



RFS



Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Your reference: (REF-2834) PP-2023-1567
Our reference: SPI20240428000056

ATTENTION: Kaitlin Aldous

Date: Thursday 30 May 2024

Dear Sir/Madam,

Strategic Planning Instrument

LEP Amendment – Planning Proposal

Amend the Minimum Lot Size (MLS) map of the Shoalhaven Local Environmental Plan 2014 (SLEP 2014) for Lot 32 DP 1050818 from 1 ha to 4,000m²

I refer to your correspondence dated 24/04/2024 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

This Planning Proposal (PP) seeks to amend the Minimum Lot Size (MLS) map of the Shoalhaven Local Environmental Plan 2014 (SLEP 2014) for the subject site from 1 ha to 4,000m² to enable future subdivision, subject to a future Development Application.

Pursuant to Section 9.1 (2) of the *Environmental Planning and Assessment Act (1979)* (EPA Act) the preparation or altering of an environmental planning instrument must have regard to the directions issued by the Minister for Planning.

The New South Wales Rural Fire Service (NSWRFS) has reviewed the proposal with regard to Ministerial Direction 4.3.

The objectives of this direction are to:

- (a) *protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) *encourage sound management of bush fire prone areas.*

The direction provides that a planning proposal must:

- (a) *have regard to Planning for Bushfire Protection 2019,*
- (b) *introduce controls that avoid placing inappropriate developments in hazardous areas, and*
- (c) *ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ)*

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
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RFS



Based upon an assessment of the information provided, NSW RFS raises no objections to the proposal subject to a requirement that the future subdivision of the land complies with *Planning for Bush Fire Protection 2019*. This includes but is not limited to:

- Provision of Asset Protection Zones (APZ's) within the proposed lots in accordance with section 5.3.1 & Table A1.12.2;
- Access to be provided in accordance with the design specifications set out in section 5.3.2; and
- Services to be provided in accordance section 5.3.3.

For any queries regarding this correspondence, please contact Bryan Netzler on 1300 NSW RFS.

Yours sincerely,

Anna Jones
**Supervisor Development Assessment & Plan
Built & Natural Environment**

22 May 2024

TfNSW reference: STH24/00341/001
Your reference: PP-2023-1567 - REF-2835

Department of Planning and Environment
By Email: ian.woods@dpie.nsw.gov.au
CC: council@shoalhaven.nsw.gov.au

Attention: Ian Woods

**PLANNING PROPOSAL – AMENDMENT TO THE SHOALHAVEN LOCAL ENVIRONMENTAL
PLAN 2014 – LOT: 32 DP: 1050818 – 29 SHERATON CIRCUIT, BOMADERRY**

Dear Ian

Transport for NSW (TfNSW) is responding to the Planning Proposal 2023-1566 to subdivide 29 Sheraton Circuit, Bomaderry (see Attachment 2) referred on 24 April 2024.

As per TfNSW advice previously provided (refer to letter dated 13 October 2023), TfNSW does not support the proposed development (see Attachment 1).

TfNSW is not supportive of a PP that will enable more intensive development of the land on the eastern side of the Princes Highway having direct vehicular access to and from the Princes Highway as this will have adverse impacts on the safety and efficiency of the Princes Highway.

If you have any questions, please contact Emilija Quinn, Development Services Case Officer, on (02) 4064 0106 or email development.south@transport.nsw.gov.au.

Yours faithfully



Emilija Quinn
Development Case Officer
Development Services (South Region)

**PLANNING PROPOSAL – AMENDMENT TO THE SHOALHAVEN LOCAL ENVIRONMENTAL
PLAN 2014 – LOT: 32 DP: 1050818 – 29 SHERATON CIRCUIT, BOMADERRY**

TfNSW Response – Pre Lodgement Advice – 13 October 2023

**PLANNING PROPOSAL – AMENDMENT TO THE SHOALHAVEN LOCAL ENVIRONMENTAL
PLAN 2014 – LOT: 32 DP: 1050818 – 29 SHERATON CIRCUIT, BOMADERRY**



possible subdivision layout

13 October 2023

TfNSW reference: STH22/00226/02

Council reference: 72177E

Shoalhaven City Council

By Email: council@shoalhaven.nsw.gov.au

Cc: Kaitlin.Aldous@shoalhaven.nsw.gov.au

Attention: Kaitlin Aldous

PLANNING PROPOSAL PRE LODGEMENT ADVICE – AMENDMENT TO THE SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2014 – LOT: 32 DP: 1050818 – 29 SHERATON CIRCUIT, BOMADERRY

Dear Kaitlin,

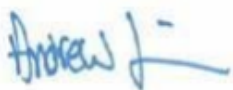
Transport for NSW (TfNSW) refers to your email dated 29 September 2022 regarding the above Planning Proposal (PP) as well as the subsequent meeting with Council staff on 10 October 2023.

TfNSW has reviewed the information in your email and provides the comments in **Attachment 1** to this letter which includes a response to the specific questions asked in the above email.

In summary, TfNSW, based on the new information provided, wishes to advise that it is not supportive of a PP that will enable more intensive development of the land on the eastern side of the Princes Highway having direct vehicular access to and from the Princes Highway as this will have adverse impacts on the safety and efficiency of the Princes Highway. For example, the existing U-turn facility that has been provided to the north of the PP site.

If you have any questions, please contact Andrew Lissenden, Development Services Case Officer, on 0418 962 703.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Andrew Lissenden".

Andrew Lissenden

Development Case Officer, Development Services (South Region)

PLANNING PROPOSAL PRE LODGEMENT ADVICE – AMENDMENT TO THE SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2014 – LOT: 32 DP: 1050818 – 29 SHERATON CIRCUIT, BOMADERRY

1. Context

TfNSW notes and advises:

- The key state classified road is the Princes Highway.
- The Planning Proposal (PP) will seek to reduce the minimum lot size to allow Lot 32 DP 1050818 to be subdivided into two lots (refer to **Attachment 2**).
- The PP site currently contains a single dwelling that has access via the local road network (Sheraton Circuit) as well as the Princes Highway. It is unclear to TfNSW how and when the Princes Highway access to and from the PP site was approved.
- It has provided pre-lodgement advice to Jervis Bay Town Planning on this PP (refer to the TfNSW letter dated 11 August 2022). In terms of access to and from the Princes Highway, the TfNSW advice was based on the proponent's assertion that the new lot to be created that would use the existing access to and from the Princes Highway would be constrained to a single dwelling house only. The TfNSW advice stated, in part, *“that should a more intensive use of the proposed new lot/Lot 2 be sought then other access options will need to be considered such as access being gained via extending the existing right of carriageway that services Lot 1 so as to enable access to and from Sheraton Circuit”*.
- This pre-lodgement advice is based on the information provided (i.e. letter from Jervis Bay Town Planning dated 20 July 2021, Council feedback letter dated 24 January 2023 and PP Scoping Report dated 11 July 2023 prepared by Jervis Bay Town Planning, Council's email dated 29 September 2023).

2. Comments

- a) Restricting future development: TfNSW notes the Council's advice that contrary to statements from the applicant, the Council is unable to legally constrain the future development on the new lot to be created to a single dwelling house only. As such, other forms of development that would generate traffic above that of a single dwelling house are permissible within R5 zoned land and would potentially be enabled should access to and from the Princes Highway be allowed (e.g. community facilities, emergency service facilities, exhibition homes, group homes, neighbourhood shops, home businesses and industries, dual occupancy). In line with the Council's comment that *“it would be pertinent to consider the most intensive form of development permissible with consent in determining whether the future development outcomes will impact the operation of the classified road”* and noting that the Council has no option for restricting future development of the land to a single dwelling only, TfNSW is not supportive of access being gained via the Princes Highway as there is local road access available. This aligns

Attachment 1

with the provisions of *State Environmental Planning Policy (Transport and Infrastructure) 2021* which under Section 2.119 would require Council to be satisfied that it is not practicable and safe for vehicle access to be provided by a road other than a classified road.

At this time, the applicant and/or Council has not provided any information as part of this PP to assess the above and therefore demonstrate to TfNSW that access is required from the Princes Highway (additional comments provided in c) below).

- b) NSW Rural Fire Service (RFS): TfNSW notes that the comments provided by the RFS on the PP (dated 1 May 2023) do not require the future subdivision to have a secondary access point (i.e. both access to and from the Princes Highway and the local road network). As such, to comply with RFS requirements all access can be gained solely from the local road network.
- c) Access: TfNSW is of the opinion that:
 - i) More intensive forms of development on the eastern side of the Princes Highway between the Moss Vale Road/Cambewarra Road/Princes Highway intersection and the existing U-turn facility to the north of Lot 415 DP 1210520/Sheraton Reserve, that have direct access to and from the Princes Highway will adversely impact the existing U-turn facility and the safety and efficiency of the Princes Highway in the vicinity of the U-turn facility.
 - ii) Insufficient information has been provided to demonstrate that it is not practicable that safe vehicular access cannot be provided to the new lot to be created via a road other than the Princes Highway/a classified road and that the safety, efficiency and ongoing operation of the Princes Highway will not be adversely affected by the resulting development that will be permissible on the new lot created (e.g. access arrangements, volume and frequency of vehicles, etc); and
- d) Precedent: TfNSW notes the comments that have been made by Council that “*Council upholds concern for the risk of precedent for similar sited properties*” and that “*this PP has potential to set a precedent for similar requests to be considered, subject to strategic and site merit.*” TfNSW also notes that the site to the north (Lot 31 DP 1050818) has the same zoning and a similar lot size as the subject site. While not having access to the Princes Highway a similar request could be lodged in the future. Similar to the position that it is advising in relation to this current PP, TfNSW would not be supportive of the lot to the north gaining access to and from the Princes Highway noting that it has local road access.
- e) Other questions asked: TfNSW notes that the Council email dated 19 September 2023 has also sought comments from TfNSW on the following:

Attachment 1

- i) *Question:* Provide commentary in relation to future consultation requirements and whether there are any additional requirements within State Environmental Planning Policy (Transport and Infrastructure) 2021 that would trigger further assessment/consideration or concurrence?

Response: TfNSW is happy to provide advice in the future as required. TfNSW notes that the requirements of Section 2.122 (Traffic-generating development) would be applicable if the future development met the requirements in Column 1 of the Table to Schedule 3. In addition, concurrence is required from TfNSW under Section 138 of the *Roads Act 1993* for works and structures as defined in subclause (1) of Section 138.

- ii) *Question:* It is requested that consideration is given to the risks associated with potential development outcomes and potential precedent to determine whether the risk of similar developments with classified road frontage is acceptable. Further, this consideration should consider the most intensive forms of development rather than the least intense form to ensure that the risk is fully understood, and that infrastructure provision remains sufficient.

Response: Refer to the comments above.

f) *Other comments:*

- i) Section 2.120 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* would apply to the future residential development of the PP site. This is because the site is adjacent to a road corridor with an annual average daily traffic volume of more than 20,000 vehicles and could contain a development that would be impacted by noise. The Council will need to satisfy itself as part of the PP that sufficient measures are in place to ensure that the requirements of Section 2.120 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* can be satisfied.
- ii) Please note that the comments that have been provided relate to traffic/access matters only that impact upon the Princes Highway. No consideration has been given to other constraints such as topography, zoning, flora/fauna, economic impacts, environmental impacts, land ownership, etc. These would need to be considered by the relevant consent authority as part of any future application that is lodged.



24 June 2024

TfNSW reference: STH24/00341/002

Your reference: PP-2023-1567

Department of Planning, Housing and Infrastructure

By Email: ian.woods@dpie.nsw.gov.au

Cc: council@shoalhaven.nsw.gov.au

Attention: Ian Woods

**PLANNING PROPOSAL – AMENDMENT TO THE SHOALHAVEN LOCAL ENVIRONMENTAL
PLAN 2014 – LOT: 32 DP: 1050818 – 29 SHERATON CIRCUIT, BOMADERRY**

Dear Ian,

Transport for NSW (TfNSW) refers to the meeting that was had on 21 June 2023 to discuss the above Planning Proposal (PP) and specifically the submissions provided by TfNSW in letters dated 11 August 2022, 13 October 2023, and 22 May 2024.

From the discussion at the meeting, TfNSW understands that the Department of Planning, Housing and Infrastructure (DPH&I) can include measures in the PP to limit the future development of the new lot with access to and from the Princes Highway to a single dwelling house.

Based on this understanding, TfNSW does not object to the PP and raises no objection to the continued use of the existing access point on the Princes Highway, provided it serves only a single dwelling house.

If you have any questions, please contact Andrew Lissenden, Development Services Case Officer, on 0418 962 703.

Yours faithfully



Damien Pfeiffer

Director of Development Services

Community & Place

Regional and Outer Metropolitan

OFFICIAL