



Hitchcocks Lane Berry Residential Investigation Area (PP029)

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What is a Planning Proposal / rezoning?

A Planning Proposal is a plain English document which explains proposed changes to the *Local Environmental Plan* (LEP) applying to the land. The LEP is a legal document under Part 3 of the *Environmental Planning and Assessment (EP&A) Act 1979*. Planning Proposals may seek to change the land use zoning and/or other provisions in the LEP such as minimum lot sizes required for subdivision and building height limits.

What is proposed in PP029?

The Hitchcocks Lane Planning Proposal (PP029) seeks to rezone land south of Hitchcocks Lane in Berry from the rural land use zone RU1 Primary Production to the R2 Low Density Residential zone. This rezoning would allow for subdivision of the land into new housing lots.

The proposal seeks to allow subdivision of the land into a mix of lot sizes. Most of the land will have a minimum allowable lot size for subdivision of 500 m² and up to 25 % of the site may be subdivided into small housing lots measuring a minimum of 350 m².

A building height limit of 8.5 m is proposed to be applied across the site.

Where is the proposal located?

The subject land is located on the southern side of Hitchcocks Lane on the south-western edge of the Berry township. The land is bordered by new housing (Huntingdale Park Estate) to the north and west, by the Princes Highway Berry Bypass to the east and rural land to the south.

The area is located approximately 1.6 km walk (by road) from the Berry Town Centre (measured from the intersection of Hitchcocks Lane and Huntingdale Park

Road to the intersection of Alexandra and Queen Streets).

The specific land to be rezoned is identified on the maps in the exhibited Planning Proposal and the Explanatory Statement.

What does an R2 Low Density Residential zone allow?

The R2 Low Density Residential zone in the Shoalhaven LEP 2014 has the following objectives:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide an environment primarily for detached housing and to ensure that other development is compatible with that environment.

The Land Use Table outlining the uses that are permitted in the R2 zone is reproduced below.

Table 1: R2 Land Use Table

R2 Low Density Zone
Permissible without consent
<i>Home occupations</i>
Permissible with consent
<i>Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Jetties; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Semi-detached dwellings; Sewerage systems; Tank-based aquaculture; Water supply systems</i>
Prohibited
<i>Any development not specified as 'permissible without consent' or 'permissible with consent'.</i>

* The Dictionary in the [Shoalhaven LEP 2014](#) contains the legal definitions of these land uses. Additional uses may be permitted by State Environmental Planning Policies (SEPPs).

What housing types are prohibited in the R2 Low Density Residential zone?

The following housing types are prohibited and **are not** able to be constructed in the R2 Low Density Residential zone:

- *attached dwellings;*
- *hostels;*
- *multi-dwelling housing* [townhouses, terraces, villas],
- *manor houses,*
- *residential flat buildings,*
- *rural workers' dwellings,*
- *shop top housing.*

What is proposed for the drainage depression that runs through the site?

A drainage depression runs across the site and is proposed to be retained and managed as a drainage reserve. The reserve will encompass the flood-liable land (i.e. land below the 1 in 100 year flood line, or '1 % AEP'). The primary function of this reserve will be stormwater drainage and water quality management. The reserve will be designed to convey floodwaters in accordance with Council's floodplain management requirements. The drainage reserve will not be subdivided for housing lots or developed.

The drainage reserve is proposed to be a grassy swale with some tree planting along the top of the banks. A shared path (for pedestrians and cyclists) is also proposed. These embellishments will contribute to the amenity of the area and provide an attractive future outlook for homes facing the reserve.

Why are a mix of lot sizes proposed?

A mix of lot sizes are proposed to encourage housing variety and choice. A range of house sizes and configurations will meet a wider range of housing needs and aspirations.

Whilst the majority of homes within the future subdivision will be similar in size and specification to existing homes in the locality, smaller house lots are intended to provide options for smaller house sizes.

Smaller homes (2 bedroom and modest 3 bedroom homes) are an identified gap in the local market. Smaller homes on smaller lots can appeal to a wide range of households including couples without children; single-person households; first home buyers; renters; downsizers and people looking for a low maintenance property in a location with lifestyle benefits. Smaller homes are also more likely to provide for greater housing

affordability, allowing more people to access the Berry housing market.

The area was identified as an investigation area for residential growth area in *the Shoalhaven Growth Management Strategy 2013 (Version 1)*. Allowing some small lot development provides for an increased lot yield across the site, providing more future homes and housing choices for the community.

This approach contains development to an area in line with the current urban extent of Berry (defined by the southern edges of Huntingdale Park Estate and the Arbour Estate on the eastern side of the Princes Highway) and allows for efficient use of land and infrastructure.

What could the small lot housing look like?

It is important that planning controls guide high quality design and construction on small lots. Well-designed smaller homes on small lots generally have minimal overshadowing and overlooking impacts on neighbours and can provide sustainability and cost benefits for residents. However, large or oversized homes built on small lots can have impacts and will not necessarily provide greater housing choices for the community.

The proposed draft planning controls (within *Shoalhaven Development Control Plan 2014 Chapter N3*) seek to deliver homes that are in keeping with local character and have a sensitive bulk and scale.

A floor area restriction control is proposed to limit (internal) house size to 50% of lot size. This control will guide house construction that is proportionate to lot size. This means smaller sized lots will accommodate smaller sized homes and larger homes will be allowed on larger sized lots. This will also provide increased housing choices and variety in the local housing market.

Small lots will accommodate comfortably sized homes reflective of modern trends and tastes. For example, the proposed control limiting gross floor area to 50% of the site area means a home up to 175 m² (excluding garage space) could be built on a lot measuring 350 m² in area. This is close to the Australian average home size of 186 m² (in 2018)¹.

A wider variety in house size and configuration also provides for variety in dwelling appearance, which can add to neighbourhood character. Older housing areas, such as in the historic town of Berry, are generally characterised by houses that are varied in shape, size and appearance with generous landscaped garden areas.

Whilst the proposed planning controls for the subject land will produce different outcomes, some examples of

modern smaller lot housing in Shoalhaven include the small lot homes built along Hitchcocks Lane (as part of a multi-dwelling development) and detached homes in the Bayswood Estate at Vincentia, as shown in the photographs below.



Figures 1 - 5 : Examples of homes built on small size lots

¹ Commsecc Home Size Trends Report 2018 (homes and apartments)

What site-specific planning controls are proposed to protect local character?

A draft Development Control Plan (DCP) Chapter has been prepared to help guide future development enabled by PP029. The Shoalhaven Development Control Plan (DCP) 2014 provides detailed guidance and provisions to complement the proposed LEP planning controls. Development applications for future subdivision and house building will need to consider and respond to applicable DCP provisions.

Key proposed planning controls to protect local character in the draft DCP Chapter include requirements for:

- Landscape screening and street tree planting at subdivision stage;
- Retention of existing mature trees where possible and tree planting in the proposed drainage reserve;
- Lot layouts that promote cost-effective, efficient house design to maximise comfort and provide attractive views;
- Safe road design and provision of shared paths to promote walking and cycling;
- House design that is similar in scale to existing development and that minimises bulky building forms;
- 35% of lot area to be landscaped area, including planting of a minimum of one tree per house lot.

A focus on landscaping will soften the appearance of new buildings, especially as vegetation matures over time, reflecting the surrounding natural environment as well as the existing character of Berry.

How are visual impacts associated with future development proposed to be managed?

A *Visual Impact Assessment and Urban Design Guidelines* report was completed by Peter Andrews and Associates to accompany the Planning Proposal. The majority of recommendations from this report have been incorporated into draft planning controls for the site. This report is available to download on the project webpage.

A key recommendation from the report is the establishment of a dense landscape screen along the southern boundary of the proposed development area. The screen will help mitigate visual impacts on the southern approach along the Princes Highway into Berry. The screen is also proposed to clearly delineate the urban edge of Berry and provide a landscaped approach into town that complements the surrounding rural and natural environments.

Establishment and maintenance of a landscape screen is a requirement in the draft DCP Chapter. In April of 2020 Council resolved to also pursue a Voluntary Planning Agreement (VPA) with the proponents to secure provision of the landscape screen adjacent to the southern boundary.

VPAs are legally-binding agreements negotiated between planning authorities and developers. They facilitate the provision of planning benefits by developers by contributing part of the development profit for a public purpose.

Negotiations on the terms of the draft VPA for Landscape Screening are underway and any draft VPA will also be required to be exhibited for public comment.

What open space and recreational facilities will be provided?

The proposal will add approximately up to 150 lots to the residential area west of the Princes Highway in Berry subject to the nature of future applications. The residential area of Huntingdale Park Estate has approval for 258 lots (including 3 medium density lots). Public open space has been provided for this area in the form of a lineal park and footpath network along drainage reserves.

The Hitchcocks Lane Planning Proposal area is within walking distance of the lineal park and is located directly opposite a planned passive open space area (located between Hitchcocks Lane and Huntingdale Park Road). Future embellishment of this area will be investigated as part of a review of the *Shoalhaven Contributions Plan 2019*. Collecting contributions from developers is one mechanism to fund future park improvements. Any proposed changes to the Contributions Plan will also require a public exhibition process.

Other parks within Berry are located east of the Princes Highway, including Mark Radium Park and the district level multipurpose park, Boongaree, which will provide a wide variety of recreation opportunities for the Berry community.

Has the capacity of local infrastructure been considered?

The Planning Proposal has considered impacts on local infrastructure provision and included the submission of the following studies which are available to review on the project webpage:

- *Traffic Impact Assessment* by Bitzios Consulting dated January 2019
- *Infrastructure Assessment* by Allen Price & Scarratts dated October 2018 (investigates sewer, water, electricity, community facility and public open space requirements and capacity)

- *Flooding and Stormwater Management Report* by Southeast Engineering and Environmental dated October 2018

The implications of these studies (and others including a noise impact assessment and bushfire report) are discussed in the Planning Proposal document that is also available on the project webpage.

Additional consultation with State Government agencies to confirm infrastructure capacity and the adequacy of proposed planning controls will occur during the exhibition phase of the proposal.

Why is Council exhibiting the Planning Proposal during the COVID-19 Pandemic?

PP029 has been under consideration since late 2017 and all required technical studies were completed in mid-2020. Council has been advised by the NSW Department of Planning, Industry and Environment that it will not approve any further extensions to the Gateway timeframe, and to exhibit the Planning Proposal as soon as possible.

PP029 is required to be exhibited for a minimum of 60 days which is an extended community engagement period compared to the standard 28 day public exhibition timeframe for Planning Proposals. Recognising the exhibition period includes the end of year holiday period, the proposed exhibition timeframe has been further extended (73 days in total) to ensure there is adequate time for the community to provide feedback.

Due to current COVID-19 safety measures, the Planning Proposal will be available for viewing online only.

Printed copies of the Planning Proposal can be made available for stakeholders with limited access to a computer, on request (noting that fees may apply for large printing requests).

Council staff are available via phone or email to answer your enquiries about PP029. Please contact Rebecca Jardim, Strategic Planner, on 4229 3426 or via email Rebecca.Jardim@shoalhaven.nsw.gov.au for more information.

For more information about Council's services and response to Covid-19 (including health and wellbeing resources) please visit:

<https://www.shoalhaven.nsw.gov.au/COVID-19/Our-Response-to-COVID-19>.

Have Your Say

Written comments are invited and should be addressed to:

- The Chief Executive Officer, Shoalhaven City Council, PO Box 42, Nowra 2541 or

- emailed to council@shoalhaven.nsw.gov.au

before 5pm on **Friday 8 January 2021** quoting Council's reference **56367E**.

Council is also accepting online submissions via the "Feedback" form function on the project webpage: <https://getinvolved.shoalhaven.nsw.gov.au/>

Subscribe for updates on the project webpage using the "stay informed" button. You can also submit additional questions via the methods detailed above.