

PLANNING PROPOSAL – PP029

Shoalhaven Local Environmental Plan 2014

Hitchcocks Lane Berry

Residential Investigation Area

Prepared by
Planning, Environment & Development Group
Shoalhaven City Council

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Attachment 3: S117 Checklist

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1. Introduction

This Planning Proposal (PP) seeks to rezone land at the southern edge of the town of Berry to allow low density residential development.

1.1. Subject Land

The subject land is part of Lots 762 and 763 DP 1224932. It is located on the southern edge of the Berry urban area. The land is adjoined to the southeast by the Princes Highway, to the north by the Huntingdale Park residential estate and to the southwest by rural land.

Situated at the footslope of Berry Mountain, the land drains to Broughton Creek via a drainage depression and two intermittent watercourses. The drainage depression and intermittent watercourses are subject to localised, short duration flooding. The land is gently to moderately inclined and has an elevation of approx. 8 to 23 m AHD. The site is largely cleared and maintained as pasture.

Maps showing the location and boundary of the subject land are provided in **Figures 1 and 2** below.

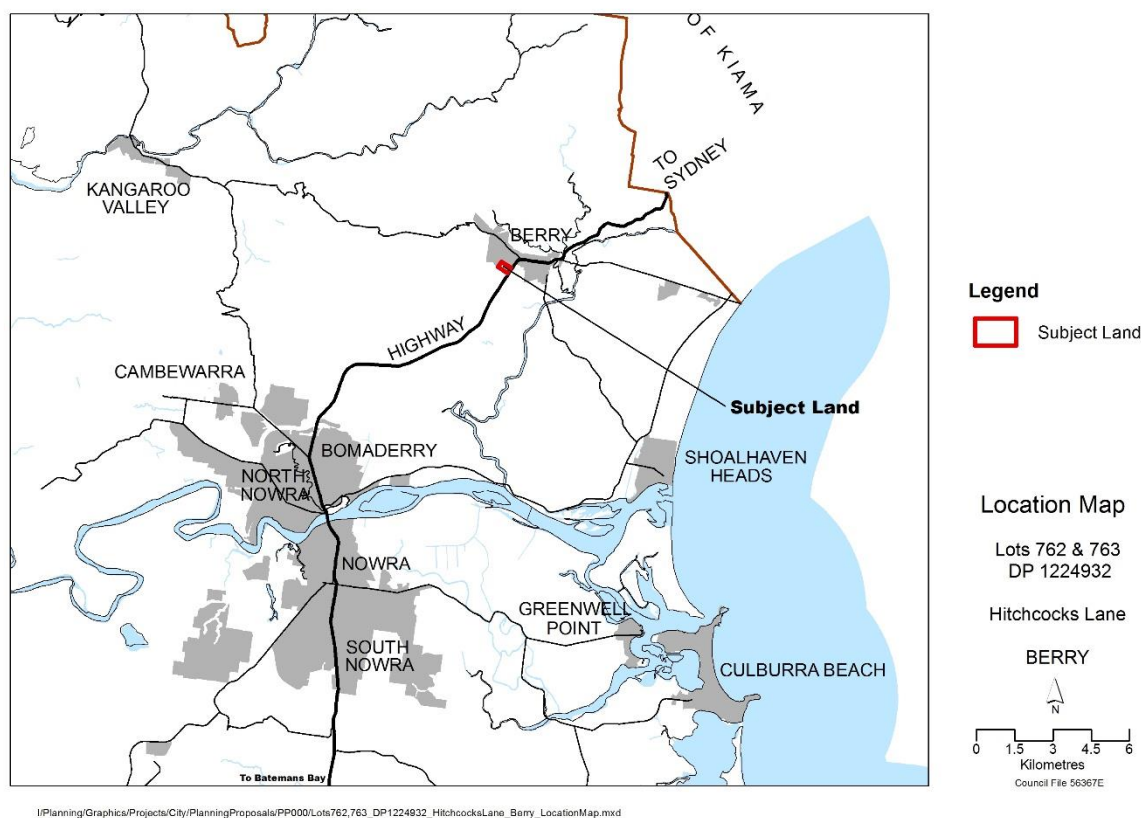


Figure 1: Location Map



Figure 2: Subject Land

The subject land was subdivided from the former “Graham Park” complex in 2016. Graham Park was previously used by the University of Wollongong (UOW) as an educational facility. The former administrative buildings on Lot 601 DP 1188616 (which is not part of the PP) are currently used as a place of public worship. .

There are six agricultural outbuildings in the north-eastern corner of the site which were previously used for livestock related uses when the facility was a stock breeding centre. These are visible on the aerial photograph provided as **Figure 3** below.



Figure 3: Aerial Photo

1.2. Background

Council initially considered future urban expansion opportunities on this edge of Berry in late 2002 during preparation a draft growth management strategy (GMS). This related to discussions that were held with the local community in regard to the proposed sale of Graham Park by Council and interest in the future use of the land. Council considered a report on this matter on 17 September 2002, and the concept plan produced at that time identified potential urban expansion opportunities is provided as **Figure 4** below.

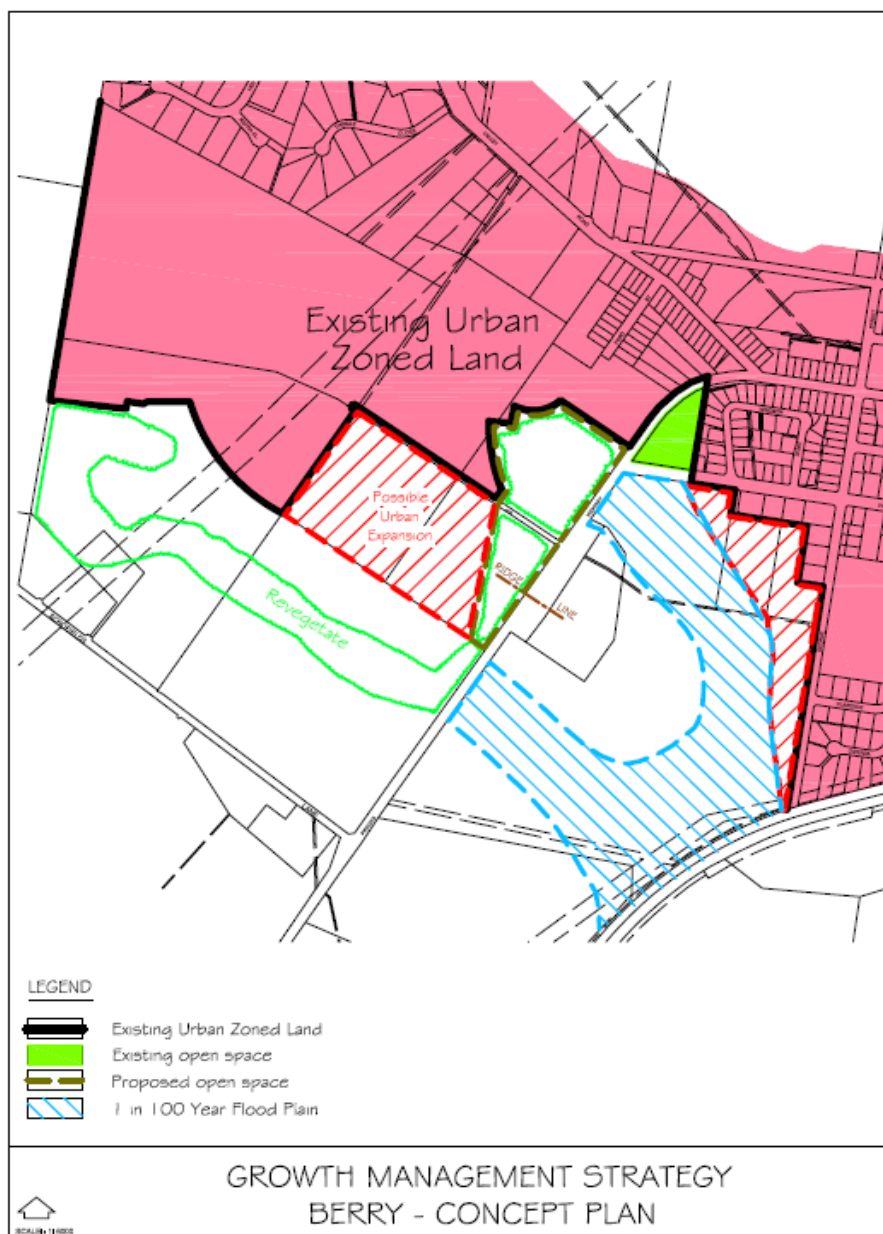


Figure 4: 2002 GMS Concept Plan

The 2002 concept plan showed the subject land, specifically the former Lots 75 and 76 DP 4468, as ‘possible urban expansion’. The plan also showed a proposed open space area between the Princes Highway and the possible expansion area.

The land was ultimately identified as a long term investigation area (LTIA) in the GMS which was finalised by Council and endorsed by the NSW Government in 2014. The relevant map from the GMS is provided as **Figure 5** below. The LTIA had an area of approximately 11.8 hectares.

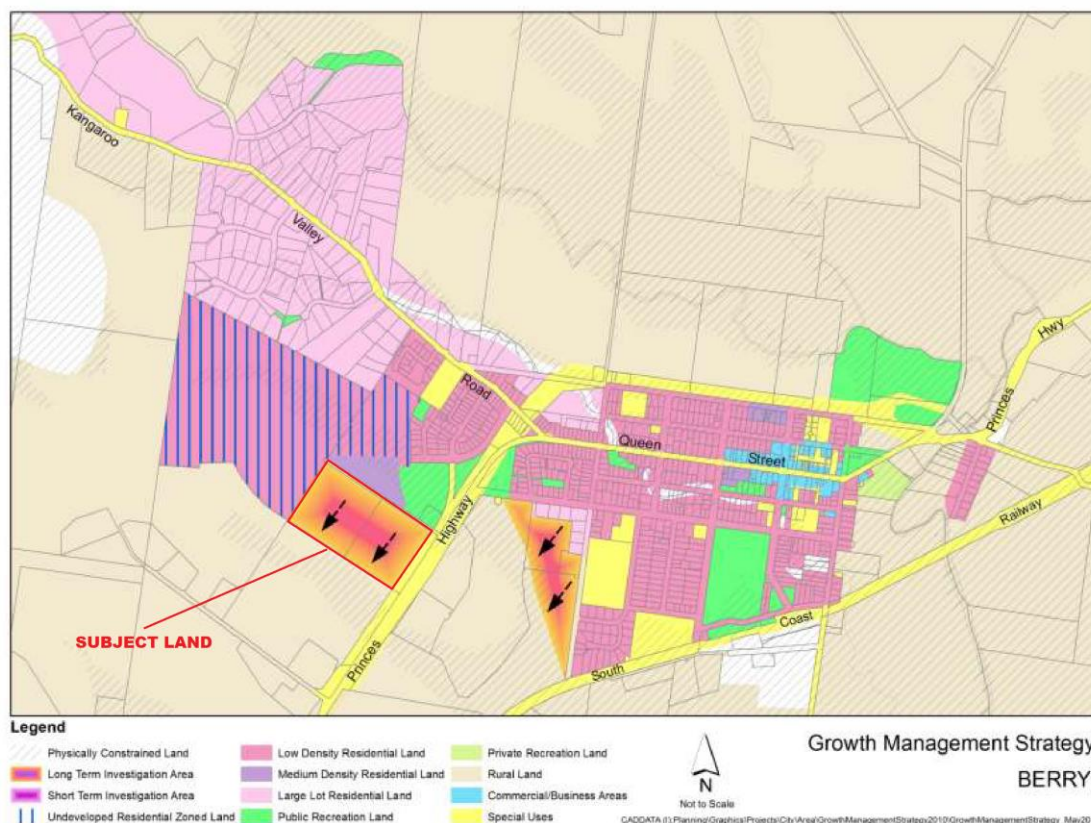


Figure 5: GMS Map - Berry

The south-western edge of the LTIA aligned with the edge of the adjacent residential zone. The intent was to finish the future urban edge at this location.

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

- Rezone Lots 762, 763 and part of 764 from 'RU1 Primary Production' to 'R1 General Residential'.
- Rezone areas along drainage paths and the Princes Highway to 'RE1 Public Recreation'.
- Apply minimum lot sizes to the R1 area of 350 and 500 m².
- Apply a maximum building height limit of 8.5 m to the R1 area.

The proponent's submission included a draft PP document and a range of supporting documentation including agricultural assessment, water and sewerage strategy, electricity supply strategy, traffic noise intrusion assessment and landscape plans.

Council's Development Committee considered this proposal on 14 November 2017. The Committee resolved to prepare a PP to the extent identified in the adopted GMS, 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*

...

This PP has been prepared in accordance with this resolution for the purpose of seeking a Gateway determination.

2. Part 1 – Intended Outcome

The intended outcome of this PP is to rezone the subject land to allow it to be developed for urban residential purposes. A DCP amendment is proposed to accompany the PP, to provide detailed guidance on subdivision and urban design. A VPA is also likely to be required in relation to land dedication, infrastructure and servicing.

In doing so, the PP will resolve the status of the long term investigation area.

3. Part 2 – Explanation of Provisions

The following amendments are proposed to Shoalhaven LEP 2014:

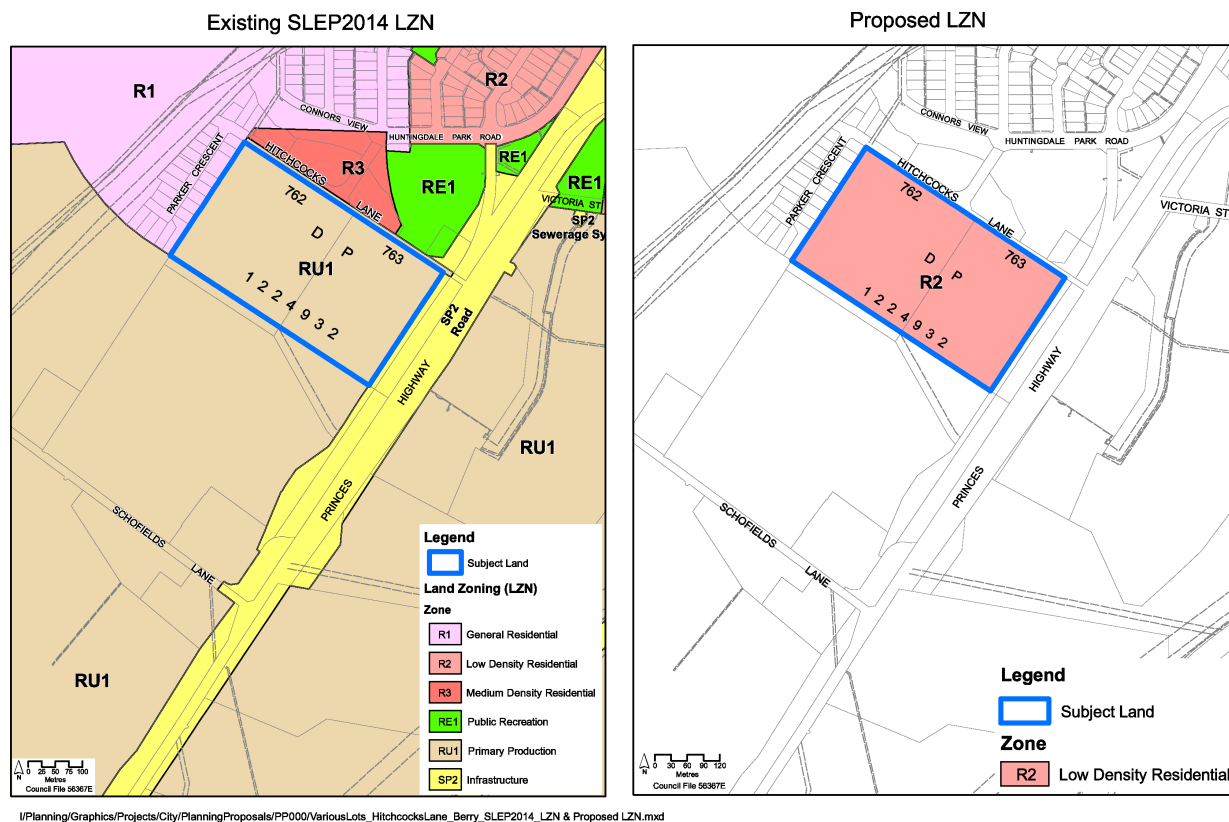
- No clause changes
- Amend the Land Zoning Map to zone the entire site R2 Low Density Residential.
- Amend the Lot Size Map to provide a minimum lot size of 500 m² across the site.
- Amend the Height of Buildings Map to provide a maximum building height of 8.5 m

This may be revised depending on the outcome of specialist studies and community engagement. In particular,

- A suitable outcome will need to be determined for the flood prone/water course land within the site. This may result in a different land zone and/or lot size being applied to that land.
- The site may have opportunities to provide some smaller lots down to 350 m². Council has suggested that up to 25% of the site could be nominated for this smaller lot size.

3.1. Land Use Zones (LZN)

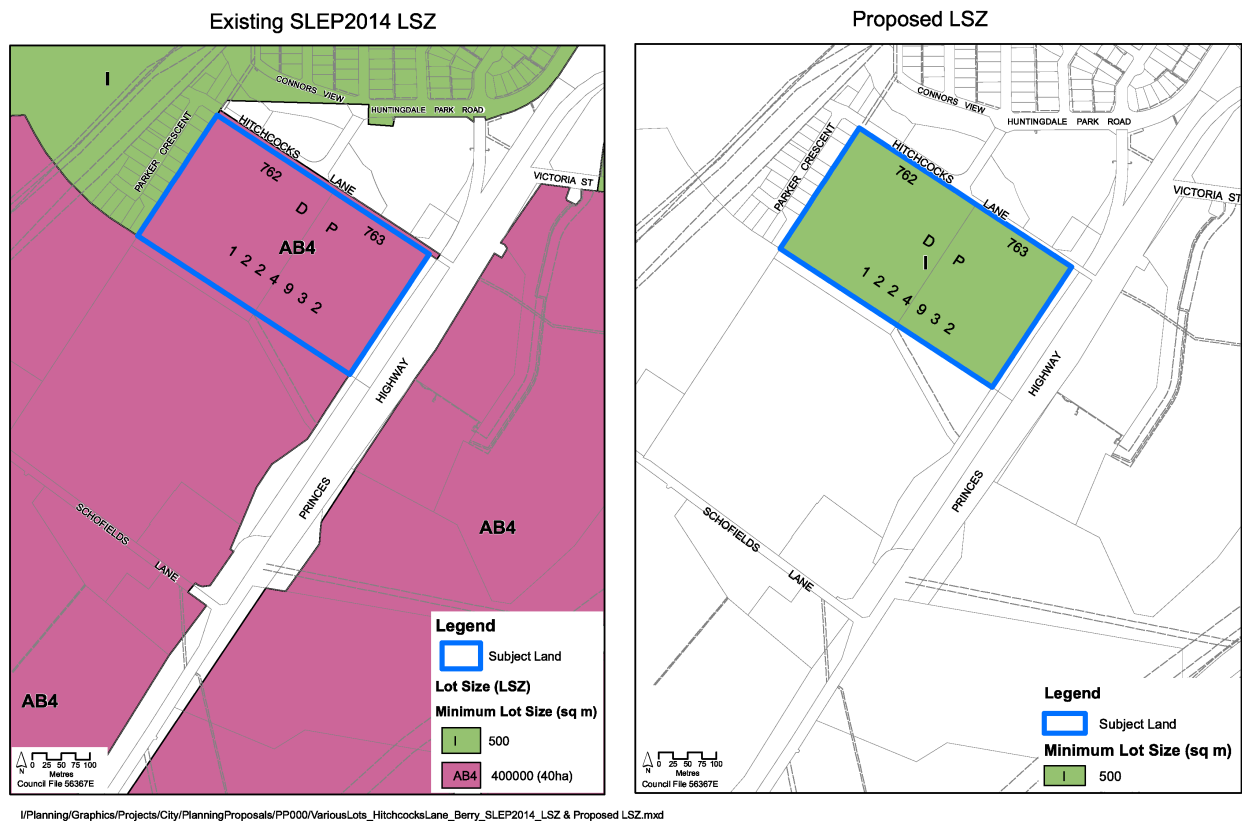
The proposed zones are shown in **Map 1** below.



Map 1: Existing (left) and Proposed (right) Land Use Zone Maps

3.2. Minimum Lot Size Zones (LSZ)

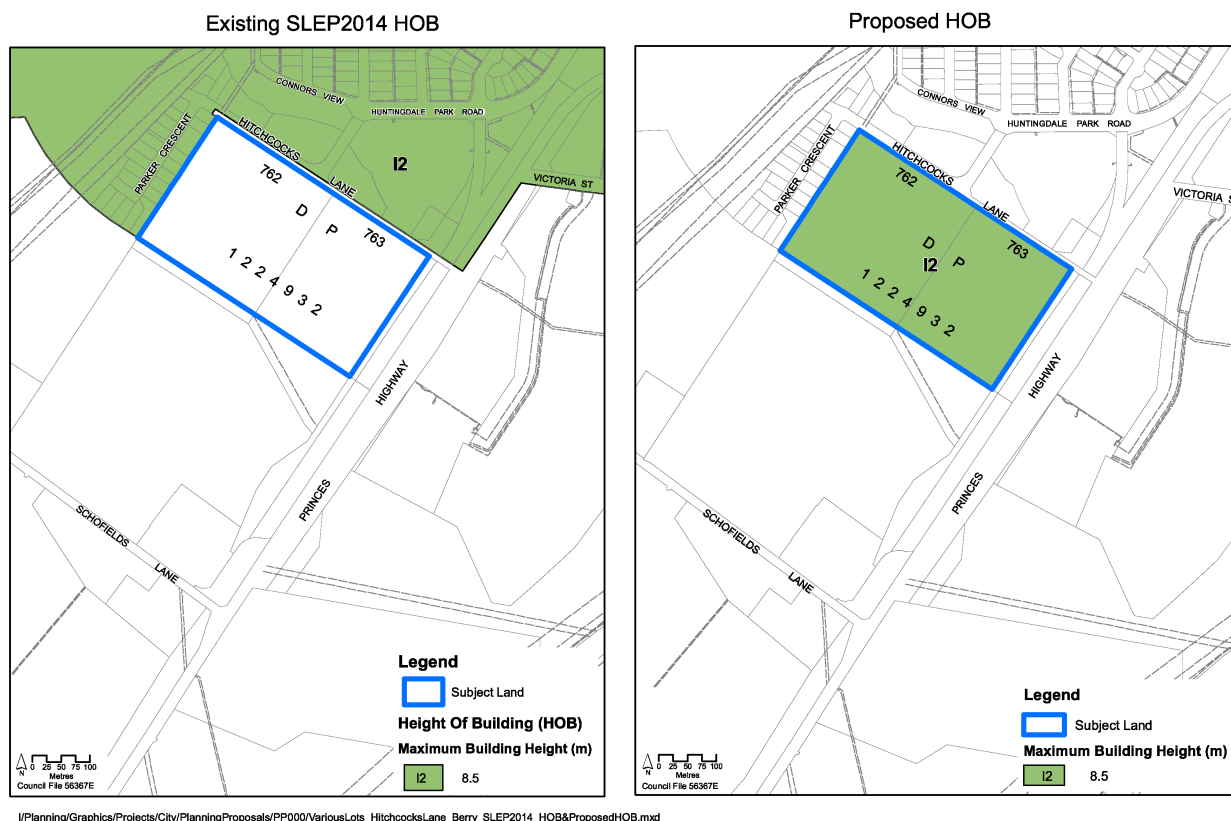
A draft lot size map is provided as **Map 2** below:



Map 2: Existing (left) and Proposed (right) Minimum Lot Size Maps

3.3. Height of Buildings (HOB)

All parts of the site to be zoned R2 are proposed to be provided with a maximum building height of 8.5 m as shown in **Map 3** below.



Map 3: Existing (left) and Proposed (right) Height of Buildings Maps

4. Part 3 – Justification

4.1. Need for the Planning Proposal (Section A)

4.1.1. Is the Planning Proposal a result of any strategic study or report?

Yes. The subject land is identified as a long term investigation area (LTIA) for urban residential development in Shoalhaven GMS 2014.

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

Yes. An LEP amendment or SEPP are the only statutory mechanisms available to facilitate the release of the land for urban residential development. A site specific PP is the most appropriate approach to achieve the required LEP amendment because:

- The site is a distinct precinct that will have a unique set of circumstances that need to be considered and addressed in the development of the PP. It is not part of a broader precinct that would be better master planned as a whole.
- The GMS was not accompanied by detailed investigations sufficient to support a rezoning. The PP process is the appropriate context to undertake these investigations.
- The PP process will allow for community consultation in the drafting of development controls for the site.

4.2. Relationship to strategic planning framework (Section B)

4.2.1. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Illawarra-Shoalhaven Regional Plan (I-SRP)

The Illawarra-Shoalhaven Regional Plan is the regional strategy that applies to the land. An assessment of the proposal against the relevant actions in this plan is provided below:

Action			Consistency	Comments
2.2	Support	housing opportunities close to existing services , jobs and infrastructure in the region's centres	YES	The PP proposed a modest urban expansion of Berry.
5.2.1	Apply contemporary risk management to	coastal and other hazards.	YES	Assessment of hazards is to be undertaken as part of the PP process.

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

4.2.2. Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Shoalhaven City Council's Integrated Strategic Plan 2017

The PP is consistent with Council's Integrated Strategic Plan and the relevant priorities listed below:

- 1.1 Build inclusive, safe and connected communities
- 1.3 Support active, healthy and liveable communities
- 2.2 Plan and manage appropriate and sustainable development

4.2.3. Is the Planning Proposal consistent with applicable state environmental planning policies?

SEPP 55 - Remediation of land

The PP proposes to rezone land that has been used for agricultural production to a residential zone. Clause 6 of this SEPP mandates the preparation of a preliminary contaminated site assessment in this circumstance. Subject to undertaking this investigation, the PP is not inconsistent with this SEPP.

SEPP (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. To ensure consistency with the intent of this provision, noise impacts are proposed to be assessed as part of the PP process.

4.2.4. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

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. 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 I-SRP.
- The loss of land is minor in the context of the surrounding rural zones.

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 Rural Lands SEPP. 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 I-SRP.
- The loss of land is minor in the context of the surrounding rural zones.

3.1 Residential Zones

The PP is consistent in that it proposes areas for residential purposes. No inconsistencies are proposed.

3.4 Integrating Land Use and Transport

It is recommended that a traffic study be undertaken as part of the detailed consideration of the proposal. The study should look at existing transport facilities (road and public transport) and assess their adequacy. Additionally, it should recommend facilities that may encourage alternative modes of travel, in accordance with the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development*, and *The Right Place for Business and Services – Planning Policy*. Consultation with RMS is also proposed.

4.1 Acid Sulfate Soils

Areas of high risk should not be developed for urban purposes. The proposed residential area is not identified on the acid sulfate soils risk map. Council will review the available geotechnical information and assess whether further work is required to determine consistency with this direction.

4.3 Flood Prone Land

Council has flood data for the site from the 2012 Broughton Creek Flood Risk Management Study. The site is particularly inundated by the 1% AEP flood as shown in Figure 6 below.

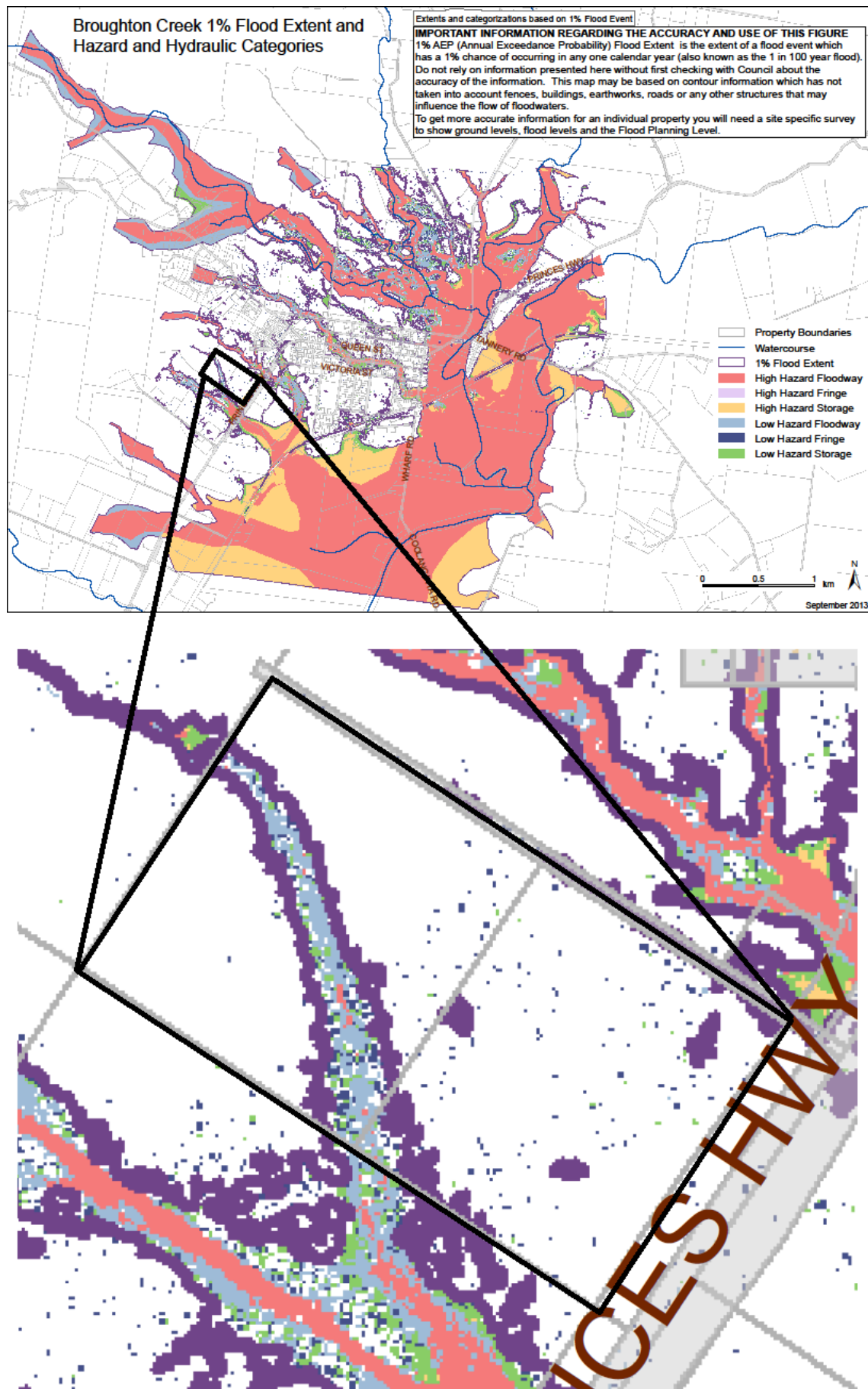


Figure 6: Flood Prone Land Map

Based on advice from Council's Floodplain Unit, there is no need to create a new flood model given the detailed information already available. The nature and extent of flooding on the site is well understood. The drainage line is subject to short duration flooding only. Some flood investigation work will be necessary to ensure that the increase in impervious area does not significantly alter flood behaviour.

This direction requires that *"a planning proposal must not rezone land within the flood planning areas from ... Rural ... Zones to a Residential ... Zone."* This PP is inconsistent with this direction because it proposes to zone the flood prone part of the site to R2 Low Density Residential.

This inconsistency is to be resolved as the PP process progresses. Options that may be considered include rezoning the flood prone land to RE1 Public Open Space or an environmental protection zone, and/or a residential zone with appropriate DCP controls and/or VPA provisions.

The PP is to be updated prior to public exhibition to rezone this land to a non-residential zone or to include suitable justification for the inconsistency with this direction.

5.10 Implementation of Regional Plans

The PP is consistent with the Illawarra-Shoalhaven Regional Plan (I-SRP) as discussed in Section 4.2.1.

6.1 Approval and Referral Requirements

The PP does not include provisions that relate to concurrence, consultation or referral of development applications or identify development as designated development.

6.3 Site Specific Provisions

The PP does not include site specific provisions and is therefore consistent with this direction. However, following the exhibition of the PP, site specific provisions may be included in the final LEP instrument to achieve the intended outcomes of the proposal.

4.3. Environmental, Social and Economic Impact (Section C)

4.3.1. 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.

4.3.2. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The Built Environment

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 sensitive to the character of landscape and the town. This is to be investigated in the master planning of the site and appropriately secured in a DCP and/or VPA.

Stormwater Management

The development of the land is to be consistent with WSUD principles as outlined in Chapter G2 of Shoalhaven DCP 2014. This is to be investigated in the master planning of the site and appropriately secured in a DCP and/or VPA.

Road Noise

The site adjoins the Princes Highway and is subject to vehicle noise from that road. This is to be investigated in the master planning of the site and appropriately highlighted in a DCP amendment.

4.3.3. How has the Planning Proposal adequately addressed any social and economic effects?

The proposal has the potential to achieve positive social and economic outcomes by allowing a modest increase in population in the area. This has the potential to ensure sustainability of existing services. No adverse impacts are anticipated at this stage. Any other impacts (positive or negative) identified through the public exhibition process will be considered when the exhibition outcomes are reported to Council.

An Aboriginal Cultural Heritage Assessment is considered appropriate for this site notwithstanding its long history of disturbance. The assessment of Aboriginal Cultural Heritage for urban investigation areas consistent with best practice planning.

The site does not contain any items of non-indigenous heritage and Council is not currently investigating any surrounding sites for heritage listing.

4.4. State and Commonwealth Interests (Section D)

4.4.1. Is there adequate public infrastructure for the Planning Proposal?

Transport and Roads

No traffic investigations have been completed for the PP at this stage, hence there is not enough information to fully comprehend the extent of the traffic impact as a result of the rezoning of land. A traffic impact assessment (TIA) that considers existing transport facilities (road and public transport) and assesses their adequacy including alternative transport modes of travel and future transport connections should be required by the Gateway

determination. The TIA will need to address traffic and car parking impact and identify required infrastructure upgrades to accommodate the generated higher demands. The assessment will need to consider and recommend facilities that may encourage alternative modes of travel including public transport, walking and cycling.

In addition, any additional traffic infrastructure or works to existing infrastructure will need to be considered and accounted for in an infrastructure delivery plan to be exhibited with the PP. The adequacy of existing public infrastructure will be considered in consultation with the Roads and Maritime Services after Gateway determination.

Water and Sewer

The adequacy of existing water and sewer infrastructure to accommodate future growth has yet to be determined. Shoalhaven Water are aware of the Hitchcocks Lane precinct and this PP. An infrastructure (delivery plan) study will be prepared as part of the PP process and further assess the level of servicing for water and sewer required.

Other

A review of other potentially required public infrastructure facilities as result of development associated with the rezoning, including electricity, social, health and educational infrastructure, will be assessed as part of the infrastructure (delivery plan) study to be prepared as part of the PP process.

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

Council will consult with the following public authorities and any additional public authorities identified in the Gateway determination:

Public Authority	Reason
Roads and Maritime Services	Potential traffic impacts and future infrastructure planning
Shoalhaven Water	Future infrastructure planning
Endeavour Energy	Future infrastructure planning
DPI Agriculture	Land is mapped as class 3 agricultural land, i.e. prime crop and pasture land
DPI Fisheries	Potential impacts on receiving waterway (Broughton Creek)

Table 1: Proposed Agency Consultation

5. Part 4 – Mapping

This PP is supported by the following maps:

- Land Zone Map (LZN)

- Lot Size Map (LSZ)
- Height of Buildings Map (HOB)

The above maps are provided in **Maps 1 – 3** in part 3 of this PP.

6. Part 5 - Community Consultation

It is proposed that this PP and its accompanying DCP will be exhibited for a minimum period of 60 days. This period is longer than it normally required for a PP and has been suggested in recognition of the level of detail intended to be prepared, consideration by the community, and the level of interest that has been shown in the PP.

A notice of the exhibition will be placed in the local newspaper. A dedicated project page, with exhibition details, will be provided on Council's website. Hard copies of the PP would be made available at Council's Administrative Building in Nowra. Council will also notify persons who made submissions to date, and the relevant Community Consultative Bodies.

7. Part 6 – Project Timeline

Task	Anticipated Timeframe
Commencement date (date of Gateway determination)	February 2018
Completion of specialist studies	August 2018
Completion of master planning and revision of specialist studies	October 2018
Concurrence of agencies and DPE for the public exhibition	December 2018
Public exhibition (60 days)	March 2019
Post exhibition consideration of PP	June 2019
Finalisation and notification of Plan	September 2019

Table 2: Project Timeline

Attachment 1: Council Resolution and Report

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

**HPERM Ref:
D17/325322**

Recommendation (Item to be determined under delegated authority)

That Council:

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.

RESOLVED (Clr Proudfoot / Clr Findley)

MIN17.953

That Council:

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
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 - c. Aboriginal cultural heritage assessment
 - d. Flood risk assessment
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 - 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.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Gartner, Clr Watson, Clr Kitchener and Clr Proudfoot

AGAINST: Clr Alldrick

CARRIED

DE17.79 Outcomes - Building Height Review - Southern Part of Ulladulla CBD

HPERM Ref: D17/333579

Recommendation (Item to be determined under delegated authority)

That Council:

1. Prepare a Planning Proposal to amend Shoalhaven Local Environmental Plan 2014 to increase the height across the Study Area (excluding land subject to PP025) to part 11 metres and part 14 metres as per the Review of Building Heights Report.
2. Prepare an amendment to Chapter S8: Ulladulla Town Centre of Shoalhaven Development Control Plan 2014 to reflect proposed height modifications and address resulting implications across the Study Area, including land subject to PP025.
3. Consider a further report/s that contains the detail of the Planning Proposal for submission to the NSW Department and Planning and Environment for Gateway determination and the associated amendments to Chapter S8: Ulladulla Town Centre of Shoalhaven Development Control Plan 2014.
4. Notify Ulladulla & Districts Community Forum, affected landowners and workshop attendees of this decision and of further opportunities to be involved as this matter progresses.

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

HPERM Ref: D17/325322

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments:

1. Executive Summary - Proponent's Planning Proposal [↓](#)
2. Plans of Proposal - Proponent's Planning Proposal [↓](#)
3. Berry Forum Committee Submission [↓](#)
4. Proponent Response to Berry Forum Committee Submission [↓](#)

Purpose / Summary

Detail a proponent initiated Planning Proposal (PP) that has been received to enable a residential expansion opportunity at Berry and obtain direction in this regard.

Recommendation (Item to be determined under delegated authority)

That Council:

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):
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 - h. Master plan including detailed urban design and built form guidelines
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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.

Options

1. Request a Gateway determination for the PP that:
 - a. Only includes the land identified in the Shoalhaven Growth Management Strategy (GMS); and
 - b. Includes a condition requiring a detailed masterplan with urban design guidelines to be prepared and incorporated into a Development Control Plan (DCP).

Implications: This will allow the investigation of the land for residential rezoning to proceed further in accordance with the area identified in the adopted GMS.

It will allow for a single community engagement process to address both the PP and DCP issues. It will also allow for LEP controls (e.g. height of buildings) to be provided in response to the urban design investigation. This option is the preferred option.

2. Request a gateway determination for the PP that:
 - a. Only includes the land identified in the GMS, and
 - b. Identifies the land as an urban release area (URA) under Part 6 of the LEP, requiring a detailed masterplan with urban design guidelines to be prepared and incorporated into a DCP after the rezoning but prior to it being developed.

Implications: This would allow the rezoning investigation to proceed ahead of the detailed urban design process, with community engagement undertaken at each stage. Release of the land would be subject to Part 6 of the LEP. There are no compelling reasons to support this staged approach in this instance. This option is not recommended, but could potentially be considered.

3. Seek a Gateway determination for the PP that includes all of the land identified in the proponent's PP.

Implications: This would commit Council to investigating additional land for urban residential zoning beyond the position adopted in the GMS. This option is not recommended given that it is inconsistent with relevant strategic planning considerations for this area as noted later in the report. Given the nature of this inconsistency with strategy, the NSW Department of Planning & Environment (DP&E) may be unlikely to issue a Gateway determination.

4. Not proceed with the PP at this point pending the review of the GMS.

Implications: This would defer the potential rezoning of the site to a later date. There is little benefit in deferring this matter when the subject land has already been identified as a long term investigation area, provided relevant matters can be considered moving forward including community engagement on urban design and built form.

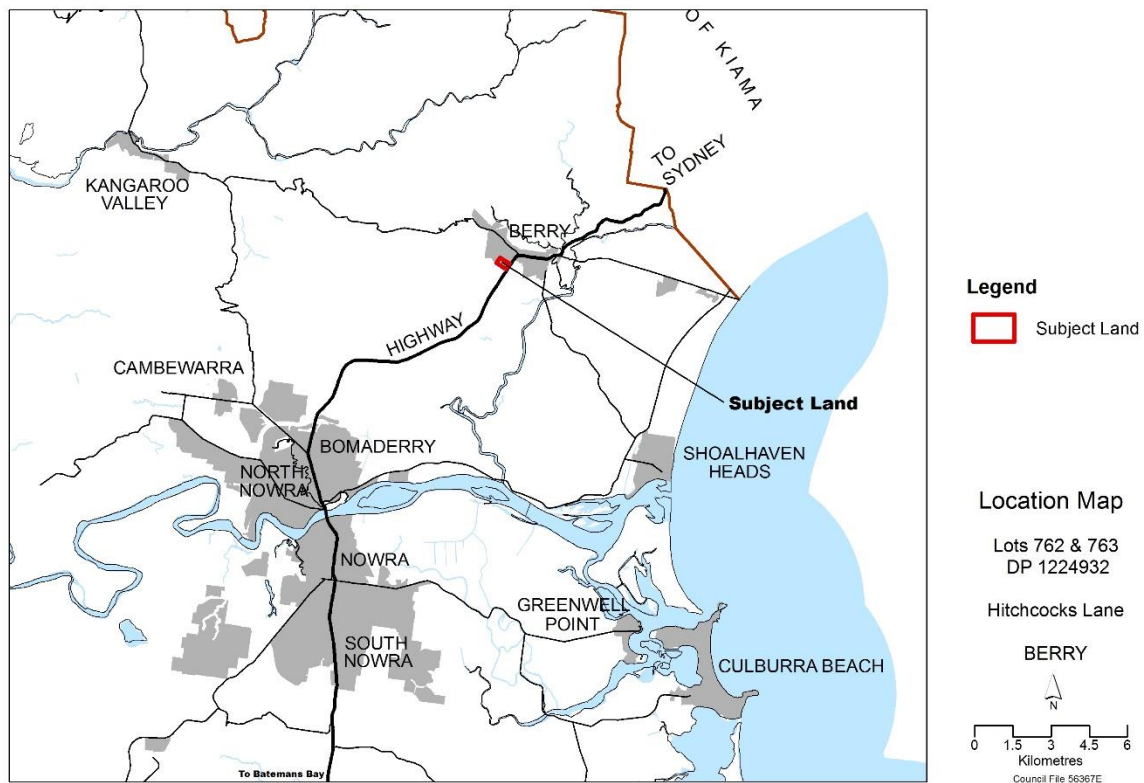
Background

The Site

The subject land to which this proponent initiated PP relates is Lots 762, 763 and part of 764 DP 1224932, located on the southern edge of the Berry Urban area. The land is adjoined to the southeast by the Princes Highway, to the north by the Huntingdale Park residential estate and to the southwest by rural land. It is crossed by two drainage lines which flow eastward. The site is largely cleared and maintained as pasture.

Maps showing the subject land and its location are provided below:

Subject Land – Location



I:\Planning\Graphics\Projects\City\PlanningProposals\PP000\Lots762,763_DP1224932_HitchcocksLane_Berry_LocationMap.mxd

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Subject Land - Lots 762, 763 and 764 (part of) DP 1224932



The subject land was previously part of the “Graham Park” complex that was previously owned by Council and used by the University of Wollongong (UOW) as an educational facility. The former administrative buildings were subdivided from the rest of the Graham Park site in 2016 and are currently used as a place of public worship. The subdivided land is Lot 601 DP 1188616 and is not part of the PP.

There are a number of agricultural outbuildings on the site which were previously used for livestock related uses when the facility was a stock breeding centre. Most of these buildings are concentrated along the south-western boundary of Lot 764 in an area that is not proposed under the PP for rezoning to residential use.

The Proponents PP

The proponents PP was received on 8 September 2017 from Cowman Stoddart Pty Ltd (on behalf of the owners P&P Bice) and seeks to:

- Rezone Lots 762, 763 and part of 764 from RU1 Primary production to R1 General Residential.
- Rezone areas along drainage paths and the Princes Highway to RE1 Public Recreation.
- Modify the minimum lot size map for the rezoned area to show a 350 and 500 square metre minimum lot sizes.
- Modify the maximum building height limit for the rezoned area to be 8.5 metres.

The proponent’s submission includes a draft PP and a range of supporting documentation including agricultural assessment, water and sewerage strategy, electricity supply strategy, traffic noise intrusion assessment and landscape plans.

The GMS identifies the subject land as a Long Term Investigation Area for urban development (LTIA). The proponents have argued that this area needs to be considered in

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the shorter term due to the take up of residential zoned land in Berry and its rezoning should be brought forward.

The PP seeks to include the northern part of Lot 764, using the existing watercourse and associated approved vegetated riparian corridor as a boundary between the RU1 and proposed R1 zones. This represents an expansion of the area of land shown in the GMS as a LTIA. Further comment is provided in this regard later in the report. The following table shows the anticipated yields that the PP could generate and also an overview relative to the LTIA identified in the GMS:

Lot Type/Size	Area within the LTIA	Area beyond the LTIA	% expansion beyond the LTIA
500 m ²	8.36 ha (93 lots)	2.78 ha (25-30 Lots)	29.2%
350 m ²	1.16 ha (24 lots)	Nil	
Drainage Reserve	1.48 ha	1.13 ha	76.4%
Total	11.0 ha	3.91 ha	35.5%

The proponents PP is available for viewing on Councils website at:

<https://shoalhaven.nsw.gov.au/Planning-amp-Building/Strategic-planning/Planning-Proposals>

Hard copies of the proponent's documentation will be available in the Councillors Room prior to the meeting. The executive summary and plans from the proponents PP are also provided as **Attachment 1 and 2**.

Strategic Planning Overview

The following is an overview of relevant strategic planning documents that are relevant to this proposal.

- *Shoalhaven LEP 2014*

The subject land is currently RU1 Primary Production under Shoalhaven LEP 2014. The objectives of this zone relate to conserving and maintaining prime crop and pasture land and facilitating primary industries. Parts of the subject land are also identified on the flood planning area map that forms part of the LEP. This primarily relates to the drainage lines that run through the land. The riparian and watercourses overlay also affects the south eastern corner of Lot 763.

- *Illawarra-Shoalhaven Regional Plan*

The Regional Plan was released by the NSW Government in late 2015. Under Direction 2.1 -Provide sufficient housing supply to suit the changing needs of the region, recognises the role of new releases identified under the Illawarra Urban Development Plan and the Shoalhaven GMS.

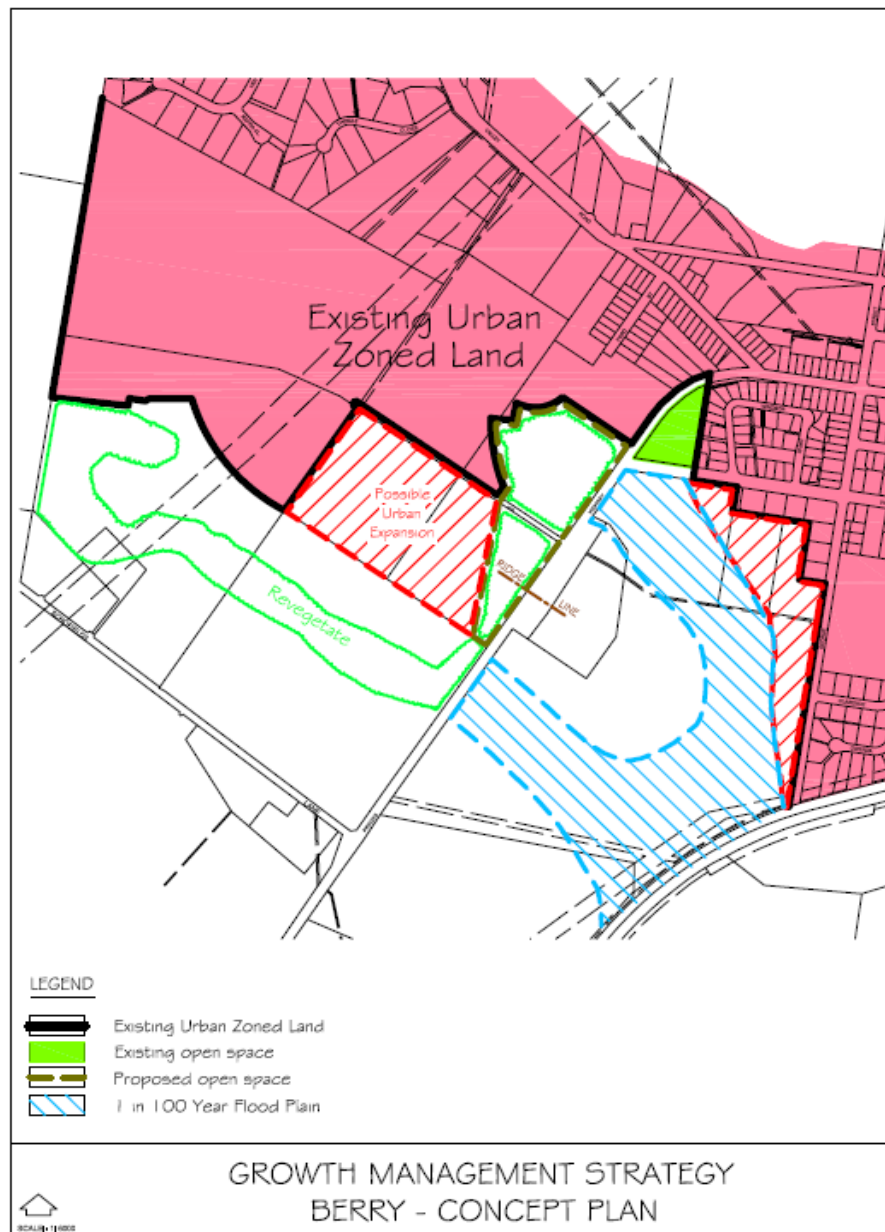
As noted above, this area is currently identified in the GMS as a LTIA. More commentary in this regard is provided below.

- *Shoalhaven Growth Management Strategy*

Council began its consideration of future urban expansion opportunities on this edge of Berry in late 2002. This related to discussions that were held with the local community in regard to the proposed sale of Graham Park by Council and interest in the future use of the land.

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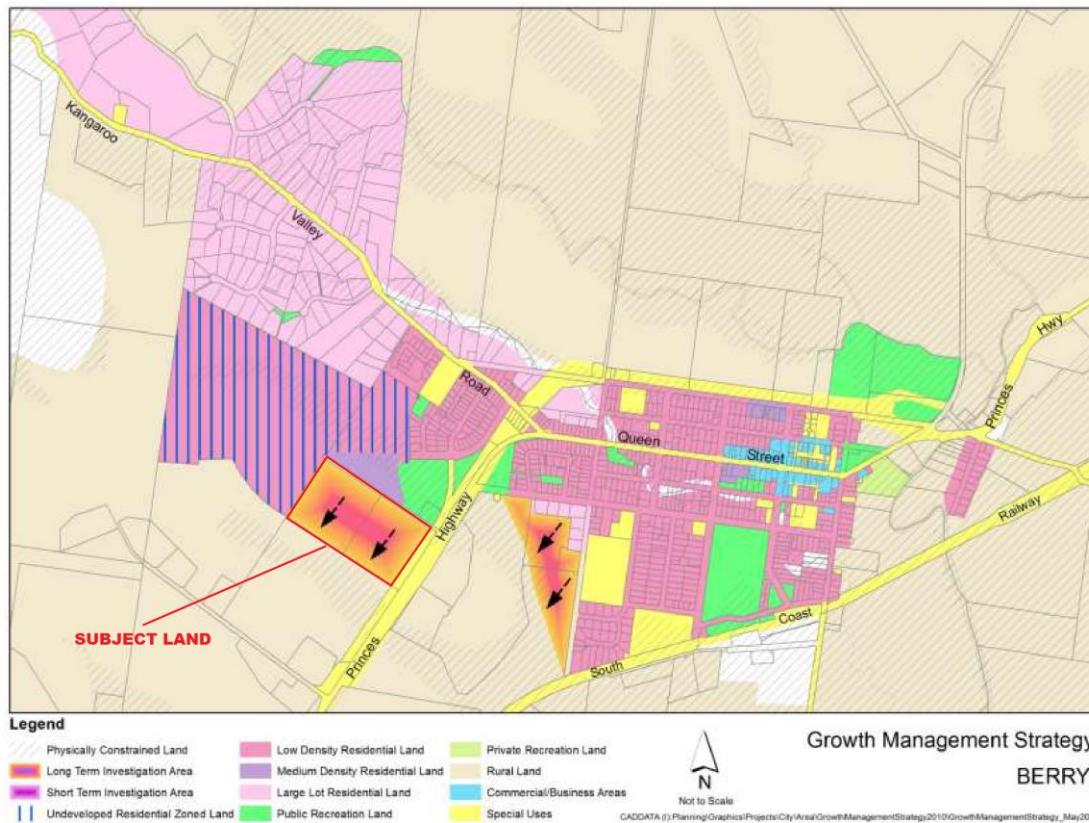
Council considered a report on this matter on 17 September 2002 and the following concept plan produced at that time identified potential urban expansion opportunities



The 2002 concept plan showed the subject land, specifically the former Lots 75 and 76 DP 4468, as 'possible urban expansion'. The plan also showed a proposed open space area to be revegetated along the Princes Highway edge. Under this plan approximately 9.5 hectares of land west of the Princes Highway was identified as 'possible urban expansion'.

This ultimately led to the inclusion of the part of the land as a LTIA in the GMS that was finalised in 2014 when it was endorsed by the NSW Government. The relevant map from the GMS is provided below:

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The south-western boundary of the LTIA shown in the GMS was set based on the adjacent residential zone boundaries that existed in the LEP. The intent was to extend the urban area in the longer term to fill a gap between the existing urban area and the Princes Highway and finish the urban edge in this location. This resulted in two of the lots that made up the former Graham Park being included and the remainder being excluded from the LTIA. It was envisaged that this would provide a south-western boundary to the urban extent of Berry.

The GMS currently identifies this area as part of the long term planning for the City. This means that it was intended that the area not be released for 15 years after the GMS was finalised. This timeframe was determined in context of the broader economic climate, uncertain development at that time of the Huntingdale Park subdivision and to also allow for community engagement as part of the development of planning controls for the site. It was intended that the desired future character for this new area would be determined in conjunction with the community following additional engagement as part of a GMS Version 2.

The Huntingdale Park subdivision is nearly half complete, with 107 of 251 lots being released. Many of the remaining lots are understood to have been purchased prior to release and two more stages (63 lots) are expected to be released in coming months. There are no other release areas in Berry to provide ongoing additional residential land supply once the Huntingdale Park subdivision is complete, which is likely to occur prior to the completion of a PP for Graham Park. This outcome was not anticipated by the GMS which appears to have assumed that Huntingdale Park would meet demand for residential land for at least a decade.

This change in circumstances provides some justification to bring forward the timing of this investigation area from that described in the GMS, the underlying aim of which would be to ensure the steady supply of housing sites in Berry but also allow for community engagement on built form and urban design controls as originally envisaged.

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The development of Huntingdale Park provides a context for the preparation of built form and urban design controls for the Graham Park site if the PP proceeds. This is an important prerequisite to conducting community engagement for a PP and DCP for the site.

- *Berry Community Strategic Plan*

The Berry Community Strategic Plan was prepared by The Berry Forum during 2016. Council resolved in December 2016 to:

Endorse the Berry Community Strategic Plan as a community plan and consider the themes and strategic priorities contained within the plan as part of Council's planning processes.

This plan contains some detail that is directly relevant to this PP and the consideration of it, specifically under Theme 4 – Town Planning. The objective of this theme is: *To maintain the history, setting and unique character of the Berry area through careful planning and development.* The following are the relevant 'strategic focus' areas and their 'priority' under this plan:

4.2 Define the edge of the town

Provide a distinct town edge that retains views to the escarpment to the north and minimises residential subdivisions and housing release at the rural interface.

Priority: high

4.3 Explore ways to improve housing affordability into the future

Examine options for promoting improved housing affordability within the town whilst retaining key attributes of the town in terms of heritage retention (Strategic Focus 4.1) and definition of the town edge (Strategic Focus 4.2).

Priority: Medium

4.4 Update planning controls

To acknowledge changes brought by the bypass and to ensure that the character both within and external to the town is retained and reinforced, review and update relevant planning controls and strategic documents to reflect the desired future of the town.

Priority: medium

There is other content within this plan that is of relevance to the PP and should be considered should Council resolve to support the matter proceeding.

- *Planning Proposal (Rezoning) Guidelines*

These guidelines detail the circumstances when a PP is likely to be supported by Council and provide a range of detail on the PP process. The guidelines were adopted by Council in 2016 and note that Council is likely to support a PP in the following circumstances:

- Proposed amendment is supported by Council or State Government strategy or plan.
- Clear zoning anomaly exists on site.
- Proposed amendment is considered to be minor in nature and has been sufficiently justified to Council.

The guidelines also note that the proponents should have pre-lodgement dialogue with Council staff before formally lodging a PP.

The guidelines make it clear that PP's that are not supported by a strategy or plan and are considered speculative will generally not be supported by Council.

Pre-lodgement engagement with the proponents in regard to this matter took place during 2015 and earlier this year and Council staff advised that there was a need to consider consistency with the GMS (specifically at that point the timing), residential demand/supply, infrastructure servicing, housing affordability, urban design/character, landscaping/setback to the highway and having a dialogue with the local community on desired outcomes for the area

Assessment of Proponent's PP

The NSW Guide to Preparing Planning Proposals provides an assessment framework for PP's. This framework requires the planning authority (Council) to answer a number of questions in determining the merit of a PP. These are considered below:

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

The PP is largely consistent with the GMS, however, there are inconsistencies with the currently adopted strategy in terms of extent and timing.

As noted earlier in the report, the proponents PP proposes a larger area for rezoning. This represents a 35.5% extension on what is nominated in the adopted GMS. This inconsistency with the GMS is not supported by any strategic study or report. This would also be contrary to the intent of finishing off this edge of the town and could lead to additional requests for rezoning on adjoining land, particularly to the west.

Thus, it is recommended that this extension not be supported.

Also as discussed above, the proposal is inconsistent with the timing for this area in the GMS (currently shown as long term). It is considered that the early consideration of this area will achieve the underlying intention of the GMS to ensure the steady supply of housing sites in Berry, but steps should still be taken to enable early community engagement on urban design controls for the area.

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

The PP process is the most appropriate mechanism to achieve the outcome of the GMS, other than waiting for the next general review of the LEP. The actual detail of the PP and its provisions are to be determined following the outcomes of specialist studies.

Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The Illawarra-Shoalhaven Regional Plan is the relevant regional strategy. There is no relevant sub-regional or district plan for this area.

The Regional Plan identifies Berry as a centre for *increased housing activity* in Direction 2.2. The GMS provides strategic direction on potential urban expansion in the areas not covered by an adopted structure plan or settlement strategy. The GMS is also recognised under Direction 2.1 in this Plan.

As such, proceeding with a PP to the extent identified in the GMS is consistent with the Illawarra-Shoalhaven Regional Plan, provided the inconsistent timing is accepted.

Q4. Is the Planning Proposal consistent with a Council's local strategy or other local strategic plan?

The PP is largely consistent with the adopted GMS. As noted, there is a 35.5% expansion to the area proposed that is inconsistent with the GMS and is not supported by any strategic study or report. It is recommended that this extension not be supported.

The proposal is inconsistent with the timing for the area in the GMS. However, the early consideration of this area will achieve the underlying intention of the GMS to ensure the steady supply of housing sites in Berry while allowing for community engagement on urban design controls.

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

A number of technical matters will need to be further investigated to demonstrate consistency with the relevant State Environmental Planning Policies. There are however no apparent inconsistencies at this stage.

Q6. Is the Planning Proposal consistent with applicable Ministerial Directions?

There is an inconsistency with the 117 Directions on Rural Zones and Rural Lands because the PP proposes to rezone rural land to urban residential. This inconsistency can be justified by the GMS only to the extent of the LTIA adopted in this strategy. This is a further reason for recommending that the proposed extension not be supported.

A number of technical matters will need to be investigated to demonstrate consistency with other relevant Ministerial Directions.

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 managed as pasture. It is not identified in Council's mapping or modelling as being an area of ecological significance.

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

A number of technical matters will need to be investigated to demonstrate that the PP is satisfactory with regard to a range of environmental effects.

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

A number of technical matters will need to be investigated to demonstrate that the PP is satisfactory with regard to a range of social and economic effects.

Q10. Is there adequate public infrastructure for the Planning Proposal?

The required infrastructure to support the proposal will need to be investigated as part of the PP process. The proponents have provided a Water & Sewerage Strategy and Electricity Supply Strategic Review as part of their PP.

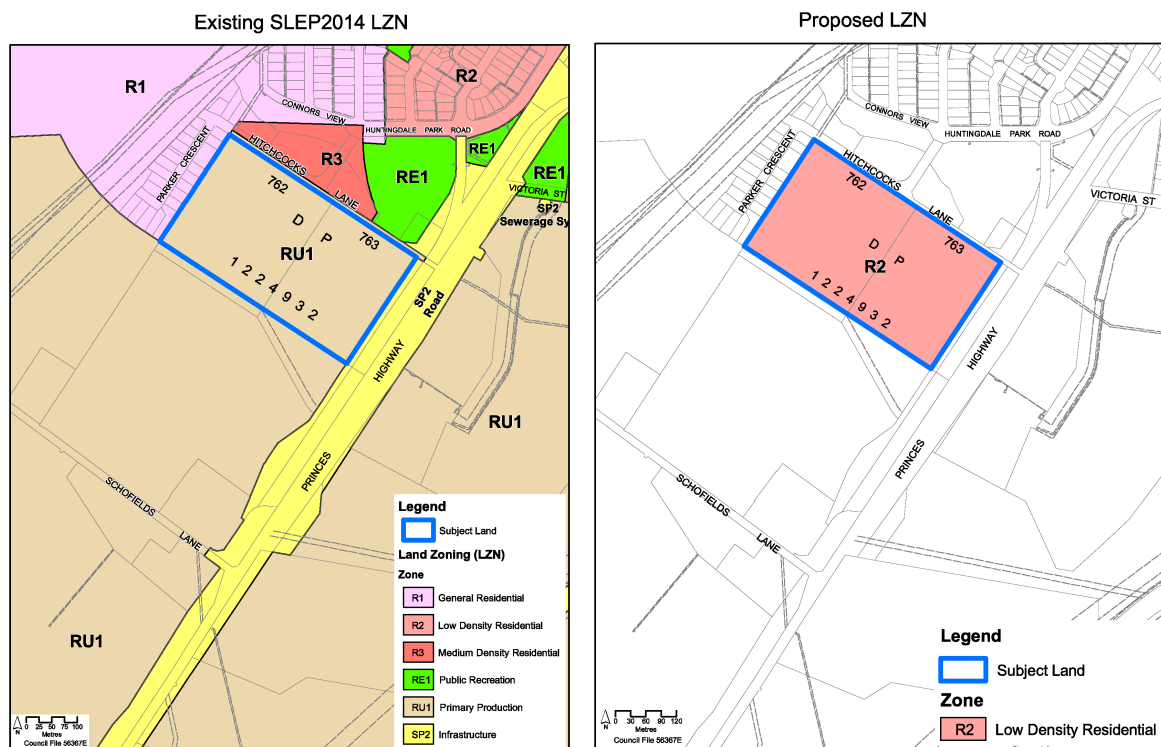
Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The required consultation will be undertaken if the PP proceeds.

Conclusions – Revised PP

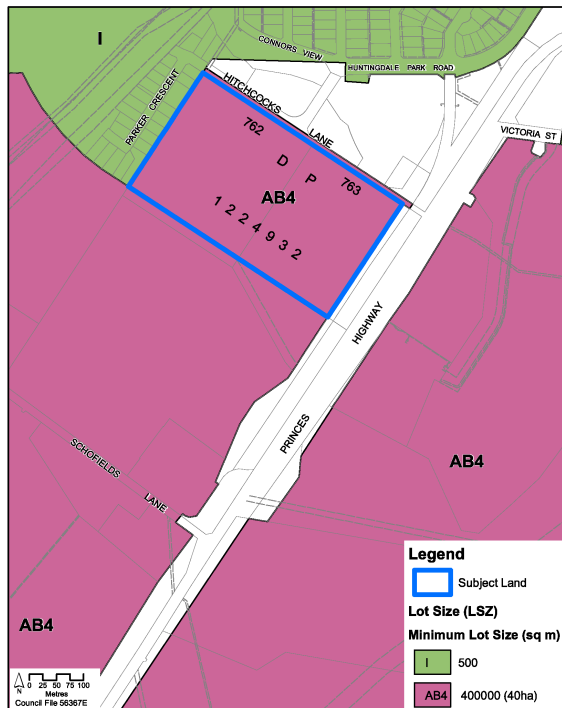
As detailed above, there is considered to be some merit in supporting this PP. However, the proponent's proposed expansion of the investigation area identified in the GMS is not supported. The inconsistency with the timing nominated in the GMS is acknowledged, but there is merit in advancing the investigation of this area now to ensure there is a continued land supply in Berry, provided there is community engagement on potential built form and urban design controls for this new area.

The following set of revised PP maps have been prepared to ensure consistency with the nominated area in the GMS. The proposed 350 m² lot size has been removed from the minimum lot size map at this point. It is considered that a smaller lot size may be appropriate on part of the site, but that this should be determined as part of the specialist studies and master planning of the site. A Gateway condition will be sought to facilitate this.

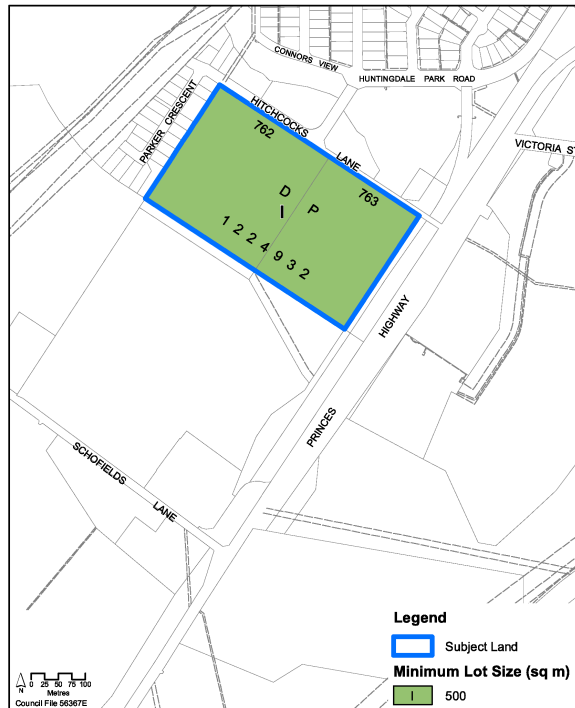


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Existing SLEP2014 LSZ

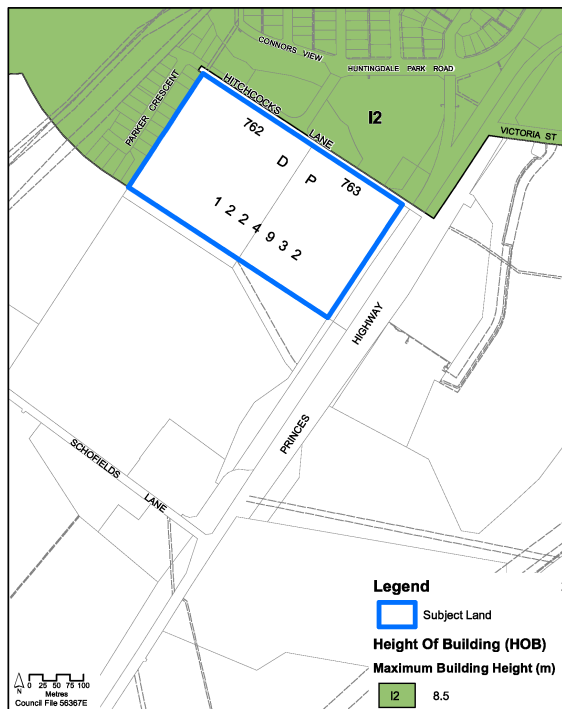


Proposed LSZ

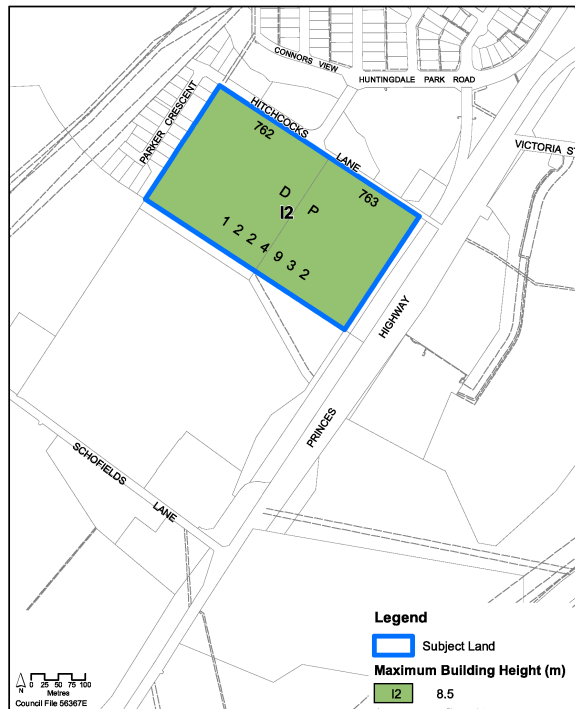


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Existing SLEP2014 HOB



Proposed HOB



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To facilitate the advancement of the PP if Council supports it advancing, it is recommended that a Gateway determination be sought requiring the following specialist studies to be prepared:

- a. Stormwater assessment, including conceptual 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 urban design and built form guidelines, prepared in consultation with the community.

Community Engagement

The adjoining owners and The Berry Forum were notified as a courtesy in accordance with standard procedures of the receipt of this PP.

The Berry Forum Committee initially responded, contesting comments made by the proponent in their PP document that they had consulted with the Forum.

The proponent was advised of The Berry Forum Committee’s submission and provided a response and an amended version of the PP.

Both The Berry Forum Committee Submission (**Attachment 3**) and the proponent’s response (**Attachment 4**) are attached.

The Berry Forum met on 12 October 2017 and considered the PP. The forum resolved to unanimously oppose the PP for four (4) reasons which are considered below:

Reason	Comment
<i>The GMS identifies Long Term Investigation (15+ years) land for potential future development. This is the only land that should be considered for rezoning at the appropriate time.</i>	<p>The proponent’s proposed expansion of the investigation area identified in the GMS is not supported.</p> <p>The inconsistency with the timing nominated in the GMS is acknowledged, but there is merit in advancing the investigation of this area now to ensure there is a continued land supply in Berry, provided there is community engagement on potential built form and urban design controls for this new area.</p>
<i>The GMS was developed using the principles of Ecologically (Sustainable) Development, including the Precautionary Principle. We believe this requires Council not to progress this Planning Proposal until Huntingdale Park Estate is completed and the full impact of this development (HPE) on the infrastructure of Berry, including schools, is apparent.</i>	<p>There is some merit in considering this PP now ahead of the complete development of the Huntingdale Park subdivision to ensure that there is a continued land supply in Berry.</p> <p>The PP process includes an assessment of infrastructure impacts. There will also be consultation with relevant infrastructure agencies, including the Department of Education. If there is doubt over the capacity of local infrastructure to support this</p>

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	development then there are a number of mechanisms that can be investigated to meet the shortfall.
<i>Any claimed 'shortage' of land for development should be viewed in the context of the Moss Vale Road major land release.</i>	The Moss Vale Road release area is a different locality to Berry and is not comparable from a land supply perspective.
<i>There are potentially serious safety issues with an overall development containing more than 400 homes (incl. Huntingdale Park Estate) with only one entry/exit road.</i>	This concern is appreciated and will be investigated as part of the PP process. The PP includes an opportunity to investigate provision of a left-out access on to the Princes Highway Off Ramp which will increase evacuation options to the broader precinct. This will require consultation with the Roads & Maritime Service as part of the PP process.

If the PP progresses, community engagement will be specified in the Gateway determination and formal public exhibition will be required at the appropriate point in accordance with the Act.

Policy Implications

Shoalhaven Planning Proposal (Rezoning) Guidelines

Subject to the variations to the proponent's PP outlined in this report, the proponent's PP otherwise forms a satisfactory basis to proceed to request a Gateway determination.

Precinct Sequencing

The GMS identifies the investigation areas in Berry as long term, *i.e.* beyond 15 years (2029). The sequencing that could result from this proposal would result in this area being released before a number of investigation and release areas that were not identified as "long term". The GMS did not intend this precinct to be released so soon after its adoption.

In this case, it has been concluded that the early consideration of this area is justifiable given current circumstances and it will achieve the underlying intention of the GMS. It is noted, however, that Council has no adopted policy position for how this type of situation is to be addressed. Consequently, it is also recommended that Council resolve to investigate a policy document in this regard.

Financial Implications

The PP will be prepared on a 100% cost recovery basis to be funded by the proponent. Infrastructure requirements for the proposal are to be thoroughly investigated in the PP process to ensure that there are no adverse impacts on Council's adopted budget and forward estimates.

Attachment 2: SEPP Checklist

State Environmental Planning Policies Checklist

SEPP	Name	Relevance	Not inconsistent
1	Development Standards	x	
14	Coastal wetlands	x	
19	Bushland in Urban Areas	x	
21	Caravan parks	x	
26	Littoral rainforests	x	
30	Intensive agriculture	x	
33	Hazardous and Offensive development	x	
36	Manufactured home estates	x	
44	Koala habitat protection	x	
50	Canal estate development	x	
55	Remediation of land	✓	To be investigated in specialist studies
62	Sustainable aquaculture	x	
64	Advertising and signage	✓	✓
65	Design quality of residential apartment development	x	
71	Coastal protection	x	
--	Affordable Rental Housing 2009	✓	✓
--	BASIX 2004	✓	✓
--	Exempt and Complying Development Codes 2008	✓	✓
--	Housing for Seniors or People with a Disability 2004	✓	✓
--	Infrastructure 2007	✓	To be investigated in specialist studies
--	Mining, Petroleum Production and Extractive Industries 2007	x	
--	Miscellaneous Consent Provisions 2007	x	
--	Rural Lands 2008	✓	✓
--	State and Regional Development 2011	x	
--	Sydney Drinking Water Catchment 2011	x	
--	Vegetation in Non-Rural Areas 2017	✓	✓

Attachment 3: S117 Checklist

Section 117 Directions Checklist

Direction		Applicable	Relevant	Not inconsistent
1 Employment and Resources				
1.1	Business and Industrial Zones	x		
1.2	Rural Zones	✓	✓	Minor inconsistency. Secretary's concurrence required
1.3	Mining, Petroleum Production and Extractive Industries	✓	x	
1.4	Oyster Aquaculture	x		
1.5	Rural lands	✓	✓	Minor inconsistency Secretary's concurrence required
2 Environment and Heritage				
2.1	Environmental Protection Zones	x		
2.2	Coastal Protection	x		
2.3	Heritage Conservation	x		
2.4	Recreation Vehicle Area	x		
3 Housing, Infrastructure and Urban Development				
3.1	Residential Zones	✓	✓	Not Inconsistent
3.2	Caravan Parks and Manufactured Home Estates	x		
3.3	Home Occupations	✓	x	
3.4	Integrating Land Use and Transport	✓	✓	To be investigated in specialist studies and master plan
3.5	Development Near Licensed Aerodromes	x		
3.6	Shooting Ranges	x		
4 Hazard and Risk				
4.1	Acid Sulphate Soils	✓	✓	Proposed residential land not identified on ASS map.
4.2	Mine Subsidence and Unstable Land	✓	x	
4.3	Flood Prone Land	✓	✓	To be considered and addressed in the master planning for the site.
4.4	Planning for Bushfire Protection	x		

5 Regional Planning				
5.2	Sydney Drinking Water Catchments	x		
5.3	Farmland of State & Regional Significance Far North Coast	x		
5.4	Commercial & Retail Development Far North Coast	x		
5.8	2 nd Sydney Airport: Badgerys Creek	x		
5.9	North West Rail Link Corridor Strategy	x		
5.10	Implementation of Regional Plans	✓	✓	Not Inconsistent
6 Local Plan Making				
6.1	Approval and Referral Requirements	✓	✓	Not Inconsistent
6.2	Reserving Land for Public Purposes	✓	✓	Not Inconsistent
6.3	Site Specific Provisions	✓	✓	Not Inconsistent

Attachment 4: Delegation of Planning Making Functions Request

1. Evaluation Criteria for the Delegation of Plan Making Functions

Checklist for the review of a request for delegation of plan making functions to Councils

Local Government Area:

Shoalhaven City Council

Name of draft LEP:

Shoalhaven Local Environmental Plan 2014
Hitchcocks Lane Berry Residential Investigation Area PP029

Address of Land (if applicable):

The subject land is known as Graham Park, Hitchcocks Lane, Berry and is legally described as Part Lot 762 and Part Lot 763 DP 1224932.

Intent of draft LEP:

The Planning Proposal seeks to rezone the land to R2 Low Density Residential with a 500 m² and a maximum height of buildings of 8.5 m.

Additional Supporting Points/Information:

The PP is consistent with the extent of residential expansion identified in the GMS. The PP will accelerate the delivery of this precinct from 2029 to the early 2020s.

Evaluation criteria for the issuing of an Authorisation	Council Response		Department Assessment	
	Y/N	Not relevant	Agree	Not agree
(Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)				
Is the Planning Proposal consistent with the Standard Instrument Order, 2006?	YES			
Does the Planning Proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	YES			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	YES			
Does the Planning Proposal contain details related to proposed consultation?	YES			
Is the Planning Proposal compatible with an endorsed regional or sub-regional strategy or local strategy endorsed by the Director-General?	YES			
Does the Planning Proposal adequately address any consistency with all relevant S117 Planning Directions?	YES			
Is the Planning Proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	YES			
Minor Mapping Error Amendments				
Does the Planning Proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		NA		
Heritage LEPs				
Does the Planning Proposal seek to add or remove a local heritage item and is it supported by a strategy / study endorsed by the Heritage Officer?		NA		
Does the Planning Proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		NA		

Does the Planning Proposal potentially impact on item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		NA		
Reclassifications				
Is there an associated spot rezoning with the reclassification?		NA		
If yes to the above, is the rezoning consistent with an endorsed Plan Of Management (POM) or strategy?		NA		
Is the Planning Proposal proposed to rectify an anomaly in a classification?		NA		
Will the Planning Proposal be consistent with an adopted POM or other strategy related to the site?		NA		
Will the draft LEP discharge any interests in public land under Section 30 of the Local Government Act, 1993?		NA		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the Planning Proposal?		NA		
Has the council identified that it will exhibit the Planning Proposal in accordance with the Department's Practice Note (PN09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guidelines for LEPs and Council Land?		NA		
Has council acknowledged in its Planning Proposal that a Public Hearing will be required and agree to hold one as part of its documentation?		NA		
Spot Rezoning				
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	NO			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	NO			
Will the Planning Proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	NO			
If yes, does the Planning Proposal contain sufficient documented justification to enable the matter to proceed?	YES			

Does the Planning Proposal create an exception to a mapped development standard?	NO			
Section 73A matters				
<p>Does the proposed instrument:</p> <p>a. Correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary works or a formatting error?;</p> <p>b. Address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?;</p> <p>c. Deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?</p> <p>(NOTE – the Minister (or delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).</p>		NA		

2. Any other relevant documentation e.g. letters of support from State Government agencies.