

Planning and Assessment

IRF19/7764

Gateway determination report

LGA	Shoalhaven
PPA	Shoalhaven City Council
NAME	Planning Proposal – Part of Lot 502 DP 1221372 C130 Princes Highway, Meroo Meadow (15 lots)
NUMBER	PP_2019_SHOAL_006_00
LEP TO BE AMENDED	Shoalhaven LEP 2014
ADDRESS	C130 Princes Highway, Meroo Meadow
DESCRIPTION	Part of Lot 502 DP 1221372
RECEIVED	29 October 2019
FILE NO.	IRF19/28832
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to rezone the site at C130 Princes Highway, Meroo Meadow from R1 General Residential Zone to R5 Large Lot Residential Zone under the Shoalhaven LEP 2014 and to amend the lot size and apply building height controls.

1.2 Site description

The subject site is located approximately 2.4 km north of Bomaderry, situated between the Princes Highway and the western end of Emerald Drive in the suburb of Meroo Meadow (Figure 1 – Site Map).



Figure 1 – Site Map (Source: Google Maps 2019)

1.3 Existing planning controls

The site is currently zoned R1 General Residential Zone under the Shoalhaven LEP 2014 (Figure 2 – Zoning Map). A 500m² minimum lot size control applies to the site. There is no floor space ratio control or height of building control applying to the site or any environmental or other overlays.

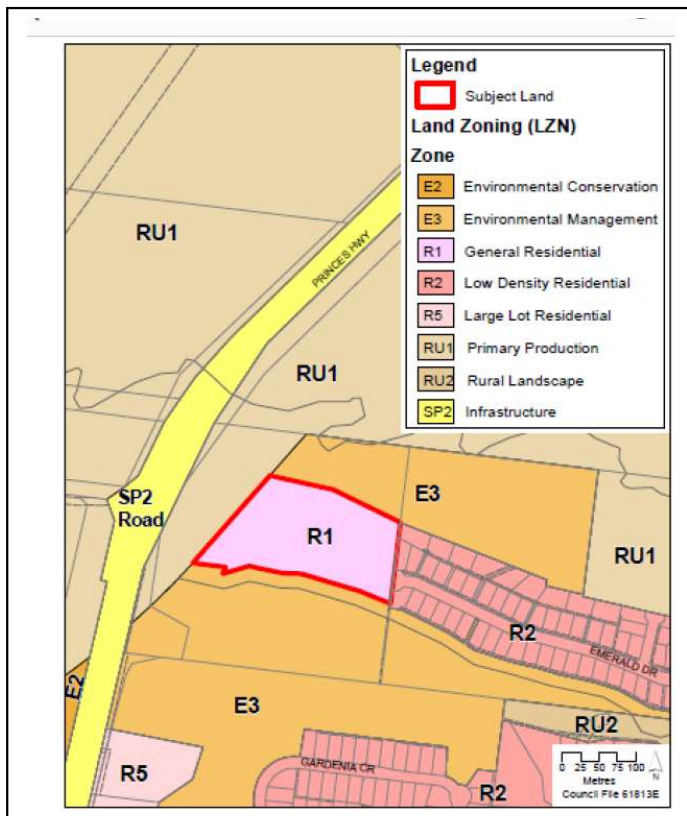
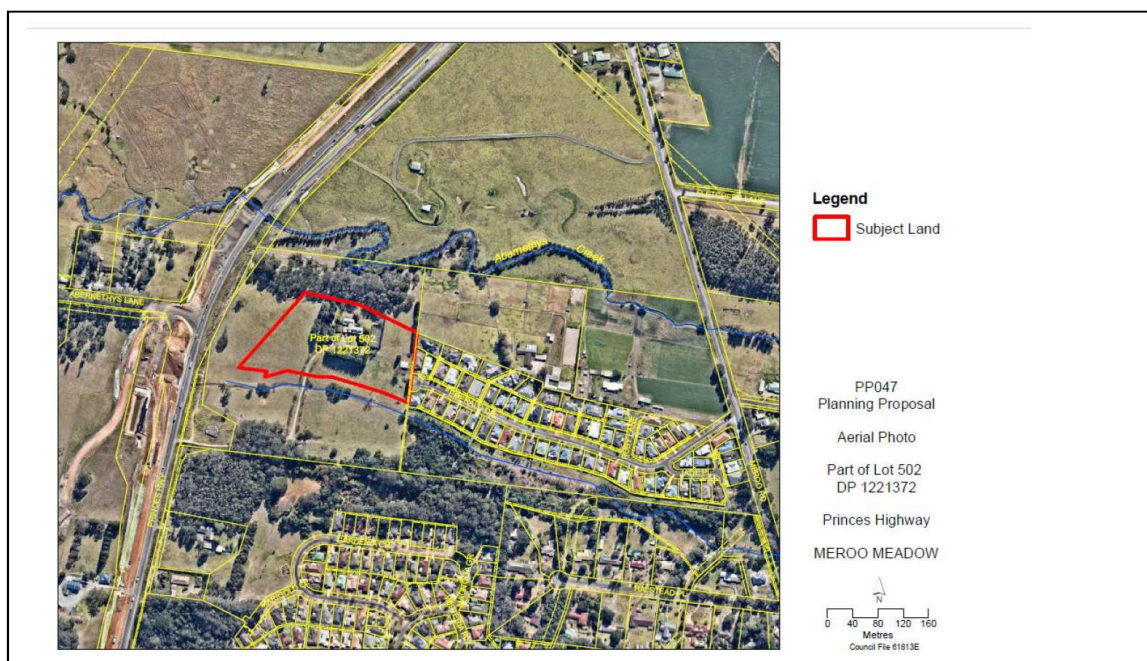


Figure 2 – Zoning Map (Source: Shoalhaven City Council planning proposal document)

1.4 Surrounding area

The 2.83ha site adjoins low density residential development to the east; bushland and Abernethys Creek to the north; rural residential development to the south and



rural land and the Princes Highway to the west of the site. (Figure 3 – Surrounding area).

Figure 2 – Locality Map (Source: Shoalhaven City Council planning proposal document).

1.5 Summary of recommendation

The proposal is recommended to proceed as submitted because it will provide 15 large lot residential (infill) lots in the Bomaderry area consistent with an approved subdivision plan and the community's desired current and future character for the area.

2. PROPOSAL

2.1 Objectives or intended outcomes

The intended outcome of the planning proposal is *to rezone the subject land to facilitate large lot residential development to manage the future density of the land to avoid congestion and adverse impacts on the immediate road network.*

It is considered that the intended outcomes of the proposal are clear and do not require amendment prior to community consultation.

2.2 Explanation of provisions

The explanations of the provisions provided in the proposal are to:

- *Rezone the existing R1 General Residential component of Lot 502 to R5 Large Lot Residential. A zoning of R5 Large Lot Residential is considered more appropriate for the land as it will deliver a density which will assist in managing congestion and adverse impacts on the immediate road network;*
- *Amend the minimum lot size applying to the existing R1 General Residential zoned land from 500m² to 1500m². This will reinforce the desired large lot character and seeks to avoid ongoing subdivision over time.*
- *Apply a maximum building height of 8.5m over the existing R1 General Residential zoned land. This height reflects the height limit of surrounding residential land and the citywide approach to heights in this context.*

It is considered that the explanation of provisions is clear and does not require amendment prior to community consultation. The proposed provisions are considered to be compatible with adjoining development.

2.3 Mapping

The proposal includes amendments to zoning, lot size and height of building maps. Current and proposed maps are included in the planning proposal. These are considered to be adequate for the purposes of exhibition.

3. NEED FOR THE PLANNING PROPOSAL

The proposal was prepared by Council in response to a recent development application for subdivision of the site which attracted considerable objection from adjoining residents due to concerns about density, congestion and traffic impacts. Council approved a subdivision application for 15 residential lots over the site by way of deferred commencement consent subject to a condition requiring preparation and lodgement of a planning proposal by the proponent to rezone the site to an R5 Zone.

Council has considered other potential mechanisms to achieve the intended outcomes, namely a section 88B instrument under the *Conveyancing Act 1919* or by including a site-specific building envelope control under the Shoalhaven DCP 2014. Council, however, considers that the planning proposal is the most appropriate mechanism to achieve the intended outcomes.

It is considered that the proposal is needed to facilitate an amendment of the Shoalhaven LEP 2009 to facilitate the approved subdivision of the site and to address community concern that has previously been raised about development of the site. It is considered that the planning proposal process is an appropriate mechanism to achieve this.

4. STRATEGIC ASSESSMENT

4.2 Regional

The proposal states that it is consistent with the Illawarra Shoalhaven Regional Plan, particularly *Goal 2 – A variety of housing choices with homes that meet needs and lifestyles*.

It is considered that Council's view that the proposal is consistent with the Regional Plan is supported because, although it will prohibit some housing types such as multi-dwelling housing and residential flat buildings, it will provide opportunities for a variety of housing choice (including large lot residential/rural lifestyle housing, dual occupancies and secondary dwellings) in the Bomaderry area. It is also considered that the proposal is consistent with Goal 3 of the Regional Plan – *A region with communities that are strong, healthy and well connected* because the proposal will facilitate an approved development on the site that is consistent with the community's desired current and future local character of the area.

4.3 Local

The proposal states that it is consistent with the following local strategies:

- Shoalhaven City Council Community Strategic Plan
- Shoalhaven Growth Management Strategy
- Nowra Bomaderry Structure Plan
- Shoalhaven Affordable Housing Strategy

Council considers that the proposal is consistent with its local strategies because it will provide living areas within Bomaderry that maximise lifestyle quality, provide appropriate housing to suit a range of needs and income capacities and adds to the housing mix in the Nowra-Bomaderry area.

Council's view that the proposal is consistent with its local strategies is supported. The proposal will facilitate infill housing in the Bomaderry area.

4.4 Section 9.1 Ministerial Directions

The proposal identifies that it is consistent with applicable Section 9.1 Directions notably:

- Direction 3.3 Home Occupations
- Direction 3.4 Integrating Land Use and Transport
- Direction 4.1 Acid Sulfate Soils

- Direction 4.4 Planning for Bushfire Protection
- Direction 5.10 Implementation of Regional Plans

With the exception of Direction 4.4 “Planning for Bushfire Protection”, Council’s view that the proposal is consistent with the above Directions is supported. The land is mapped as bushfire prone and Council intends to consult with the Rural Fire Service on the proposal as required by the Direction. Further information is required to be provided by Council to demonstrate that the proposal meets the requirements of the Direction.

The proposal identifies that it is inconsistent with the following Direction:

Direction 3.1 Residential Zones:

The proposal states that it is inconsistent with parts 4(a) and 5(b) of the Direction because it will affect the choice of building types available in the housing market in that medium density development such as dual occupancies (detached), multi-dwelling housing and residential flat buildings will not be permissible at the site. However, given dual occupancies (attached) and secondary dwellings will continue to be permissible at the site, Council considers that a wide range of building types remain available. Further Council considers there is a wide range of medium density housing options available throughout the broader Nowra Bomaderry area, particularly due to the proximity of new release areas. Council therefore considers that the inconsistency with the Direction is minor.

Council’s view that the proposal’s inconsistency with the Direction is of minor significance is supported. The proposed rezoning of the site from R1 General Residential to R5 Large Lot Residential and proposed reduction in minimum lot size control from 500m² to 1500m², will reduce the potential residential density from approximately 37 lots to 15. The proposal would also reduce the range of permitted dwelling types. However, it is considered that this reduction over only 2.8ha of land is not significant in the context of the broader Nowra Bomaderry release area. The planning proposal is also consistent with the proposal lodged by the proponent and the community’s current and future desired local character for the area.

Recommendation: That the Secretary’s delegate:

1. Can be satisfied that the proposal is consistent with Section 9.1 Directions 3.3 Home Occupations, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulfate Soils and 5.10 Implementation of Regional Plans.
2. Request Council provides further information in relation to the consistency of the proposal with Direction 4.4 Planning for Bushfire Protection; and
3. Can be satisfied that the proposal’s inconsistency with Direction 2.1 Residential Zones is of a minor significance.

4.5 State environmental planning policies (SEPPs)

The proposal identifies that it is consistent with the following SEPPs:

- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Vegetation in Non-Rural Areas) 2017

Council’s view that the proposal is consistent with the above SEPPs is supported. The SEPPs will need to be applied in any future development of the site.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The proposal states that the social impacts related to the proposal are considered minimal. It indicates that although a number of building types will no longer be permissible on the site, such as multi-dwelling housing, on balance a range of land uses will remain permissible and the future desired large lot character envisaged for the area will be reinforced.

Council's view that the proposal will have minimal social impacts is supported. It is considered that the proposal will have a positive social impact by facilitating large lot residential development on the site consistent with an approved subdivision plan and the community's desired current and future local character for the area.

5.2 Environmental

The proposal states that it is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats as the land subject of the proposal is already residentially zoned and predominantly cleared.

Council's view that the proposal is unlikely to have any environmental impacts is supported. The area of bushland and Abernethy's Creek, which adjoins the site to the north is protected via an E3 Environmental Management zoning and is unlikely to be impacted by the proposal.

5.3 Economic

The proposal states that the economic impacts related to the proposal are considered minimal.

It is considered that the proposal will have a positive economic impact by facilitating 15 dwellings on large lots which can access necessary infrastructure and services without the need for upgrades.

6. CONSULTATION

6.1 Community

Council proposes to exhibit the proposal for 28 days and to notify the exhibition via local newspapers and a package of information made available on Council's website and at the Nowra and Ulladulla offices.

It is considered that the consultation proposed by Council is appropriate.

6.2 Agencies

The proposal identifies that it is intended to consult the Rural Fire Service on the proposal. It is not considered necessary for Council to consult with other agencies.

7. TIME FRAME

Council proposes to complete the planning proposal/LEP by June-July 2020.

It is recommended that Council is provided a 12 month timeframe to complete the LEP to allow for any potential delays.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority. Given the local significance/impact of the proposal it is considered appropriate to support Council's request.

9. CONCLUSION

Preparation of the planning proposal is supported to proceed because it will provide 15 large lot residential (infill) lots in the Bomaderry area consistent with an approved subdivision plan and the community's desired current and future character for the area.

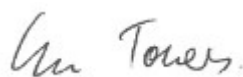
10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Direction 3.1 Residential Zones are minor; and
2. note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.



16/12/19

Graham Towers
Team Leader, Southern Region



19/12/19

Sarah Lees
Director, Southern Region
Local and Regional Planning

Assessment officer: George Curtis
Senior Planner, Southern Region
Phone: 4247 1824