



## Huntingdale Park Estate Large Lot Residential Precinct (PP060)

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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. An LEP is a legal planning document under Part 3 of the *Environmental Planning and Assessment (EP&A) Act 1979*. Planning Proposals may seek to change the land use zoning (rezoning land) and/or amend other provisions in the LEP such as minimum lot sizes required for subdivision.

### What land is Council proposing to rezone?

PP060 relates to the large lot areas of Huntingdale Park Estate (i.e. where property lot sizes are 2000m<sup>2</sup> or larger). The subject land is located on the western periphery of Huntingdale Park Estate (the Estate), consisting of 43 properties on Parker Crescent and Connors View. The specific land to be rezoned is identified on the maps in the Planning Proposal and the Explanatory Statement.

### Why is Council proposing this rezoning?

PP060 seeks to rezone the large lots from R1 General Residential to R5 Large Lot Residential to reflect the current and future desired character of the area. Also, it is proposed to extend a 2000m<sup>2</sup> minimum lot size restriction across all of the large lot precinct to protect the large lot characteristics of the area.

A minor mapping anomaly over Lot 712 DP 1247531 (60 Parker Cres) is proposed to be corrected. This property is not a large lot and will retain the R1 General Residential zoning. It is proposed to remove the minimum lot size requirement of 2000m<sup>2</sup> in the western corner of the property and extend the 500m<sup>2</sup> minimum lot size across the lot, consistent with neighbouring lots of a similar size.

### What does an R5 Large Lot Residential zone allow?

The R5 Large Lot Residential zone in the *Shoalhaven LEP 2014* has the following objectives:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.

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- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The Land Use Table outlining the uses that are permitted in the R5 zone is reproduced in Table 1 below.

**Table 1: R5 Land Use Table**

R5 Large Lot Residential Zone
<b>Permissible without consent</b>
<i>Home occupations</i>
<b>Permissible with consent</b>
<i>Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dual occupancies (attached); Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Extensive agriculture; Group homes (transitional); Home-based child care; Home businesses; Home industries; Horticulture; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Roads; Sewerage systems; Tank-based aquaculture; Water supply systems</i>
<b>Prohibited</b>
<i>Any development not specified as 'permissible without consent' or 'permissible with consent'.</i>

**Note:** 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); for example, **secondary dwellings** are permitted under *SEPP Affordable Rental Housing 2009*.

### Why is the R5 Large Lot Residential Zone considered suitable?

Master planning of the Estate in the 1990s identified large lot areas on the fringe of the new residential area, along the elevated western ridgelines. The large lots are intended as a low-density buffer and transition between new residential development and neighbouring rural land and bushland. The benefits of providing large lots in this location include:

- Protecting the scenic amenity of the area;

- Minimising the risk of land use conflict between residential uses and surrounding development (e.g. rural and rural-residential land uses);
- Encouraging provision of generous open space and landscaped areas around homes on large lots, consistent with the local character of Berry; and
- Providing housing choice within the estate – ranging from medium density housing in the central, lower-lying areas, conventionally-sized suburban lots elsewhere and larger lots on the periphery.

The objectives of the R5 Large Lot Residential Zone complement the strategic planning aims for the large lot areas of the Estate and allow for compatible low-density housing types and efficient infrastructure planning and delivery.

### What are the main differences between the R5 Large Lot Residential and R1 General Residential zones?

The R1 General Residential Zone permits a wider range of housing types compared to the R5 Large Lot Residential Zone. The R1 zone can accommodate higher development densities than the R5 zone.

For example, the following housing types are permitted with consent in the R1 zone (but are prohibited in the R5 zone): *attached dwellings; boarding houses, dual occupancy (detached); multi-dwelling housing [townhouses, terraces, villas]; manor houses and residential flat buildings.*

Another significant difference is the *Low Rise Housing Diversity Code* (The Code) does not apply in the R5 Large Lot Residential zone. This means dual occupancies cannot be undertaken as Complying Development.

The Code is part of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* which came into effect in July 2020, and allows for certain housing types (which meet specified standards) to be approved via a fast-track, state-wide Complying Development approval pathway. More information can be found at:

<https://www.planning.nsw.gov.au/complyingdevelopment>

### Why are some agricultural uses allowed in the R5 Large Lot Residential zone?

Some agricultural uses are permitted with consent in the R5 Large Lot Residential zone, recognising that these areas are located adjacent to rural zones, and can offer opportunities for small scale farming activities, including grazing or hobby farming. Many areas in Shoalhaven

zoned R5 Large Lot Residential consist of larger property sizes (often 2 hectares or more in size), which are suited to some agricultural pursuits. The R5 zone allows for (subject to approval): *extensive agriculture* (growing fodder or grazing livestock for commercial purposes), *horticulture* (growing crops for commercial purposes) and *aquaculture*.

In Huntingdale Park Estate, given high property values in the area and lot sizes of 2000m<sup>2</sup>, it is unlikely that the subject lots will be utilised for any commercial agricultural purpose. Any proposed uses would require development approval, involve neighbour consultation and would need to address any likely development impacts.

### What are the implications for subdivision?

The minimum lot size map is currently based upon large lot areas identified in the Shoalhaven Development Control Plan 2014 (Chapter N3). PP060 seeks to extend the 2000m<sup>2</sup> minimum lot size restriction across the entirety of the large lot areas (42 properties) to match the area proposed to be rezoned R5 Large Lot Residential.

Areas zoned R5 Large Lot Residential with a 2000m<sup>2</sup> minimum lot size will not be able to be subdivided into lots smaller than 2000m<sup>2</sup>.

### What about housing choice and diversity?

Strategic plans for the Estate sought to provide a variety of housing choices including medium density housing within walking distance to Berry Town Centre. Conventional suburban lots (~500m<sup>2</sup>) were planned across the majority of the Estate with larger lots along on the rural periphery.

The large lot areas of the Estate were not intended, nor originally subdivided, to accommodate higher density development. The proposed R5 zone allows for the provision of housing choice through allowing secondary dwellings and dual occupancy (attached), whilst preserving space for housing designs that are sympathetic to the character and landscape qualities of the location.

### Will there be any impacts on vegetation and trees in the area?

Significant vegetation remains at the rear of many lots along Connors View. The existing significant vegetation on this land is protected from removal by conditions of development consent under the *Environmental Planning and Assessment Act 1979* (issued with the subdivision approval to protect significant vegetation on the site) and restrictions on land title under the *Conveyancing Act 1919*.

Therefore, whilst NSW Biodiversity Reforms have resulted in generally less restrictions for clearing trees/vegetation on R5 zoned land (compared to R1 or R2 zoned land) in Shoalhaven, the above land title based restrictions and subdivision consent conditions protect the existing vegetation on the subject land. The PP therefore will not enable any additional vegetation clearing without separate development consent.

As the subdivision of the land was predicated on the provision of large lots and low density housing, planning for vegetation management, asset protection zones and biodiversity conservation assumed higher density development would not be built on the large lot properties and that further subdivision (and associated fencing) would not occur. Therefore, any higher density development on the large lots (as permitted by the current R1 General Residential zone) may have implications for bushfire management and vegetation clearing that have not previously been accounted for. The PP seeks to avoid these unforeseen impacts.

### Have Your Say

Submissions are invited during the exhibition period and should be made in writing, and addressed to:

**Post:** The Chief Executive Officer, Shoalhaven City Council, PO Box 42, Nowra NSW 2541

**E-mail:** [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au)

**Website:** via the form on the Exhibition page at: <http://shoalhaven.nsw.gov.au/My-Council/Publicexhibition/Documents-on-exhibition>

All submissions must be received in writing by **5pm Friday 25 June 2021**, quoting Council's reference **66385E**.

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](mailto:Rebecca.Jardim@shoalhaven.nsw.gov.au) for more information.