

Planning Services

Gateway Determination Report

LGA	Shoalhaven LGA
RPA	Shoalhaven City Council
NAME	Planning proposal to amend Shoalhaven LEP 2014 to introduce an exception to the minimum lot size of 500m ² that will allow for lots as small as 300m ² in certain locations within the Moss Vale Road South URA. (332 homes, 0 jobs)
NUMBER	PP_2017_SHOAL_005_00
LEP TO BE AMENDED	Shoalhaven LEP 2014
ADDRESS	Moss Vale Road, Cambewarra
DESCRIPTION	Various lots
RECEIVED	11/9/17
FILE NO.	17/01729
QA NUMBER	qA00000
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.

INTRODUCTION

Description of Planning Proposal

- The planning proposal is to amend Shoalhaven LEP 2014 by introducing an exception to the minimum lot size of 500m² that will allow for lots as small as 300m² in certain locations within the Moss Vale Road South Urban Release Area, to encourage greater housing diversity/affordability (up to 332 lots). - **Attachment B1** – Planning proposal.
- The creation of small lots in high amenity locations is to provide for increased density without having an adverse impact on urban design, streetscape character and residential amenity.

Site Description

- The planning proposal applies to land (7 lots and 8 part lots) within the Moss Vale Road South URA. The URA is located on the Moss Vale Road between Bomaderry and Cambewarra. It is zoned for urban residential development however, it is yet to be developed for this purpose.
- The site is approximately 43ha (54% of the URA area of 79ha). It corresponds to land that is generally 400m walking distance from high amenity locations in the URA adjacent to open space/riparian corridor networks, main roads and two proposed tree-lined boulevards.
- The land is a mix of rural properties used for cattle grazing and fodder crops and rural residential lots.

- It is primarily cleared with scattered trees and isolated clumps of Spotted Gum - Grey Ironbark Forest.
- From a central north south ridgeline, the land slopes down to Good Dog Creek (south-west) and Bomaderry Creek (south-east and south).
- Locality maps are provided at **Attachment B2** - Locality Map.
- Aerial photographs of the site are provided at **Attachment B3** – Site Photograph.

Surrounding Area

- The remaining 36ha of the Moss Vale Road South URA is primarily zoned R2 Low Density Residential with two riparian areas (unnamed tributaries of Good Dog Creek and Bomaderry Creek) zoned E2 Environmental Conservation.
- An 80-160m wide environmental buffer has been zoned along Moss Vale and Main Roads. These areas are currently rural, agricultural lands with patches of remnant Spotted Gum - Grey Ironbark Forest.
- The lands surrounding the URA are rural properties used for primary production and rural lifestyle.
- The lands to the north east are zoned for the Moss Vale Road North URA.
- The land immediately adjoining the site to the east and southeast is a corridor for the future Nowra bypass and has retained its rural zoning. Further south east of this corridor the rural lands have been zoned for Medium Density Residential, School, Public Recreation and Neighbourhood Centre.

Summary of Recommendation

- It is recommended that the Planning proposal is supported to proceed as submitted subject to conditions.

PROPOSAL

Objectives or Intended Outcomes

- The objective of the planning proposal is to enable subdivision of small lots (minimum 300m²) in high amenity locations which will provide for increased density without having an adverse impact on urban design, streetscape character and residential amenity.
- The objective is clear and appropriate for public exhibition.

Explanation of Provisions

- It is proposed to amend the Shoalhaven LEP 2014 by:
 - Inserting a clause into Part 4 to allow for an exception to the minimum lot size of 500m²;
 - Amending the Lot Size Map Sheet LSZ_013D to insert an 'Area' overlay map that identifies where the clause will apply; and
 - Inserting an addition to Clause 4.6 Exceptions to development standards subclause (8) to exclude the proposed exception to the minimum lot size from the operation of clause 4.6.
- It is expected that the new clause would be similar to Clause 4.1AD (3) and (4) in the Oran Park and Turner Road Precinct Plan under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- The amenity requirements expected to apply to the creation of the small lots include all small lots will:
 - have a primary street frontage;
 - be accessed via a rear lane or shared driveway; and

- adjoin land reserved for public open space or are located along the tree-lined boulevard as per the Indicative Layout Plan. - **Attachment B4 – Indicative Layout Plan**
- The design requirements for the erection of dwelling houses on small lots is to:
 - Not adversely impact on the amenity of adjoining residential properties;
 - Provide active frontages to and surveillance of public open space; and
 - Will not adversely impact on or limit solar access to adjoining residential development and public open space.
- The addition to clause 4.6 is required to prevent a further reduction to the minimum lot size.
- The explanation of provisions clearly describes the intended changes and are appropriate for public exhibition.

Mapping

- The minimum lot size map is to be amended to include an 'Area' overlay that indicates to which land the clause will apply. **Attachment B5 – Existing Lot Size Map and Proposed Clauses Map.**
- There are no changes proposed to the zoning map **Attachment B6 – Existing Zoning Map.**
- Council has confirmed that the maps will be updated and prepared in accordance with the requirements of the Department's "Standard technical Requirements for Spatial Datasets and maps" Vers: 1.0 November 2015 following community consultation.

NEED FOR THE PLANNING PROPOSAL

- The URA is zoned R1 General Residential with a minimum lot size of 500m².
- The planning proposal seeks to encourage a mix of lot sizes, housing types and densities in the URA by providing an exception clause to the minimum lot size in certain identified locations.
- This is Council's preferred, best option. Council considers that it allows for a level of flexibility in the subdivision design as it does not lock specific areas for smaller lot sizes. Council also considers that it allows for greater flexibility at the development application stage to alter locations for small lots if there is sufficient planning justification to do so.
- The intended outcome of the planning proposal could also be achieved by amending the Lot Size Map to reduce the minimum lot sizes in certain areas of the URA. Council does not favour this option. Council considers it to be inflexible and would lock in areas where smaller lot sizes could be achieved.
- The intent of the planning proposal to increase housing densities and choice of housing types to address local population trends and housing affordability is supported. The adopted method of achieving this will be guided by Parliamentary Counsel's drafting of similar clauses in other LEPs and SEPPs.

STRATEGIC ASSESSMENT

Regional - Illawarra Shoalhaven Regional Plan 2015

- The Illawarra Shoalhaven Regional Plan (the Plan) provides the strategic policy, planning and decision-making framework to guide the region to sustainable growth over the next 20 years.

- The Plan takes a balanced approach to housing that utilises development potential in both existing urban areas and new urban areas to provide housing choice and address affordability issues.
- The Plan specifically identifies the Nowra Bomaderry URAs as a regionally significant priority growth area.
- Direction 2.2 supports housing opportunities close to existing services, jobs and infrastructure in the region's centres.
- Direction 2.3 commits to delivering housing in new release areas best suited to build new communities, provide housing choice and avoid environmental impacts.
- The Plan directs councils to plan for a mix of housing that suits projected growth, changing demographics and market demand.
- The Plan also recognises housing affordability as an issue. There is a strong demand for more suitable housing for low-income households, students, single person households and seniors represented by one, two and three-bedroom housing.
- The proposed rezoning is consistent with the aims of the Plan because it will support housing opportunities in an area already identified and zoned for future urban growth.

Local – Nowra Bomaderry Structure Plan 2006

- The Nowra Bomaderry Structure Plan 2006 (the Plan) was prepared by Shoalhaven Council to provide a framework for growth and development opportunities in the Nowra Bomaderry area. The Plan identifies Moss Vale Road South as a New Living Area for future development that offers a variety of housing options, characterised by a mix of detached housing and some terrace/town house type dwellings (Attachment B7).
- The Area was rezoned for urban development and environmental protection during the preparation of the Shoalhaven LEP 2014.
- This planning proposal will further refine the urban development footprint and encourage the development of a mix of housing products.
- The planning proposal is consistent with the Structure Plan.

Local – Shoalhaven Community Strategic Plan

- Council's Community Strategic Plan identifies objectives and strategies for sustainable urban growth in the Shoalhaven.
- The Planning Proposal addresses Objective 2.2 – Population and urban settlement growth that is ecologically sustainable and carefully planned and managed and Objective 2.4.2 - Develop land use and related plans for the sustainable growth of the city which use the core principles of the Growth Management Strategy and ESD principles.

Section 117(2) Ministerial Directions

- The planning proposal is consistent with s117 Directions 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 5.10 Implementation of Regional Plans.
- The planning proposal is inconsistent with the s117 Direction 4.3 Flood Prone Land as it is proposing increased development of land within the 1% AEP (Annual Exceedance Probability 1:100-year event). This inconsistency is considered minor as it effects a small area of low hazard and Council is preparing an Integrated Water Cycle Assessment to investigate appropriate stormwater management treatment and development controls. Also, future development of the site will need to comply with the relevant controls within the site specific development control plan (DCP) and Chapter G9 Development in Flood Prone Land and Clause 7.3 Flood Planning in the Shoalhaven LEP 2014.
- Council has identified s117 Directions 1.1 Business and Industrial Zones, 4.1 Acid Sulfate Soils and 6.1 Approval and Referral Requirements as applying to the planning

proposal. It is, however, considered that these directions do not apply as the land is not zoned business or industrial, does not have a probability of containing acid sulfate soils and there are no requirements in the LEP amendment for approvals or referrals to other government agencies.

State Environmental Planning Policies

- The planning proposal does not identify any SEPPs applying to the land or the proposal.
- The Department agrees with Council's assessment.

SITE SPECIFIC ASSESSMENT

Social and Economic

- The planning proposal identifies that allowing the creation of smaller lots in the central part of the URA will enable the provision of a different and more affordable housing product that will better meet the needs of the Nowra Bomaderry community. It would specifically provide for Shoalhaven's ageing population who are looking to down size; singles and couples looking for a smaller; and more affordable housing product and the first home buyer looking to enter the market.
- The building of the residences will also have a positive impact on employment in the building sector and a greater demand for services and commercial activities in the Nowra Bomaderry area.

Environmental

- The site is not bushfire prone.
- The north-west part of the site is mapped in the Bomaderry Creek Flood Risk Management Study and Plan as flood prone - within the 1%AEP. The north-western part of the URA is mapped as flood prone in the Shoalhaven LEP 2014.
- The primary source of flooding is Good Dog Creek and associated minor tributary flooding as a result of overland flow.
- Council considers that development within the low hazard flood areas is able to be managed appropriately with stormwater management systems.
- Council is currently undertaking an Integrated Water Cycle Assessment which will investigate appropriate stormwater management treatments and development controls.
- The site is cleared pasture/grasslands with scattered remnant vegetation. The proposed increase in density of the site will not impact on any critical habitat, threatened species, populations or ecological communities or their habitats.

Infrastructure

- The planning proposal states that any additional demand for public infrastructure should be considered as part of the Development Application process. Part 6 of Shoalhaven LEP 2014 requires the provision for or satisfactory arrangements for designated State public infrastructure and public utility infrastructure prior to issuing of a development consent.
- Consultation with Shoalhaven Water and Endeavour Energy will determine whether further studies on the provision of infrastructure are required during the preparation of the planning proposal or by a subsequent development application.

CONSULTATION

Community

- Council has advised that the planning proposal is to be publicly exhibited concurrently with the draft Development Control Plan and draft Contributions Plan for the Area. Exhibition is to be in accordance with the requirements of the EP&A Act and Council's community consultation procedures. It will include a minimum public exhibition period of 28 days. This is considered appropriate.

Agencies

- Council is not proposing to consult with any agencies.
- Consultation is required with the Office of Environment and Heritage to confirm the proposed development and management of flood prone land and with Shoalhaven Water and Endeavour Energy to confirm the provision of additional infrastructure to service the increased number of lots.

TECHNICAL STUDIES

- Council is not proposing any additional technical studies or to exhibit any technical studies with the planning proposal.
- Consultation with Shoalhaven Water and Endeavour Energy will determine whether further studies on the provision of infrastructure are required during the preparation of the planning proposal or by a subsequent development application.
- The Integrated Water Cycle Assessment is to be exhibited with the Planning Proposal to illustrate how the flood prone lands are to be developed and managed.

TIMEFRAME

- Council has prepared a 6-month project timeframe to complete the rezoning process. This timeframe does not take into consideration consultation with government agencies and the exhibition of the technical study - Integrated Water Cycle Assessment.
- A timeframe of 12 months is considered appropriate to enable the completion of the planning proposal and making of the LEP amendment.

DELEGATION

- Council has requested in its letter of 27 June 2017 Council Officer Delegation to prepare the draft LEP under Section 59 of the Act. Appendix 4 – Evaluation Criteria for the Delegation of Plan making Functions was submitted.
- As the land is currently zoned for urban development and the proposed amendment is based on clauses adopted in other LEPs and SEPPs for increasing housing densities it is appropriate for delegations to be given to Council.

CONCLUSION

- The preparation of the planning proposal is supported to proceed with conditions.
- The planning proposal addresses the Department's "A guide to preparing planning proposals".
- The planning proposal has strategic and site merit and will provide housing choice and affordability in the new Moss Vale Road South Urban Release Area. The site is zoned for residential development. The planning proposal is increasing the densities in areas which meet design criteria.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree any inconsistencies with Section 117 Directions 4.3 Flood Prone Land is minor and justified.

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

1. Prior to public exhibition the planning proposal is to be updated to include the Integrated Water Cycle Assessment.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities:
 - Office of Environment and Heritage
 - Shoalhaven Water
 - Endeavour Energy

The agencies are to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal. Any agency advice received and council's proposed response to this advice should be placed on public exhibition with the planning proposal.

4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.



George Curtis
A/Team Leader, Southern Region


Fatima Abbas 21.9.17
Director Regions, Southern
Planning Services

Contact Officer: Lisa Kennedy
Senior Planner, Southern Region
Phone: 4224 0457

1 Introduction

This Planning Proposal (PP) seeks to amend Shoalhaven Local Environmental Plan 2014 (SLEP 2014) to allow for an exception to the mapped minimum lot size in the Moss Vale Road South (MVRS) Urban Release Area (URA) in appropriate circumstances.

The intention of the MVRS URA as well as the other URA's identified via the Nowra-Bomaderry Structure Plan is to meet the changing housing needs of the wider Nowra-Bomaderry community and also provide for the continued growth of this key regional centre. The minimum lot size for the URA is currently mapped as 500m² under the SLEP 2014. The PP seeks to introduce an "exception" to the minimum lot size that will allow for lots as small as 300m² in certain locations, to encourage greater housing diversity/affordability and enable ageing in place.

It is requested that Council be given delegation for the plan making functions for this PP. The evaluation criteria for delegation is provided as **Attachment 4**.

The PP has been prepared in line with 'A guide to preparing local environmental plans' and 'A guide to preparing planning proposals'.

1.1 Subject Land

The subject land is located on Moss Vale Road between Bomaderry and Cambewarra Village in the Shoalhaven Local Government Area, as shown in *Figure 1* below. The subject land specifically is located within the MVRS URA.

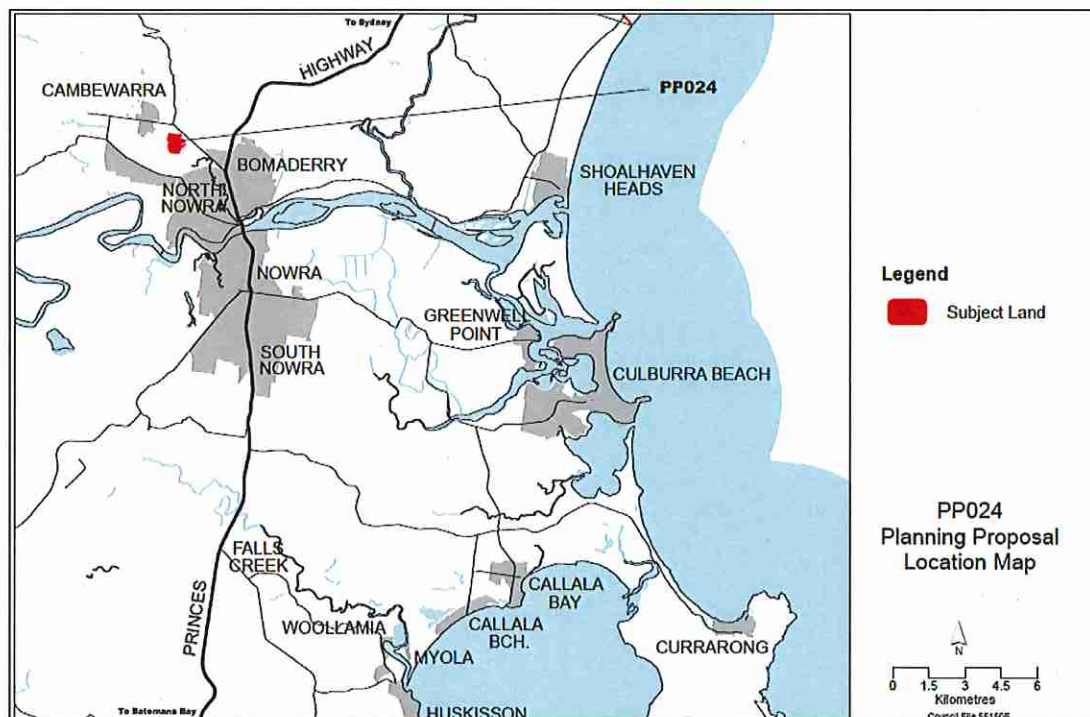


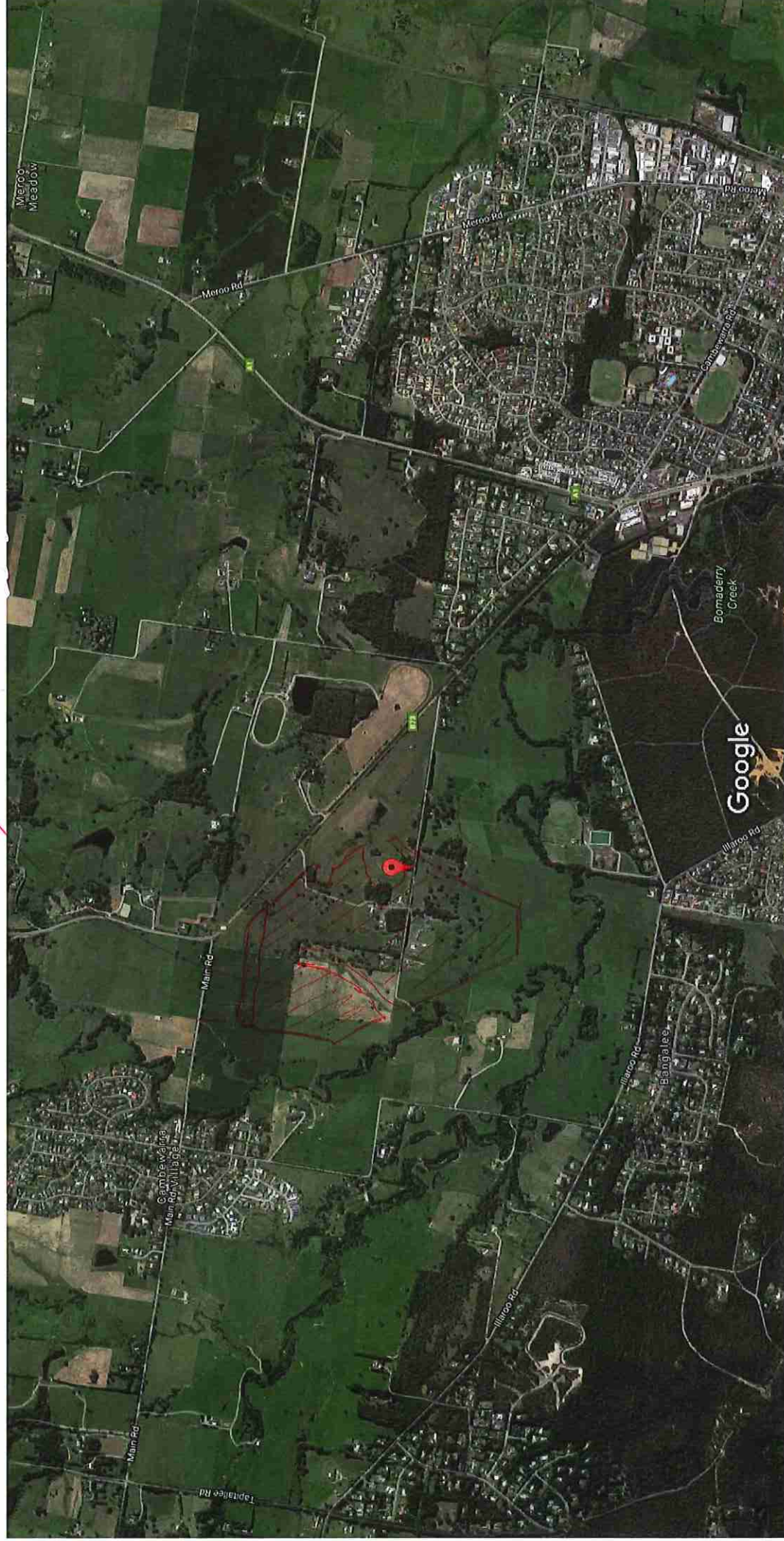
Figure 1 - Location Map

Google Maps

Taylors Ln

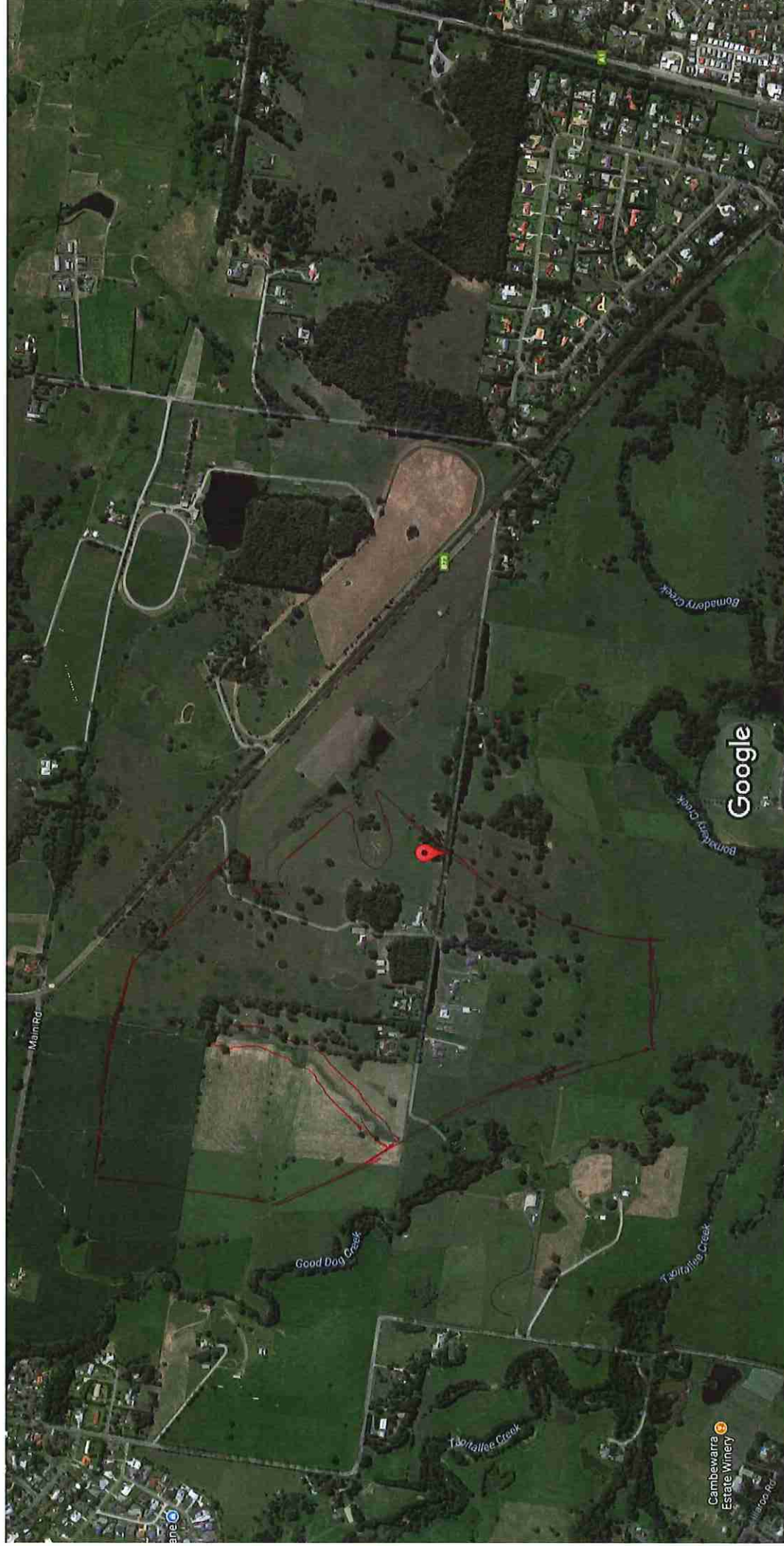
Moss Vale Road South URA

Moss Vale Road South URA



Imagery ©2017 Google, Map data ©2017 Google Australia 200 m

Attachment B3 - site photograph.



Imagery ©2017 Google, Map data ©2017 Google Australia 200 m

Attachment B3 — Site Maps.

Draft Planning Proposal – Shoalhaven LEP 2014 – Moss Vale Road South URA – Exception to Minimum Lot Size Clause

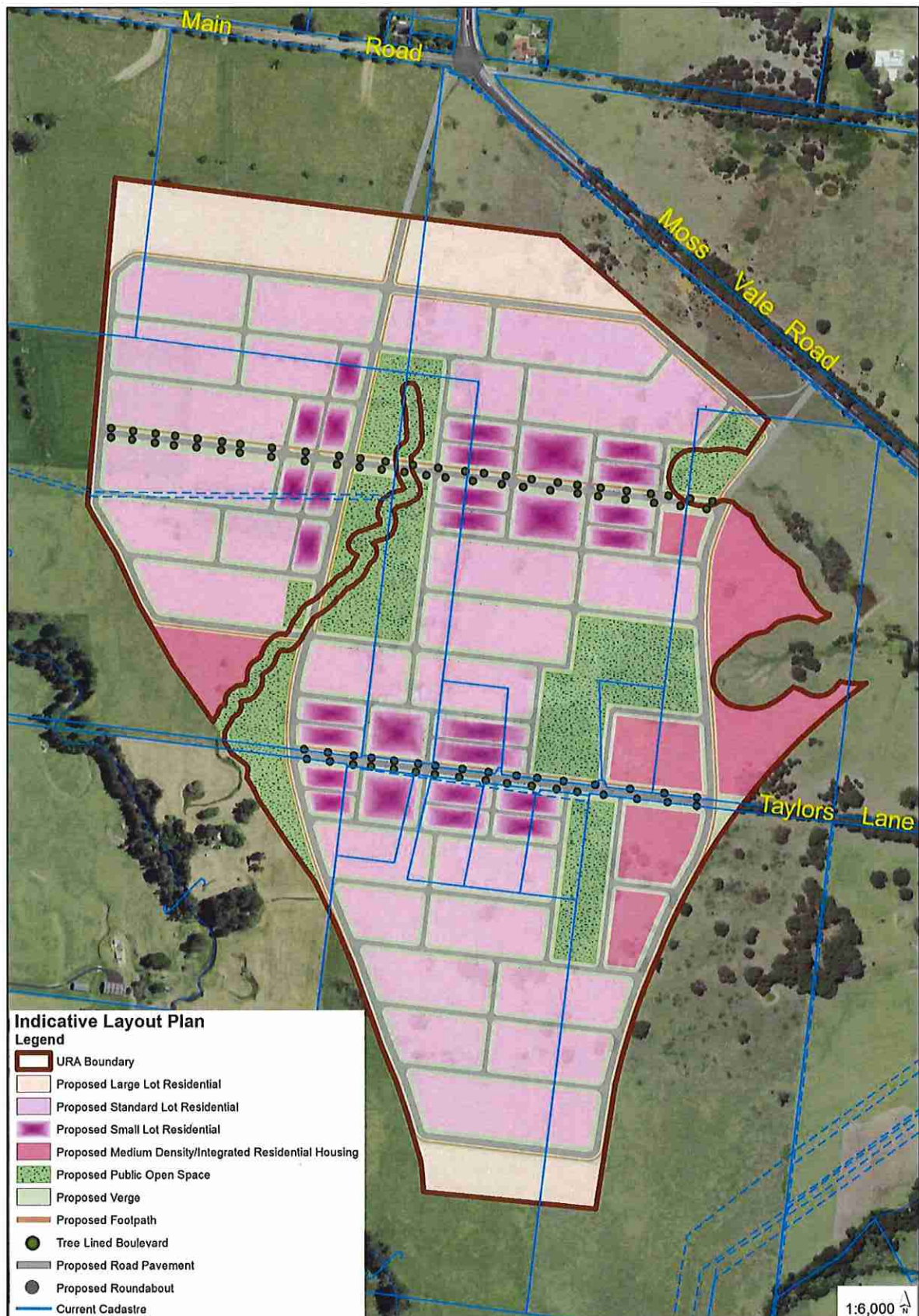


Figure 5 - Indicative Layout Plan

Draft Planning Proposal – Shoalhaven LEP 2014 – Moss Vale Road South URA – Exception to Minimum Lot Size Clause

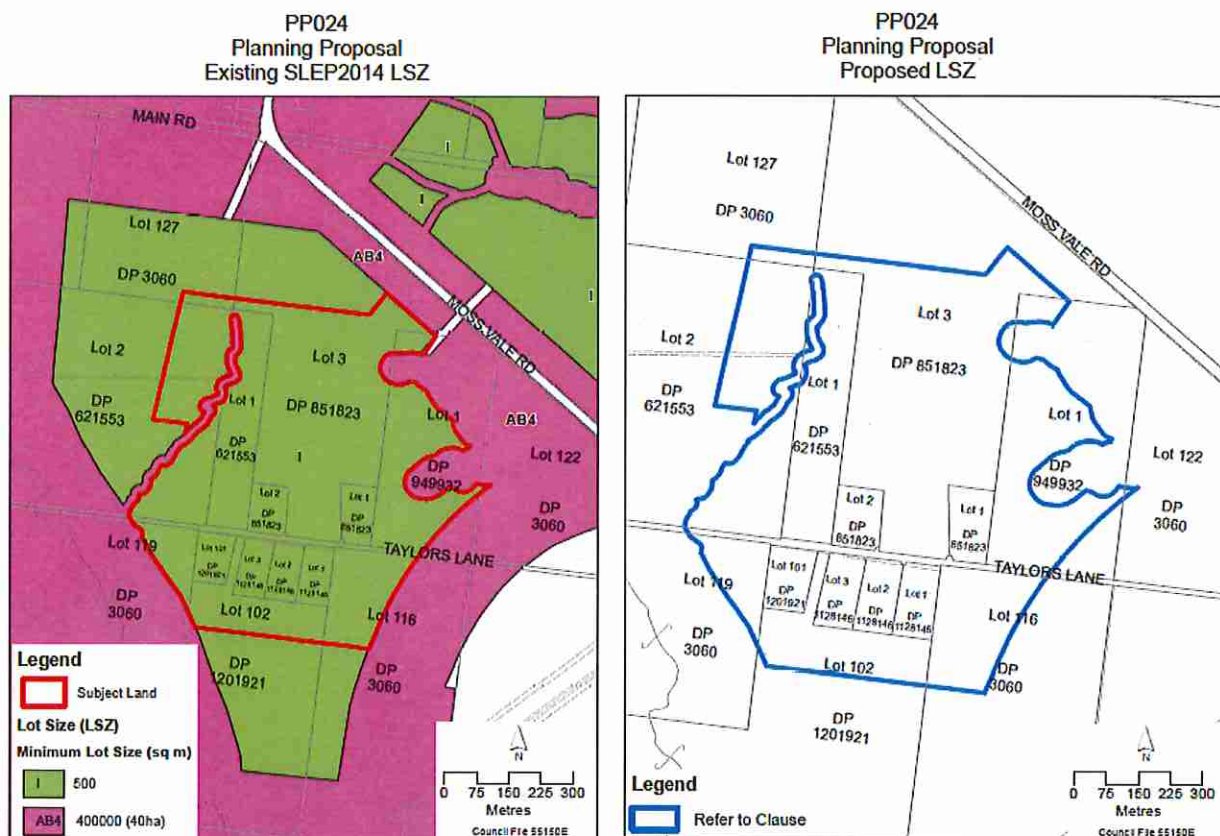
- Provide active frontages to and surveillance of public open space (including drainage land); and
- Will not adversely impact on or limit solar access to adjoining residential development and public open space.

An addition to Clause 4.6 *Exceptions to development standards* will be required under sub-clause (8) to exclude the proposed exception to minimum lot size from the operation of clause 4.6 to prevent a further reduction of the minimum lot size.

The proposed outcome of this PP will also be achieved by amending the Lot Size Map in SLEP 2014 as follows:

1. *Lot Size Map* – Sheet LSZ_013D amend to insert an 'Area' overlay map that identifies where the clause will apply.

The existing Lot Size Map and proposed Lot Size Map with Area overlay is shown in Figures 6 and 7 below.



1.2 Background

The MVRS URA was originally identified as a 'New Living Area' in the Nowra-Bomaderry Structure Plan (NBSP), which was adopted by Council in 2006 and endorsed by the State Government in 2008. The site was rezoned under SLEP 2014 to R1 General Residential with a minimum lot size of 500m², and is subject to Part 6 Urban Release Areas of the SLEP 2014. The existing land use zones are shown in *Figure 4* below.

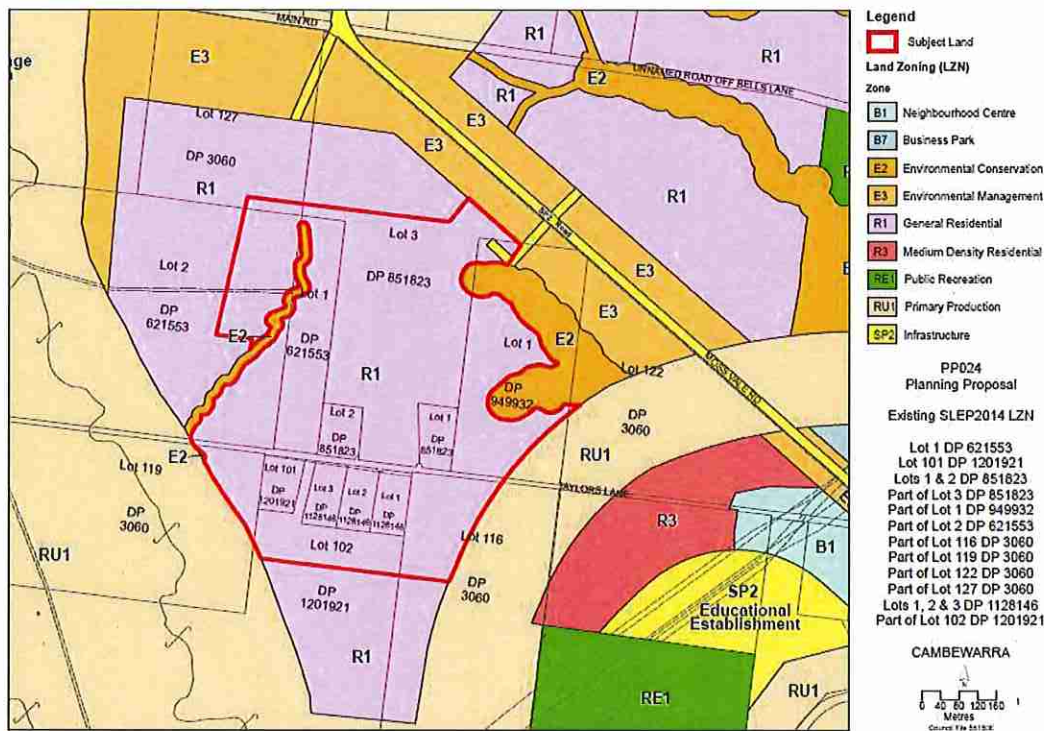
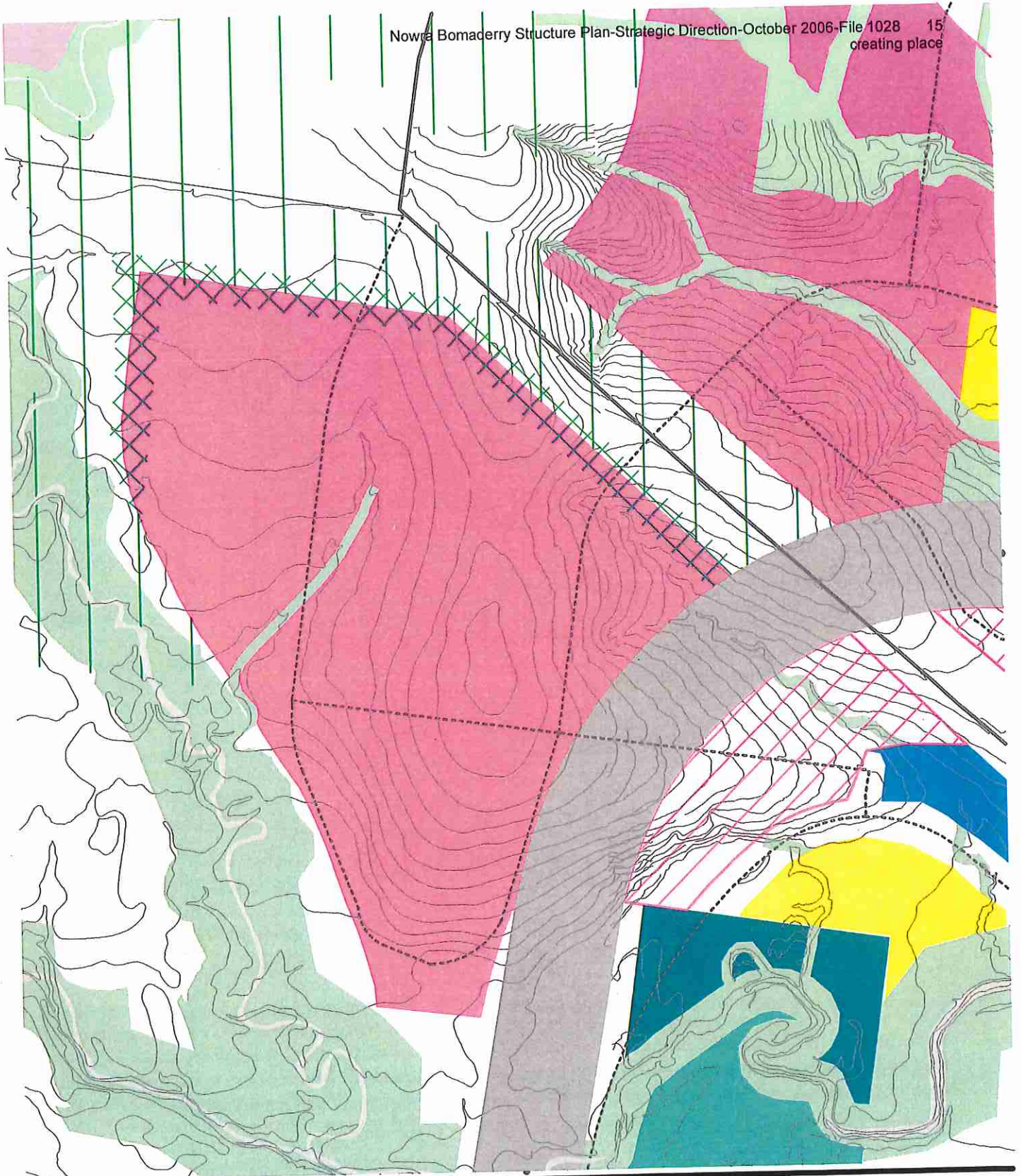


Figure 4 - Current Land Use Zones

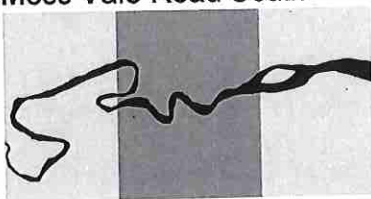
As part of the detailed planning work to enable the release and development of the this URA, Council wishes to facilitate and encourage a range of lot sizes, housing types and densities to ensure that the URA meets the changing housing needs of the community and its yield as close as possible to that envisaged when the NBSP was prepared.

The need to provide greater housing supply and choice is driven by a number of factors including Shoalhaven's ageing population, changing household trends and current property market demands. It is also consistent with the Illawarra-Shoalhaven Regional Plan.

To encourage a range of housing types within the URA, Council is seeking to introduce an "exception" to the minimum lot size that will allow for lots as small as 300m² in certain locations. The "exception" clause is proposed to apply in areas of high amenity adjacent to open space, main roads and the two tree lined boulevards proposed for the URA, as shown on the Indicative Layout Plan (ILP) in *Figure 5* below. The ILP will form part of the relevant Development Control Plan (DCP) Chapter that will contain a suite of controls to encourage good urban design as part of the subdivision and residential development. It is anticipated that this PP, the draft DCP Chapter and supporting draft Contributions Plan (CP) will be exhibited as a package following the Gateway determination.



New Living Area 2: Moss Vale Road South



Nowra Bomaderry Structure Plan

Legend

- | | | | |
|--|-----------------------------|--|------------------------------|
| | Structure Plan Boundary | | Conservation & Riparian Area |
| | Future Living Area | | Scenic Protection Areas |
| | Possible Future Living Area | | Future Advanced Screening |
| | Future Neighbourhood Centre | | Rural Area |
| | Future School | | Future Western Bypass |
| | Existing Active Recreation | | Main Roads |
| | Future Active Recreation | | Local Road Network |

Attachment B7



October 2006

Scale 1:10 000

