

# Summary of Submissions

PP-2023-1567



Submission Name	Issues Raised	Proponent Response	Planning Proposal Authority Team Response
Council Submission			
Shoalhaven City Council	<p><b>Excessive Development</b></p> <p>Council raised concern that proposal will enable more intense development, resulting in more than a single dwelling having direct access to the Princes Highway.</p> <p>Council did not object to the development of an additional dwelling on the existing lot and suggested utilising additional permitted use (dual occupancy) for the subject site, rather than the creating a new lot.</p> <p>They requested a mechanism to address Council's concern when finalising the proposal.</p>	<p>The more intensive developments Council are concerned about are currently possible without this planning proposal proceeding.</p> <p>Other more intense development would be subject to Council approval through the Development Application (DA) process.</p> <p>The alternate method proposed by Council does not mitigate the risk of more intense development on the site. Reducing the lot size without changing the zoning helps restrict the potential of excess development of the land.</p>	<p>The Planning Proposal Authority (PPA) Team notes the concerns of Council regarding excess development and the potential safety and traffic implications on the Princes Highway.</p> <p>The Proponent has given strong indication of their intention to develop a single dwelling house.</p> <p>Given the site constraints, development for anything more than a single dwelling would be subject to a Development Application (DA), which would require approval from Council.</p> <p>Additionally, we note that while Council's suggested alternative may encourage the development of single dwelling on site, it does not prevent more intensive forms of development already permitted through the zoning from occurring on site.</p> <p>The PPA considers the issue of excess development have adequately been addressed and do not prevent the planning proposal from proceeding to Finalisation.</p>

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	<p><b>Traffic and Safety</b></p> <p>Council raised concern that as there is no legal ability to restrict development to a single dwelling, more intense development could exceed the vehicle capacity of the access point and negatively impact the safety and efficacy of the Princes Highway.</p> <p>They noted that a future subdivision would require consultation, but not concurrence from Transport for NSW (TfNSW).</p>	<p>We note Council's concerns regarding the impact on the highway's efficiency and safety. As outlined in our response to TfNSW and documented in the Traffic Impact Assessment, there is nothing unsafe about the proposed access. We do not agree with the notion the proposal disregards strategic transport planning, community safety, or transport efficiency.</p> <p>Council's concern is at odds with its consent of the numerous nearby developments with direct access to the Princes Highway including but not limited to a service station and caravan park.</p>	<p>The PPA Team notes council's concerns around traffic safety associated with the used of the Pacific Highway access point. If intensification of development is pursued in future, it would require DA approval from Council. Any proposal would need to address and demonstrate, to the satisfaction of the consent authority, the that proposed development does not have negative traffic and safety impacts.</p> <p>As stated previously, the Proponent has indicated strongly that their intention is to build a single dwelling house on the proposed new lot. This would ensure that only one dwelling continues to have access to the Princes Highway access point, the same as the current arrangement.</p> <p>The PPA team notes, TfNSW are only concerned about highway safety and efficiency for developments on site that exceed a single dwelling house. TfNSW have no concern about the potential development of a single dwelling house on site.</p> <p>The PPA Team considers the traffic and safety issues raised by Council have been</p>

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			adequately addressed and do not prevent the proposal from proceeding to Finalisation.
	<b>Precedent</b> Council raised concern regarding the setting of a precedent for other nearby properties to put forward similar proposals.	The subject sites circumstances are unique from similarly zoned nearby properties. They are the only nearby lot with a second vehicle access point and sufficient area to accommodate a 4,000m <sup>2</sup> minimum lot size.	The PPA Team recognises Council's concern regarding precedent. As no other adjacent lots have established secondary access to the Princes Highway, we note that the risk of setting a precedent is minimal.  Any sites seeking to amend their minimum lot size would be subject to a separate planning proposal process. As part of this process, the proposal would need to demonstrate the strategic and site specific merit any changes to the current controls apply to the land subject to that planning proposal.  The PPA Team considers that this issue has been addressed and does not prevent the finalisation of the planning proposal.
Agency Submissions			
Transport for NSW	<b>Excessive Development</b> In their submissions provided during the Public Exhibition, TfNSW stated they did not support a proposal that will allow	We recognise TfNSW's concern regarding the potential for more intense development. We note the Panel's position on this matter in that safeguards exist with the	The PPA Team notes that should more intensive development be proposed in the future, it will require Council assessment

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	<p>more intense development with direct access to the Princes Highway.</p> <p><u>Post-Exhibition Letter (24 June 2024)</u></p> <p>After Public Exhibition, TfNSW issued a letter to the PPA Team regarding their position. In the letter, they clarified that they do not object to the planning proposal and raise no objections to the continued use of the existing access point on the Princes Highway provided it serves a single dwelling house only, noting that measures can be put in place by the Department to limit development accordingly.</p>	<p>planning system to deliver the proposed single-dwelling outcome. For developments beyond a single dwelling house, Council would be the consent authority.</p>	<p>at DA stage, at which time TfNSW can be consulted.</p> <p>This would provide an opportunity to perform a merit assessment on any development on site that exceeds a single dwelling. As part of the merit assessment, Council would have the option to refer to TfNSW to help inform their decision as to whether to grant consent.</p> <p>As stated in TfNSW's submission (dated 22 May 2024) and clarifying follow-up letter (dated 24 June 2024), the PPA Team notes that TfNSW does not object to the proposal provided future development is for a single dwelling.</p> <p>The PPA Team believe the issues relating to excess development raised by TfNSW have been adequately addressed and do not prevent the proposal from proceeding to Finalisation.</p>
	<p><b>Traffic and Safety</b></p> <p>They noted that more intensive development would adversely impact the safety and efficiency of the Princes Highway.</p>	<p>For any development beyond a single dwelling house, Council would be the consent authority for the future Development Application (DA) where merit (including safety and traffic) would be considered.</p>	<p>As stated above, the PPA Team notes that, while we cannot guarantee the construction of a single dwelling, DAs for more intensive developments will need to address any traffic and safety issues resulting from the proposed DA. Council</p>

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		We also note that it would be unusual for Council not to seek comment from TfNSW when performing a DA merit assessment even though concurrence it is not a requirement.	would have the option to refer to TfNSW as part of a DA assessment. The PPA Team consider the traffic and safety issues raised by TfNSW adequately addressed and do not believe they prevent finalisation of the planning proposal.
NSW Rural Fire Service	The NSW Rural Fire Service (RFS) raised no objections to the planning proposal provided the future subdivision of the land complies with Planning for <i>Bush Fire Protection 2019</i> (PBP).	Submissions noted. No concerns raised.	The PPA Team notes that RFS raised no issues that would prevent the proposal from progressing to Finalisation.