 100 homes sold in the Berry suburb, only three (3) were 2 bedroom dwellings⁶.

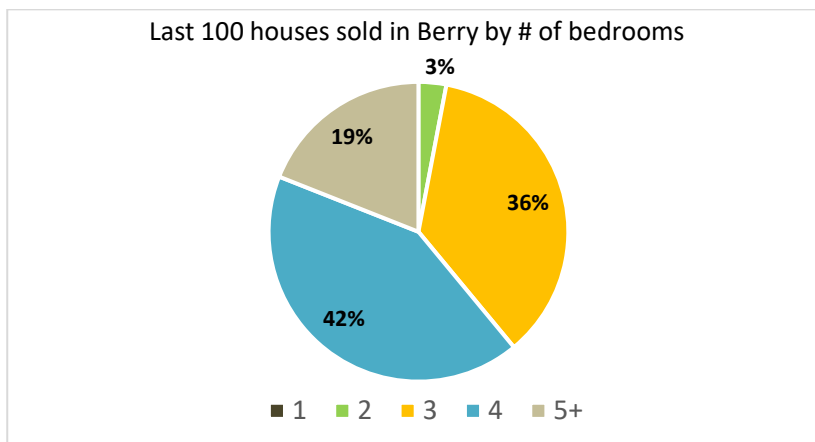


Figure 15: Homes sold in Berry by number of bedrooms Sept 19-Aug 2020⁶

⁵ Source: realestate.com.au, date 20 August 2020, includes 39 listings, excludes 17 listings for land only, Berry suburb.

⁶ Source: realestate.com.au, last 100 homes sold (excluding land only) between 20 August – 15 Sept 2019, Berry suburb.

Census data compiled by Profile id⁷ shows that in the Berry (and surrounds) 19.2% of households were in dwellings with 2 bedrooms or less, and 39.5% in 4 or more bedroom dwellings, compared with 21.4% and 30.1% for Regional NSW respectively.

The major differences between the number of bedrooms per dwelling of Berry and Surrounds and Regional NSW were:

- A larger percentage of 4 bedroom dwellings (29.8% compared to 24.5%)
- A larger percentage of 5 or more bedroom dwellings (9.6% compared to 5.6%)
- A smaller percentage of 3 bedroom dwellings (35.0% compared to 40.4%)
- A smaller percentage of dwellings with 1 or no bedrooms (includes bedsitters) (2.3% compared to 4.5%)

In 2016, the most common household size in Berry and Surrounds is 2 persons per household⁷.

Population Profile⁸

Relevant demographic statistics for Berry when considering housing needs include:

- 9.2% of residents need assistance due to age or disability compared to 7.7% in Shoalhaven and 6.3% in Regional NSW.
- A quarter (25.8%) of all households in Berry are single person households, very similar to the proportion of single person households in Shoalhaven and Regional NSW (26.7% and 25.5% respectively).
- Approximately 1 in 5 people living in Berry is aged between 70-84 (21.9%). This is a much higher proportion of seniors aged 70-84 compared to Shoalhaven (14.9%) and Regional NSW (11.4%).
- A higher proportion of people aged 85+ (7.2%) live in Berry compared to Shoalhaven (3.2%) and Regional NSW (2.7%).
- A lower proportion of younger people and the 'young workforce' cohort of 25-34 year olds (6.6%) live in Berry compared to Shoalhaven (9.3%) and Regional NSW (11%).
- A higher proportion of couples living without children (38.3%) reside in Berry compared to Shoalhaven (31.2%) and Regional NSW (27%). This household type can include older couples whose children have left home ("empty nesters") as well as younger couples who have not yet had children or couples of all ages who choose not to have children. Given the older age profile of Berry, it is surmised that a large proportion of couples living without children are older couples.
- Similar proportions of couples living with children reside in Berry (22.8%) compared to Shoalhaven overall (21.6%). A lower proportion of one parent households (living with their child/children) reside in Berry (6%) compared to Shoalhaven (10%).

⁷ Profile id, Berry and Surrounds dwelling data, 2016 <https://profile.id.com.au/shoalhaven/about-profile-id?WebID=110>

⁸ Profile id, Berry locality snapshot demographic data, 2016: <https://profile.id.com.au/shoalhaven/locality-snapshots?WebID=10322100>

- Berry has a lower proportion of renters (15.1%) compared to Shoalhaven (23.8%) and Regional NSW (26.5%).

This proposal seeks to provide greater variety in housing size and configuration, to suit a wide range of household types by providing a range of lot sizes and encouraging provision of some smaller homes by allowing some smaller lots. Smaller homes can provide (relative) housing affordability, recognising Berry will remain a high-value area due to its proximity to large job markets and lifestyle benefits. Smaller homes may provide greater options for first home buyers and other household types currently priced out of the local housing market. Smaller housing types and smaller lot sizes can provide downsizing options for an ageing population allowing for greater opportunities to age in place.

Economic Impacts and Jobs

The proposal has the potential to achieve positive economic outcomes through population growth. Population growth supports local business through increasing local spending opportunities.

Housing growth supports the construction industry which is a major employment sector in the region. Housing growth can also support the professional, property, retail and hospitality industries through purchase of related goods and services. Berry is well-located in terms of proximity to major job markets, within commuting distance of Nowra, Wollongong and some parts of Sydney, noting the increasing trend towards working from home in some job sectors.

The Built Environment, Visual Impacts and Local Character Impacts

The site is located at the southern entrance to Berry on the Princes Highway. It forms an important part of the setting for the town and is visually prominent when viewed from the Princes Highway.

Any development of the site will need to be low-density in character and sensitive to the character of the landscape and the town. An accompanying draft Development Control Plan (DCP) Chapter provides a comprehensive set of subdivision and house design controls. In addition, a Voluntary Planning Agreement (VPA) is proposed to install a landscape screen adjacent to the southern boundary of the subject land to soften visual impacts of development.

The draft DCP Chapter has been written taking into account the recommendations of the Draft Character Assessments by RobertsDay dated 2018 (prepared to inform future built form character statement controls within the *Shoalhaven DCP 2014*) and the *Berry Community Strategic Plan* (dated September 2016), a community-led plan to guide future directions for the town. This Plan was prepared by the Berry Forum and partners and involved extensive community engagement. The Plan was endorsed by Council's Strategy and Assets Committee under delegation on 15 November 2016. In 2017, Council resolved to recognise the Plan (among others) and that:

2. *Council develop a Community Led Strategic Planning framework and guide (including templates) to assist in the development of community led plans.*
3. *As part of this framework and guide Council clearly communicate the expectations of Council in relation to the planning process.*
4. *This communication process explains what can and cannot be achieved through plans including Council recognition, resource allocation, limitations, clarification of support or agreement with actions and that plans do not guarantee funding.*

5. Council use Community Led Strategic Plans to assist in determining community priorities and community needs as part of its overall community engagement strategy particularly for the corporate process carried out each year.

Infrastructure impacts including traffic impacts

The implications of the proposal on infrastructure and service provision are discussed in Section D below.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

Transport and Roads

A [Traffic Impact Assessment](#) (TIA) prepared by Bitzios Consulting in January 2019, considered the impact of the proposed development on the surrounding traffic network. The TIA also assessed preliminary internal road designs as well as public and active transport (walking and cycling) connectivity to and from the site. The key findings of the TIA are discussed below.

The TIA states the proposal will have acceptable traffic impacts based on the following proposed access arrangements:

- The Hitchcocks Lane subdivision will be accessed from two locations.
- The primary access will be via the “*existing roadway connecting to the southern side of the Huntingdale Park Road / Lincoln Close roundabout.*”
- Secondary access is proposed to be via a proposed priority-controlled T-Intersection on Hitchcocks Lane, opposite 19 Hitchcocks Lane.

The existing roadway is the “Unnamed Link Road”, currently owned by Transport for NSW and constructed as part of the upgrade of the Princes Highway. This road will need to be upgraded to provide suitable access to the Hitchcocks Lane subdivision.

The TIA also states that the ‘*roads surrounding the proposed development are expected to have sufficient capacity to cater for daily traffic with the complete development of Huntingdale Park and the proposed development.*’

Figure 16 below illustrates the capacity of the surrounding road network and the modelled impact of development.

This modelling shows that Huntingdale Park Road (at the entry into the Huntingdale Park estate) has capacity to carry 6000 vehicle movements a day, with all development in the area (including the proposed Hitchcocks Lane subdivision) predicted to produce approximately 3,760 vehicle movements a day.

However, this analysis models all traffic associated with the Hitchcocks Lane subdivision utilising the Unnamed Link Road / Huntingdale Park Road route. The split ownership of the subject land and possible staging of the development was not considered or addressed in the TIA.

If the majority of traffic from the proposed subdivision within the subject land utilises the alternate access point on Hitchcocks Lane, the section of Huntingdale Park Road that leads to the Connors View / Brangus Close roundabout (shown in green in **Figure 16** above) the capacity of this ‘Local Distributor Road’ would be exceeded and additional intersection and road upgrades may be required.

The draft DCP Chapter N3 (that will be exhibited concurrently with this PP) currently provides controls requiring full construction of the “Unnamed Link Road” if the subdivision occurs in stages to ensure the Huntingdale Park Road / Connors View / Brangus Close roundabout and local road network is not overloaded.

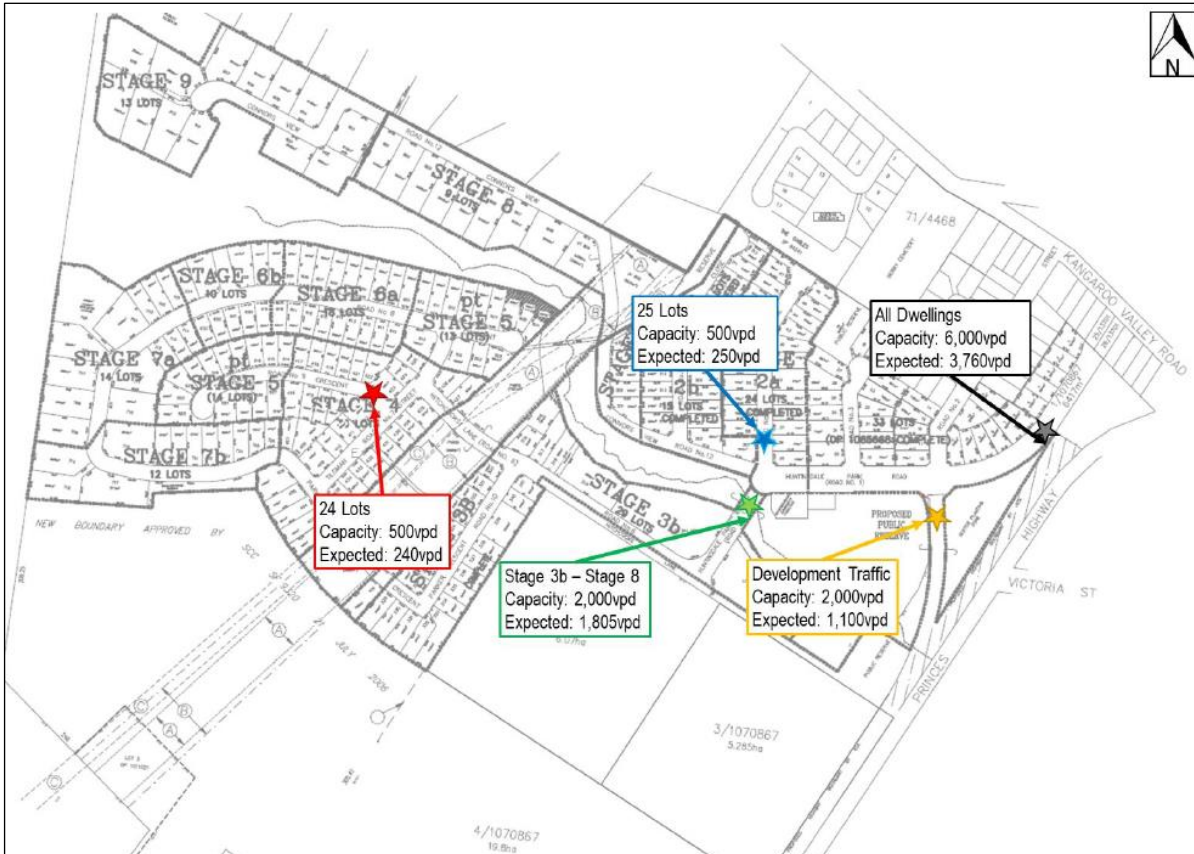


Figure 16: Traffic capacity diagram from Traffic Impact Assessment (Bitzios 2019)

Comments on assumed traffic generation

The TIA assumes development of the subject land will yield 110 low density lots generating up to 10 trips a day per lot (assuming one dwelling per lot) i.e. an additional 1,100 vehicle movements per day. However, an analysis of the proposed planning controls as at August 2020, suggests a theoretical yield of up to 150-180 dwellings. Therefore, the proponent’s TIA potentially underestimated the total number vehicle movements, and these are not accounted for in the submitted TIA.

However, with the proposed upgrade of the through-link “Unnamed Link Road”, the surrounding road capacity appears able to accommodate these potential additional increased vehicle movements, according to the submitted TIA.

Proposed approach to address traffic issues at subdivision stage

Additional detailed traffic impact assessments will be required at subdivision stage to support any application for subdivision. The draft DCP Chapter N3 includes the following acceptable solutions to ensure traffic issues are fully addressed at subdivision stage:

- A15.1 Any Traffic Study must address the cumulative impacts of development.
- A15.2 Any Traffic Study must consider impacts of proposed staging of development on the surrounding road network.

Active Transport infrastructure (encouraging walking and cycling)

The proposal includes construction of shared user paths (for pedestrians and cyclists) throughout the subdivision to encourage more local walking and cycling trips (reducing the need to make short private vehicle trips and providing health and environmental benefits). Shared paths are proposed along the drainage reserve, primary Entry Road and the Unnamed Link Road, connecting to the future park and other open space and path networks in the area as well as to the Berry Town Centre, which is approximately a 20-30 minute walk away.

Public Transport Infrastructure

The TIA notes that the nearest public transport availability is a bus stop approximately 1.2 km walk away yet states a bus route is planned within Huntingdale Estate and that most of the proposed development would therefore be located within 400 m of a future bus stop. The TIA also illustrates how a bus could manoeuvre safely along the entry road of the proposed subdivision.

Berry is located on the South Coast train line with connections to Bomaderry to the south and Kiama to the north (changing for ongoing services to Wollongong and Sydney). The Berry train station is located over 2.5 km away from the subject land, which is a 5-10 minute drive away and not within convenient walking distance.

Water, Sewer and Electricity supply

An [Infrastructure Assessment](#) was prepared by Allen Price and Scarratts, dated October 2018. This study assessed the infrastructure needs of the proposal, investigating water, sewer, electricity and community facilities and public open space requirements and capacity. This report assumed the proposal would yield approximately 110 new lots.

The preliminary water supply strategy found that the existing water main in Hitchcocks Lane will be able to supply the required flows and pressure to serve up to approximately 150 dwellings within the proposed residential area. The strategy noted there may be adjustments required to the proposed water main sizes in the upper reaches of the Huntingdale Park Estate to maintain water pressure on the higher elevations. The strategy concluded that it is not expected that there will be any upstream capacity constraints in the reservoirs, trunk mains or water treatment plant to cater for this development.

The preliminary sewer strategy found a new sewer pumping station (SPS) is likely to be required adjacent to the south edge of the proposed residential area. The majority of the site will drain in a south-westerly direction to this new SPS, although some of the adjoining sewer mains have been constructed at a depth and location that will potentially allow some of the land to drain via gravity to the existing sewer mains. This alleviates the load on the new SPS and will reduce construction and operation costs. The strategy also reviewed sewer main

capacity and concluded that the sewer main has capacity to accommodate an additional 150 lots.

A preliminary electricity supply strategy found electricity could be extended into the area, proposing two pad mount substations to service up to 138 lots. The strategy noted the final number of substations and their location would be subject to the detailed electrical design of the subdivision. The strategy concluded that no upstream capacity constraints would constrain the proposed development.

The preliminary servicing strategies may require changes or adjustments subject to future subdivision layout and detailed surveys at subdivision application stage.

Open Space

The open space needs of the area are proposed to be met through provision of a passive open space area to the north of the site as well as through the provision of Boongaree, a district-level multipurpose park in Berry. The area to be acquired for open space is shown in **Figure 17**. This CP project will be reviewed as part of this project, looking to expand the project to provide funding for future embellishments. The subject land will be included as a benefit area for this contributions plan project, meaning development of the land will provide funds towards the embellishment of the passive open space area. This project will ensure that the majority of the Planning Proposal area will be within 400 metre radius from this future park.

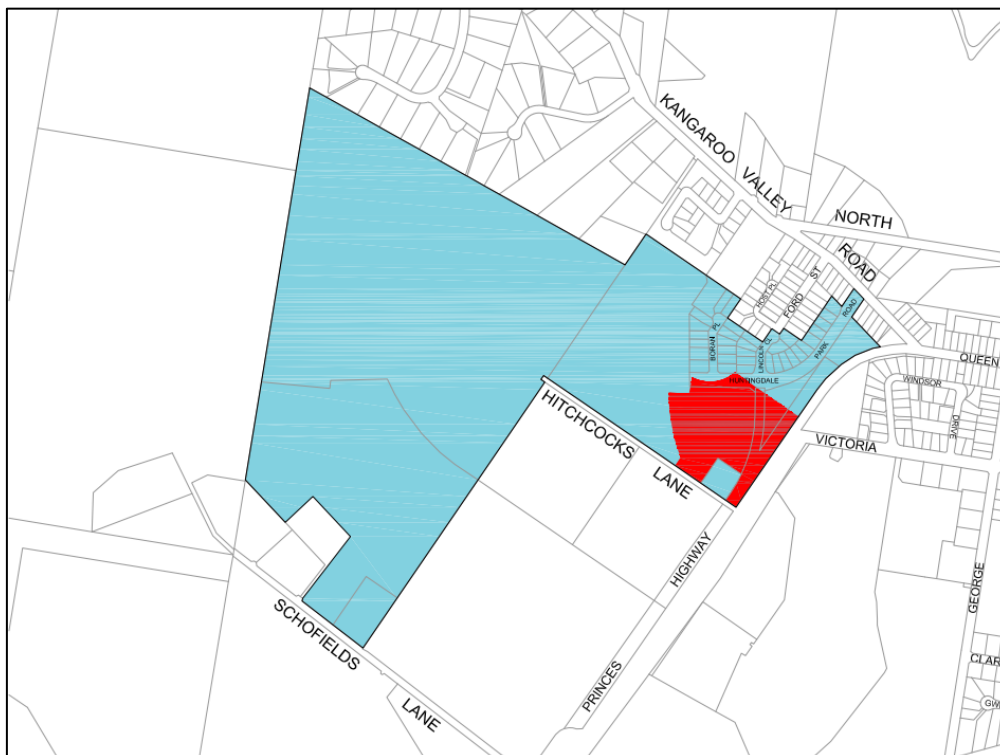


Figure 17: Future Passive Open Space - Contributions Plan 2019
Area for passive open space is highlighted in red (noting this plan will be updated to reflect the subdivision of Huntingdale Park Estate).

Community facilities, educational establishments, health Infrastructure

The proponents' [Infrastructure Assessment](#) reviewed existing community facility and public open space plans for the area and identified two relevant projects in the former Shoalhaven Contributions Plan 2010 being:

- 01CFAC0013 - Berry Gardens Neighbourhood Community Centre
- 01OREC0009 - Land acquisition for passive open space (Princes Highway, Berry)

The 'Berry Gardens Neighbourhood Community Centre' project (1CFAC0013) was deleted as part of a recent review of the *Shoalhaven Contributions Plan (CP) 2019*. This was in response to the findings of the *Community Infrastructure Strategic Plan* recommendations to focus funding on improvements to existing, underutilised facilities within the area. The Passive Open Space project (01OREC0009) remains within the CP and is discussed above.

The Berry Public School services the area and according to the Myschool website has had a rise in enrolments since 2014, with enrolments steady in the last 3 years. There are no high schools in Berry, with Bomaderry and Nowra providing secondary education. The Huntingdale Park Estate land release has attracted families with children to the area and the Hitchcocks Lane subdivision is predicted also to bring families with school-aged children to the area. The NSW Department of Education and the local primary school will be notified as part of the public exhibition of the PP.

The David Berry Hospital provides rehabilitation and specialist palliative care for the Shoalhaven as well as allied health services. Emergency services and other hospital services are located in Nowra, Shellharbour and Wollongong, with Berry being located conveniently to these services, with the upgraded Princes Highway improving access. A new ambulance station was opened in Berry in 2019.

In addition, the draft DCP Chapter provides guidance on subdivision and house design to support public health outcomes, including supporting walking and cycling, providing outlooks over open space and encouraging healthy and sustainable home design. The NSW Department of Health will be notified as part of the public exhibition of the PP.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with government agencies to date is summarised below.

Transport for NSW (TfNSW)

Preliminary advice received from TfNSW indicated no objection to the PP "in principle" as it is unlikely to have a significant impact on the state road network, reiterating that no direct access from the Princes Highway will be permitted. TfNSW are the current owners of the "Unnamed Link Road" which it is intending to dedicate as public road in the future. Any future upgrade of this road would need to occur west of the existing Highway "Controlled Access Boundary".

TfNSW also raised preliminary concerns relating to noise impacts from the Highway to future dwellings on the site. These concerns stated that noise amelioration works at subdivision stage are preferable to relying on mitigation measures for individual dwelling construction. TfNSW indicated a preference for noise walls to provide for indoor and outdoor amenity for residents. TfNSW indicated they will peer review the submitted noise impact assessment, with additional comments to be provided on completion of this review.

Finally, TfNSW strongly supports development that will reduce car dependency and encourage the use of sustainable modes of travel including buses, bicycles and walking for local trips. Therefore, the PP must ensure that it supports, to the greatest extent possible, the aims and objectives of the State Government policies dealing with this matter. This includes adequate servicing by public transport (refer to the *Roads and Maritime Services (RMS) Guide to Traffic Generating Developments October 2002*) and the provision of cycling and pedestrian facilities within the PP area linking to existing facilities.

Shoalhaven Water

Shoalhaven Water reviewed the infrastructure assessment and a summary of their comments is provided below:

Water supply:

- The DN200 water rising main runs along Hitchcocks Lane and maybe required to be relocated if impacted by the planning proposal at the developer's expense.
- To ensure adequate water pressure is maintained / improved, a DN200 main will be required.
- Any future approved subdivision development will be required to pay Section 64 (water supply) Contributions and a contribution towards the metered service for each new lot created.
- The applicant of any subdivision will be required to extend the water supply reticulation system to and within a future approved subdivision to serve all lots at the developers cost.

Sewer:

- The sewer calculations as set out in Appendix D of the report require some minor adjustment however does not impact on the capacity limits of the downstream sewer mains.
- The 225mm gravity line downstream of manhole 5A/6 has capacity to support the estimated 112 lots.

Shoalhaven Water will be consulted further prior to Council considering the exhibition outcomes to ensure water and sewerage infrastructure has capacity to accommodate the proposed development.

NSW Rural Fire Service (RFS)

A bushfire hazard assessment was not a requirement of the Gateway determination because the land is not currently mapped as bushfire prone land. Advice from the NSW Rural Fire Service indicates that the area will be included as bushfire prone land (grass fire hazard) in future bushfire mapping updates and a hazard assessment was pre-emptively undertaken.

Preliminary advice from the NSW RFS is that the subject land is likely to be mapped as a grassland hazard (Vegetation Category 3) and as a result recommended the concept subdivision plan include a perimeter road along the southern boundary at a minimum. The RFS also requested the PP be referred back for additional review/comments during the public exhibition.

Council will consult with the following public authorities at a minimum during the public exhibition as required by the Gateway Determination:

Table 1: Proposed Agency Consultation

Public Authority	Reason
Transport for NSW (TfNSW)	Potential traffic impacts and future infrastructure planning
Shoalhaven Water	Future infrastructure planning
Endeavour Energy	Future infrastructure planning
Department of Primary Industries Agriculture	Land is mapped as class 3 agricultural land, i.e. prime crop and pasture land.
Department of Primary Industries Fisheries	Potential impacts on receiving waterway
NSW Rural Fire Service	Review bushfire assessment report and proposed bushfire risk mitigation measures
NSW Department of Education	Regarding education and school capacity and future needs in the area
NSW Illawarra-Shoalhaven Health District	Regarding public health and the capacity of health services in the area

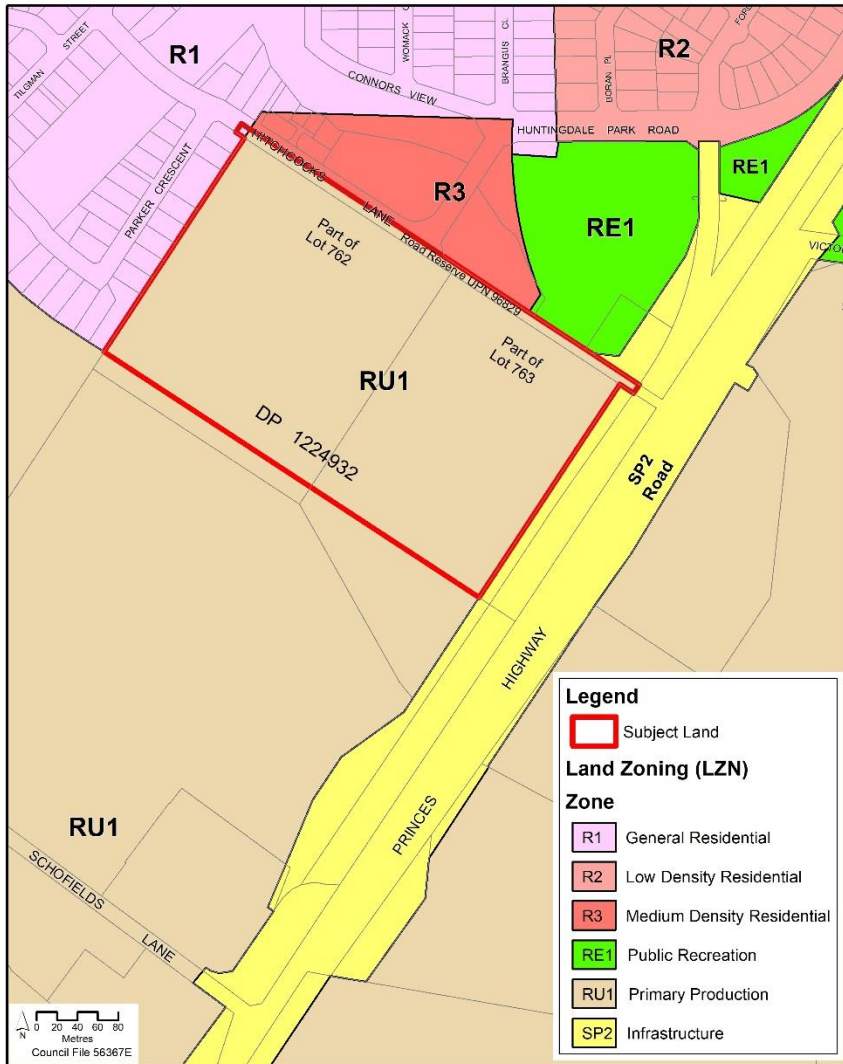
Part 4 – Mapping

This PP is supported by the following maps:

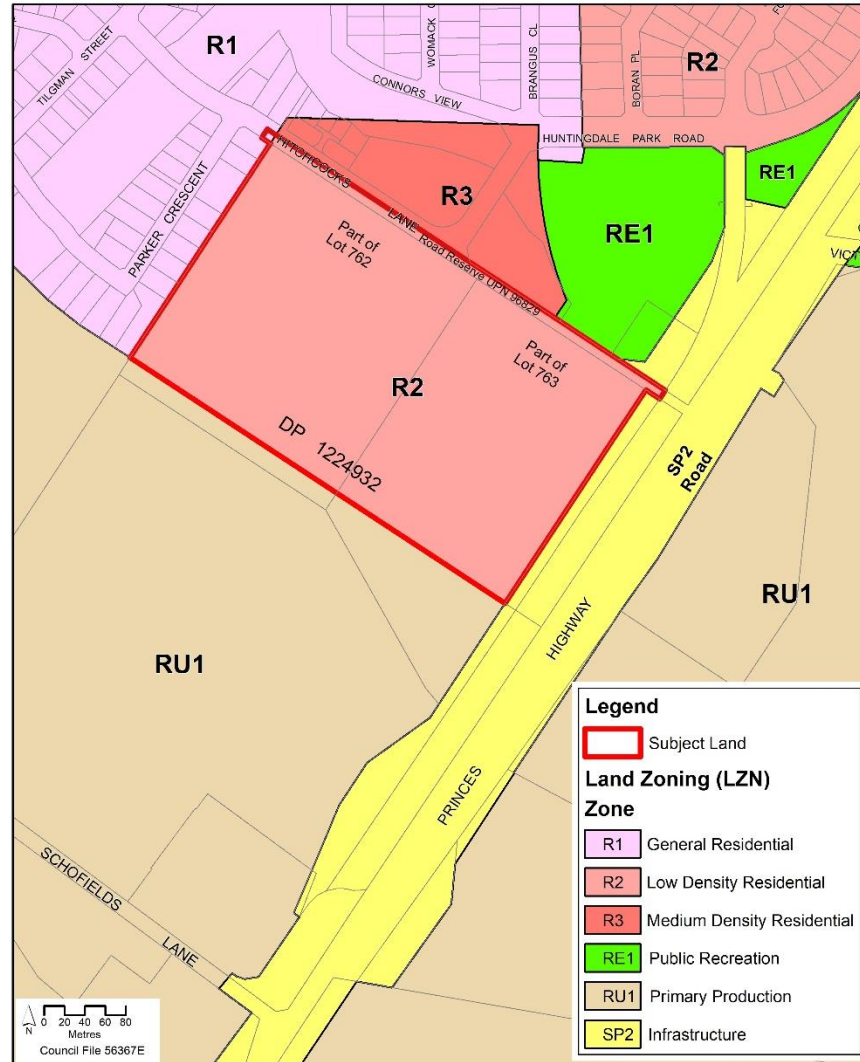
- Land Zone Map (LZN)
- Height of Buildings Map (HOB)
- Lot Size Map (LSZ)

These maps are provided on the following pages.

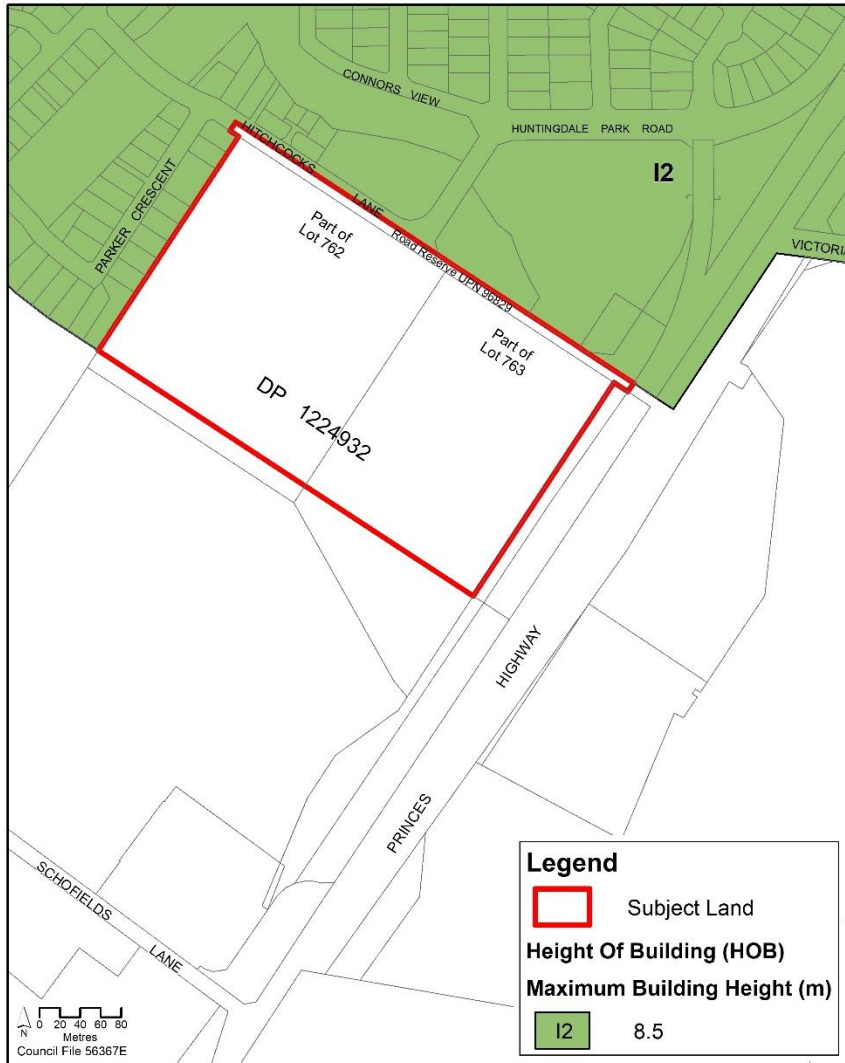
PP029
 Planning proposal
 Existing SLEP2014 LZN



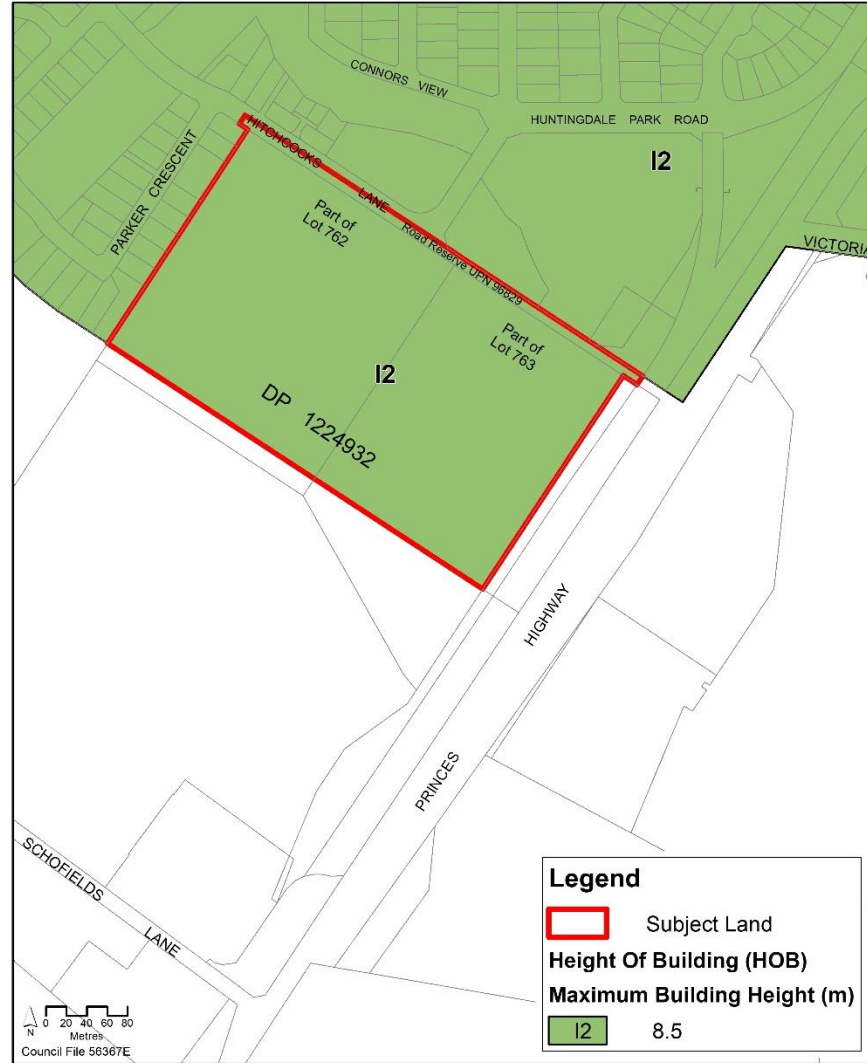
PP029
 Planning Proposal
 Proposed SLEP2014 LZN



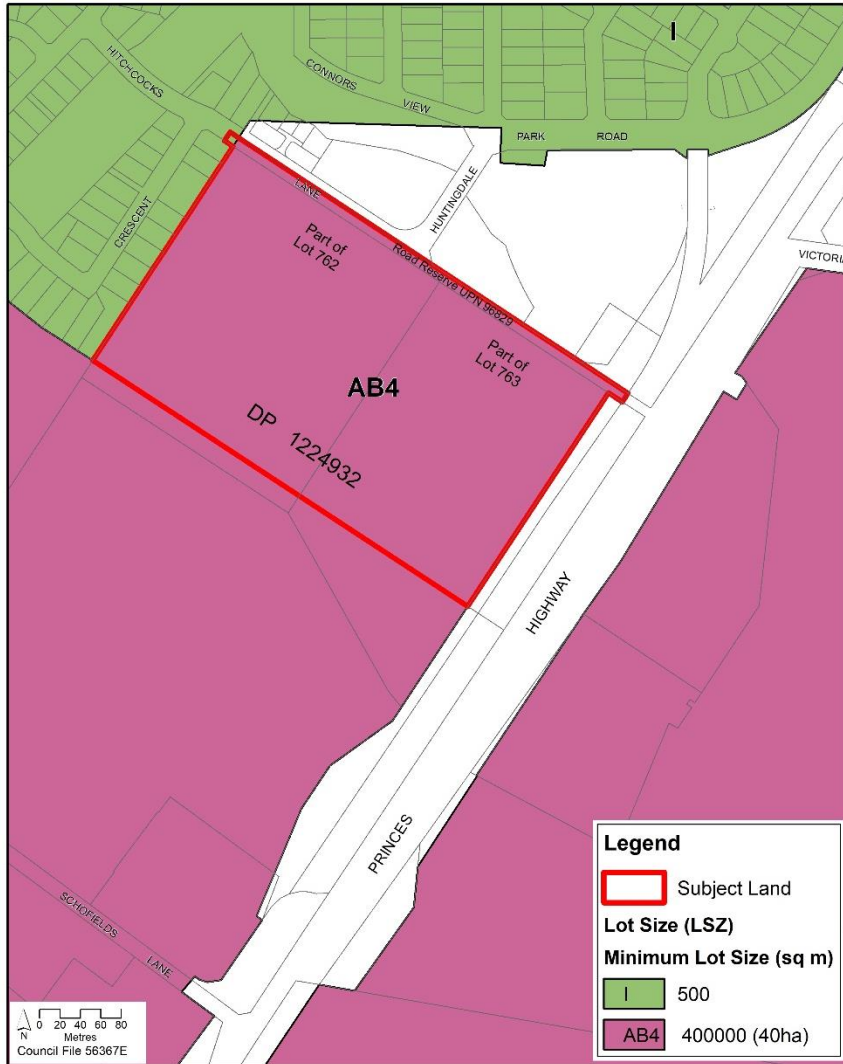
PP029
 Planning Proposal
 Existing SLEP2014 HOB



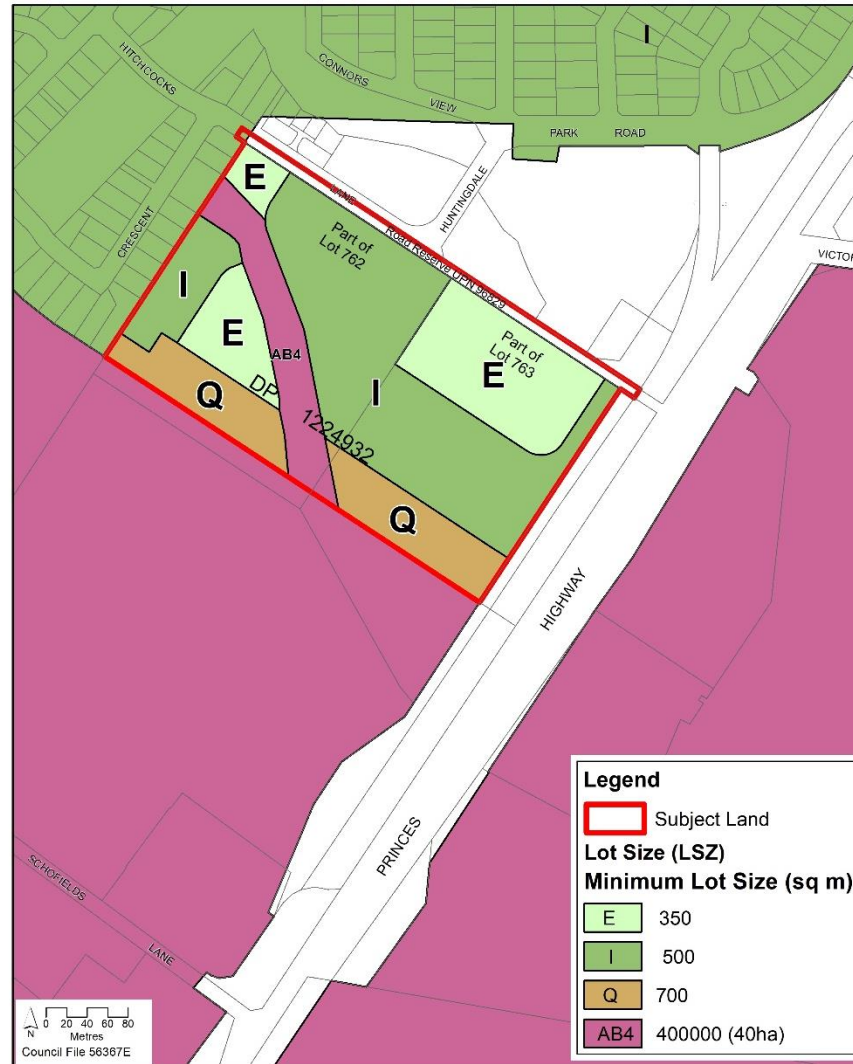
PP029
 Planning Proposal
 Proposed SLEP2014 HOB



PP029
Planning Proposal
Existing SLEP2014 LSZ



PP029
Planning Proposal
Proposed SLEP2014 LSZ



Part 5 – Community Consultation

This PP and accompanying site-specific DCP chapter will be exhibited for a minimum period of 60 days. This period is longer than normal for a PP in recognition of the volume of information, including draft DCP and a diverse range of detailed technical reports, and the expected high level of interest in this matter.

Community engagement methods will be affected by COVID-19 pandemic procedures; however, efforts will be focused on notifying affected and interested stakeholders and utilising existing strong community networks within the Berry community.

Opportunities for web-based question and answer sessions to replace traditional face-to-face information sessions will also be explored, especially for key stakeholders such as the Berry Forum Community Consultative Body.

Part 6 – Project Timeline

The timeline below illustrates the original timeframes (submitted with the draft Planning Proposal and reflected in the original Gateway Determination, and the updated anticipated timelines. The original timeframes have been exceeded due to the complexity of a number of technical studies.

Table 2: Project Timeline

Task	Original Timeframe	Anticipated Timeframe
Commencement date (date of Gateway determination)	February 2018	February 2018
Completion of specialist studies	August 2018	May 2020
Completion of master planning and revision of specialist studies	October 2018	Aug 2020
Concurrence of agencies and DPIE for the public exhibition	December 2018	Sept-Oct 2020
Public exhibition (60 days)	March 2019	Late Oct 2020 – early Jan 2021
Post exhibition consideration of PP	June 2019	Jan - Feb 2021
Finalisation and notification of Plan	September 2019	Apr - May 2021

Attachment 1: Council Resolutions and Reports

Development & Environment Committee – 1 September 2020:

DE20.93 Planning Proposal (PP029) and Draft Development Control Plan - Hitchcocks Lane, Berry - Next Steps

[Resolution 1 September 2020 - MIN20.610](#)

Development & Environment Committee – 7 April 2020:

DE20.27 Landscape Screening and Bushfire Protection Measures - Planning Proposal (PP029) - Hitchcocks Lane, Berry

[Resolution 7 April 2020 \(Reconvened 9 April\) - MIN20.257](#)

Development & Environment Committee – 14 November 2017:

DE17.77 Hitchcocks Lane, Berry - Proponent Initiated Planning Proposal

[Resolution 14 November 2017 - MIN17.953](#)

Attachment 2: Supporting Technical Studies

[Flooding and Stormwater Management Report](#) – Southeast Engineering + Environmental – dated 19 December 2018

[Concept Designs for Drainage Reserve](#) – Allen Price & Scarratts Pty Ltd – dated 14 September 2020

[Stage 1 Environmental Site Assessment](#) (Contamination Report) – ENRS – dated 12 February 2019

[Traffic Impact Assessment](#) – Bitzios Consulting – dated 7 January 2019

[Noise Impact Assessment](#) (Traffic Noise Intrusion Assessment) – Harwood Acoustics – dated 28 September 2018

[Visual Impact Assessment and Urban Design Guidelines](#) – PAA Design / Peter Andrews and Associates – dated 28 May 2019

[Infrastructure Assessment](#) – Allen Price & Scarratts Pty Ltd – dated 29 October 2018

[Bushfire Assessment Report](#) – Bushfire and Evacuation Solutions – dated 5 February 2020

[Aboriginal Cultural Heritage Study \(ACHA\)](#) – AMBS – dated 19 May 2020 (includes Aboriginal Archaeological Survey Report)

Attachment 3: Proponent's Planning Proposal

[Planning Report to support Planning Proposal](#) – Cowman Stoddart Pty Ltd – dated 7 September 2017

Note: Changes have occurred to the proposal as described within the proponent's Planning Proposal Report dated September 2017.

These changes include, but are not necessarily limited to:

- A revised subject land area. The subject land area now consists of Part Lots 762 and 763 DP 1224932 and part of the Hitchcocks Lane Road Reserve (UPN 96829). Lot 764 DP 1224932 is not part of the subject land for this PP. The subject land area measures 11.02 hectares instead of the 15 hectares described in the original proposal.
- Removal of the areas proposed to be rezoned RE1 Public Recreation on the subject land due to these areas being too narrow to meet useability standards within Council's Community Infrastructure Strategic Plan for passive recreation. The open space needs of the development, and the neighbouring Huntingdale Park Estate will be met through the provision of a passive open space area to the north of the subject land (currently zoned RE1 Public Recreation) and other facilities in Berry, including the Boongaree District Level Park. The drainage reserve on the subject site, currently proposed to be zoned R2 Low Density Residential, will be further defined with detailed designs submitted at subdivision stage and will be dedicated to Council after development is complete. Once the development is complete the drainage reserve may be rezoned to RE1 Public Recreation or similar appropriate zone in future housekeeping amendments to the LEP.
- Areas allowing for small lot subdivision (minimum lot size of 350 m²) have been expanded from those shown in the proponent's original proposal – refer to **Map 3 – Minimum Lot Size Map** of this PP for the location of the proposed small lot areas across the site.

Plans showing road layouts are concepts only and do not form part of this proposal. Eventual road layouts and subdivision lot design will be detailed at the development application for subdivision stage and will need to comply with the *Shoalhaven DCP 2014* including any site specific requirements.

Attachment 4: SEPP Checklist

State Environmental Planning Policies Checklist

SEPP #	Name	Applicable	Consistency/Comment
		✓ / ✗	
-	Aboriginal Land 2019	✗	Currently this SEPP only applies to land owned by the Darkinjung Local Aboriginal Land Council on the Central Coast.
-	Activation Precincts 2020	✗	N/A
-	Affordable Rental Housing 2009	✗	Should the land be rezoned the provisions of the ARHSEPP apply, allowing for future secondary dwellings and other forms of affordable rental housing on the land.
-	Building Sustainability Index: BASIX 2004	✗	Future dwellings on the site will need to comply with BASIX requirements relating to energy, water and thermal efficiency.
-	Coastal Management 2018	✗	Subject land is not within the coastal management zone.
-	Concurrences & Consents 2018	✗	N/A
-	Educational Establishments and Child Care Facilities 2017	✗	Allows for certain educational and child care development as exempt and complying development.
-	Exempt and Complying Development Codes) 2008	✗	Will apply to future rezoned area allowing for exempt and complying development on applicable land.
-	Gosford City Centre 2018	✗	N/A
-	Housing for Seniors or People with a Disability 2004	✗	No provisions relevant for PPs. Allows for some seniors housing and disability care facilities on certain land.
-	(Infrastructure) 2007	✓	Proposal is consistent with provisions of this SEPP, as noise impacts from neighbouring busy roads are proposed to be managed through site-specific development controls which will require noise amelioration to be investigated and installed at subdivision stage.
-	Koala Habitat Protection 2019	✗	The site has no koala or potential koala habitat.
-	Kosciuszko National Park—Alpine Resorts) 2007	✗	N/A
-	Kurnell Peninsulas	✗	N/A
-	(Major Infrastructure Corridors) 2020	✗	Applies only to western Sydney LGAs
-	Mining, Petroleum Production and Extractive Industries) 2007	✗	N/A
19	Bushland in Urban Areas	✗	N/A
21	Caravan Parks	✗	N/A

33	Hazardous and Offensive Development	x	N/A
36	Manufactured Home Estates	x	N/A
47	Moore Park Showground	x	N/A
50	Canal Estate Development	x	N/A
55	Remediation of Land	x	The requirement to consider contamination when rezoning land was removed from the SEPP and is now considered under Section 9.1 Ministerial Directions of the <i>Environmental Planning and Assessment Act 1979</i> .
64	Advertising and Signage	x	N/A
65	Design Quality of Residential Apartment Development	x	Residential apartment buildings will not be permissible should the land be rezoned.
70	Affordable Housing Schemes	x	N/A
-	Penrith Lakes Scheme 1989	x	N/A
-	Primary Production and Rural Development 2019	x	N/A
-	State and Regional Development) 2011	x	N/A
-	State Significant Precincts 2005	x	N/A
-	Sydney Drinking Water Catchment) 2011	x	N/A
-	Sydney Region Growth Centres 2006	x	N/A
-	Three Ports 2013	x	N/A
-	Urban Renewal 2010	x	N/A
-	Vegetation in Non-Rural Areas 2017	x	Will apply to clearing of vegetation in residential areas, defers generally to Council's DCP requirements for tree management and removal.
-	Western Sydney Employment Area) 2009	x	N/A
-	Western Sydney Parklands) 2009	x	N/A

Attachment 5: S9.1 Planning Directions

Section 9.1 Planning Directions Checklist

Direction		Applicable	Relevant	Consistency/Comment
1 Employment and Resources				
1.1	Business and Industrial Zones	x	N/A	
1.2	Rural Zones	✓	✓	Minor inconsistency. Secretary's concurrence received – refer to Gateway Determination
1.3	Mining, Petroleum Production and Extractive Industries	✓	x	
1.4	Oyster Aquaculture	✓	✓	No adverse impacts on Priority Oyster Aquaculture Areas are expected, noting that the subject land is currently used for agricultural purposes and any subdivision proposal will have to meet water quality objectives set out in DCP Chapter G2. Consultation with DPI Fisheries to occur during public exhibition to confirm.
1.5	Rural lands	✓	✓	Minor inconsistency Secretary's concurrence received – refer to Gateway Determination
2 Environment and Heritage				
2.1	Environmental Protection Zones	x	N/A	
2.2	Coastal Protection	x	N/A	
2.3	Heritage Conservation	✓	✓	Studies investigating Aboriginal cultural heritage have been prepared which illustrate compliance with legislation and consistency with this direction. Additional consultation with Aboriginal stakeholders to occur during public exhibition.
2.4	Recreation Vehicle Area	x	N/A	
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	x	N/A	
2.6	Remediation of Contaminated Land	✓	✓	Consistent – a preliminary contamination report has been submitted; land appears suitable for intended use.
3 Housing, Infrastructure and Urban Development				
3.1	Residential Zones	✓	✓	Consistent

3.2	Caravan Parks and Manufactured Home Estates	x	N/A	
3.3	Home Occupations	✓	x	
3.4	Integrating Land Use and Transport	✓	✓	Consistent – refer to discussion within the PP
3.5	Development Near Licensed Aerodromes	x	N/A	
3.6	Shooting Ranges	x	N/A	
3.7	Reduction in non-hosted short term rental accommodation period	x	N/A	Applies to Byron Shire only
4 Hazard and Risk				
4.1	Acid Sulphate Soils	✓	✓	Consistent - proposed residential land not identified as containing Acid Sulphate Soils.
4.2	Mine Subsidence and Unstable Land	x	N/A	
4.3	Flood Prone Land	✓	✓	Minor inconsistency – Secretary's concurrence received 2 October 2020.
4.4	Planning for Bushfire Protection	x	✓	Land is not currently mapped as bushfire prone. Based on advice from the NSW RFS that the grassland is likely to be mapped as bushfire prone, a bushfire assessment has been completed, and appropriate controls incorporated in the PP and draft DCP chapter.
5 Regional Planning				
5.1	Implementation of Regional Strategies	x	N/A	Revoked.
5.2	Sydney Water Drinking Catchment	x	N/A	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	x	N/A	
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	x	N/A	
5.5-5.8	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA); Sydney to Canberra Corridor; Central Coast; Second Sydney Airport: Badgerys Creek	x	N/A	Revoked

5.9	North West Rail Link Corridor Strategy	x	N/A	
5.10	Implementation of Regional Plans	✓	✓	Consistent – land is identified for investigation in the Shoalhaven GMS, an endorsed strategy. Refer to discussion within the PP.
5.11	Development of Aboriginal Land Council Land	x	N/A	Currently only applies to Central Coast LGA
6 Local Plan Making				
6.1	Approval and Referral Requirements	✓	✓	Consistent
6.2	Reserving Land for Public Purposes	x	N/A	No land is proposed to be reserved for a public purpose. The drainage reserve area is proposed to be zoned R2 Low Density Residential to allow for detailed design at subdivision stage. Post-development the reserve could be dedicated to Council and rezoned as RE1 Public Recreation as a future housekeeping amendment.
6.3	Site Specific Provisions	✓	✓	Consistent, the proposal does not include any site-specific LEP planning standards. A site-specific DCP Chapter is proposed to guide the design of future development, but this will not impact on permissibility of uses or other planning standards within the LEP.

Attachment 6: Gateway Determination

[Gateway Determination PP SHOAL 2018 004 00](#) – NSW Department of Planning and Environment – dated 3 April 2018

[Alteration of Gateway Determination PP SHOAL 2018 004 00](#) – NSW Department of Planning Industry & Environment – dated 22 October 2019

[Letter to NSW Department of Planning, Industry & Environment](#) – Shoalhaven City Council – dated 17 September 2020

[Correspondence regarding PP029 and Gateway Determination PP SHOAL 2018 004 00](#) – NSW Department of Planning Industry & Environment – dated 2 October 2020